

## Agenda

# Strathfield Local Planning Panel Meeting

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

**Thursday, 5 April 2018**

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

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

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**TO:** Strathfield Local Planning Panel Meeting - 5 April 2018  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** PLANNING PROPOSAL - NO 7-23 AND 25-33, WATER STREET,  
STRATHFIELD SOUTH  
(LOT 1, DP 603465; LOT 2, DP603465; LOT 3, DP 217450; LOT 22, DP 402062;  
LOT 23, DP 29213; AND LOT 24, DP 2921)  
**DA NO.** N/A

**PURPOSE**

1. The purpose of this report is to provide Council with an update on the status of the Planning Proposal for No 7 – 33 Water Street, Strathfield (Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921).



2. The Planning Proposal seeks the following amendment to Strathfield Local Environmental Plan 2012 (SLEP 2012) for the subject site:
  - Amend the Land Zoning from IN1 – General Industrial to R4 – High Density Residential; and
  - Increase the Maximum Height of Buildings from 12m to 28m; and
  - Increase the Maximum Floor Space Ratio (FSR) from 1:1 to 1.85:1
3. Following on from a recommendation from the Sydney Central Planning Panel in April 2017, Council has requested that the Planning Proposal be amended to address the issues raised.
4. To date the applicant has not provided Council with the requested information. As a result, council has sought advice from the Department of Planning & Environment.
5. They have suggested two (2) options that are available to Council:

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(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

- *Council can continue in the role of RPA and submit the proposal in its current form for Gateway determination. A letter can be provided with this outlining Council's concerns and requested Gateway conditions in keeping with the Panel recommendation; or*
  - *Council can advise that they do not choose to continue in the role of RPA. Should Council choose not to continue in the role of RPA, an alternate RPA will be appointed to progress the planning proposal to Gateway determination in keeping with the Panel determination.*
6. This report recommends that Council continue in the role of the RPA and that should the DPE issue a Gateway Determination, that the issues raised by the Sydney Central Planning Panel and Council be addressed and that the Planning Proposal be amended prior to exhibition.

**BACKGROUND**

7. Council, at its meeting on 19 July 2016 considered a report on a Planning Proposal submitted by Urbis Pty Ltd, on behalf of the landowners Westport Pty Ltd and RJ Green & Lloyd Pty Ltd, of No 7-23 and 25-33 Water Street, Strathfield South.
8. The Planning Proposal submitted to Council sought to amend Strathfield Local Environmental Plan 2012 (SLEP 2012) as follows:
- Amend the Land Zoning from IN1 – General Industrial to R4 – high Density Residential; and
  - Increase the Maximum Height of Buildings from 12m to 28m; and
  - Increase the Maximum Floor Space Ratio (FSR) from 1:1 to 1.85:1
9. The proposal will facilitate the redevelopment of the site for residential development comprising approximately 361-371 apartments across 5 buildings of 3-8 storeys and basement parking for up to 607 cars and landscaping.
10. The report concluded that the Planning Proposal failed to justify the proposed amendments and the flooding constraints and matters relating to the provision of a public benefit, in accordance with Council's Voluntary Planning Agreements Policy 2016 were not adequately addressed.
11. A copy of the report is included at Attachment 1.
12. As a result of this report, Council resolved the following (Minute No 221/16):
1. *That the Planning Proposal to rezone 7-33 Water Street, Strathfield South from IN1 General Industrial to R4 High Density Residential should not proceed to Gateway Determination for the following reasons:*
    - *Lack of a comprehensive Flood Study to support the zoning change;*
    - *Lack of detail and consultation with external agencies regarding the proposed Voluntary Planning Agreement;*
    - *The proposed maximum height of 28m and maximum Floor Space Ratio of 1.85:1 are excessive considering context of the site; and*
    - *Potential land use conflict between the proposed R4 High Density Residential zoning and neighbouring IN1 General Industrial zoning.*

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(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

2. *That the proponent be advised to amend the Planning Proposal in accordance with maximum height of 11m and maximum FSR up to 1.2:1 consistent with the established Strathfield Local Environmental Plan spatial hierarchy, subject to the submission of additional information to satisfy the flooding issues within the site and value capture matters.*
3. *That the Department of Planning & Environment be notified accordingly.*

13. On 15 August 2016, Urbis Pty Ltd submitted on behalf of the landowners a request to the Department of Planning & Environment (DPE) for a pre-Gateway review of the Planning Proposal. The reason for the review was that Council had notified the proponent of its resolution to not support the proposed amendment.

14. Following its assessment, DPE prepared a report for consideration by the Sydney Central Planning Panel. The report makes the following comments on site specific merit:

*The Department notes a number of specific merit issues, including the height and scale relationship of the development with the low density residential scale and character of the area, and potential amenity impacts on new residents arising from adjoining industrial operations, flooding, contamination and electromagnetic radiation from nearby high voltage power lines*

15. In conclusion, the report states:

*The proposal has demonstrated strategic merit in its delivery of additional and diverse housing.....*

*It is recommended that, should the proposal proceed to Gateway, the planning proposal be expanded to include the whole of Water Street/Dunlop Street Precinct and include investigation of inconsistencies with the relevant Section 117 Directions (and subsequently released draft Central District Plan) in relation to:*

- *The loss of industrial land and the impact of rezoning the whole of the industrial precinct (versus the proposed partial precinct) on the future operations of the industrial/business precinct and nearby industrial areas, including the Enfield Intermodal Logistics Centre;*
- *Addressing flooding, contamination and electromagnetic radiation from nearby high voltage power lines, and opportunities for enhancing open space provision and connections with the adjacent Cooks River open space network; and*
- *Suitable zoning, scale and density in relation to visual and amenity impacts within the precinct site and on adjoining low density residential uses*

16. A copy of the report is included at Attachment 2.

17. The pre-Gateway Review Advice Report was considered by the Sydney Central Planning Panel (SCPP) on 5 April 2017. The Panel considered that precautionary principle contained in the Draft Central District plan relating to a concern for the loss of industrial and urban services land uses.

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18. However, in the case of the subject Planning Proposal and taking into account the strategic planning work that had been undertaken by Council in respect of the residential needs and employment lands strategy, it was considered that the subject sites and surrounding precinct has strategic merit for rezoning to a residential purpose. This consideration was made on the following grounds:
- *The current IN1 land sits within and is accessed exclusively through low density residential housing and street network.*
  - *The land the subject of the Planning Proposal accounts for only 0.7% of the employment land in the Municipality with the whole precinct accounting for 1.3% of local employment land*
  - *The location of the land adjacent to the Cooks River which Council has been improving with landscaping, cycleway improvements etc.*
  - *The rezoning would allow for increased housing supply to assist housing affordability*
19. The majority of the SCPP agreed with the conclusion of DPE however considered that the subject sites should not be rezoned in isolation to the rest of the precinct *since the collocation of a residential zone adjacent to the IN1 zone would be undesirable, contrary to fundamental planning land use principles and also inconsistent since the proximity of residential land to the industrial uses is one of the reasons for the support of the Panel to rezone. In considering the whole precinct, it is necessary for deliberation of the suitability of the whole precinct for residential use having regard to the following studies:*
1. *Flooding*
  2. *Contamination*
  3. *Traffic*
  4. *Noise and emissions*
  5. *Economic impact on existing neighbouring employment lands including the Enfield Inter Modal Centre*
  6. *Masterplan/urban design analysis*
20. Subsequently the SCPP on 5 April 2017 recommended that the Planning Proposal proceed to Gateway, subject to the following:
- *Any rezoning to residential use be for the whole IN1 precinct of which the site only forms a part*
  - *That the existing expert reports attached to the Planning Proposal for sites A and B be augmented to include analysis of the larger precinct having regard to items 1-6 above and the Planning Proposal be amended accordingly*
  - *That prior to public exhibition, the adjoining landowners within the precinct be informed in relation to the prospective rezoning of the whole precinct*
  - *The augmented reports (b) be available for exhibition*

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21. A copy of the SCPP Panel Advice Report dated 5 April 2017 is included at Attachment 3.
22. Following the decision of the SCPP, Council confirmed acceptance of the role of the RPA on 20 July 2017. DPE advised Council that the Planning Proposal should be submitted by 31 August 2017 for Gateway.
23. Ongoing discussions have been held with the applicant to ensure compliance with the SCPP's recommendations.
24. Due to the delay by the applicant in meeting the recommendation of the SCPP, the DPE on 3 October 2017 granted an additional four (4) week extension (to 31 October 2017) to submit the Planning Proposal for Gateway Determination.
25. On 14 December 2017, Council wrote to the applicant seeking an update on the progression of the Planning Proposal. A follow up email was sent on 23 February 2018 requesting a response.
26. To date, Council has received no response from the applicant.
27. In order to progress the Planning Proposal, Council has sought advice from DPE. In this regard, they have advised that there are two (2) options available to Council:  
  
**Option 1:** *Council can continue in the role of RPA and submit the proposal in its current form for Gateway determination. A letter can be provided with this outlining Council's concerns and requested Gateway conditions in keeping with the Panel recommendation; or*  
  
**Option 2:** *Council can advise that they do not choose to continue in the role of RPA. Should Council choose not to continue in the role of RPA, an alternate RPA will be appointed to progress the planning proposal to Gateway determination in keeping with the Panel determination.*
28. It is recommended that Council continue in the role of the relevant planning authority (RPA) for the Planning Proposal, but includes with the submission of the Planning Proposal to the Greater Sydney Commission a letter outlining Council's concerns and requesting the information as included in the recommendation above.

**DESCRIPTION OF THE SITE**

29. The Planning Proposal seeks to rezone the land and amend the maximum building height and floor space ratio (FSR) controls applicable to No 7-23 and 25-33 Water Street, Strathfield South (Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921).
30. The site consists of two blocks, split by ownership. Site A is 25-33 Water Street and is owned by RJ Green & Lloyd and Site B is 7-23 Water Street and is owned by Westport Pty Ltd (Figure 1)
31. The site comprises six lots and has a total area of 18,952m<sup>2</sup> (1.9 ha). It is bounded by contiguous industrial land to the west, the Cooks River to the south, low density residential development to the north and residential flat buildings of up to 3 storey are also located to the north east of the site along Water street.
32. The site is not located within an identified urban renewal corridor, centre or major redevelopment precinct.

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33. The site is currently used for a variety of industrial purposes, including household trades, distributions centres and vehicle repairs. The adjacent industrial areas are also used for a variety of industrial uses, including a concrete batching plant and warehouse and logistics centre. The nearby industrial area and the Enfield Intermodal Logistics Centre are separated from the subject site by the Cooks River (Figure 2).
34. The site is somewhat isolated from the majority of the industrial and employment lands. It is also constrained by limited access to major haulage transport routes.
35. The site is surrounded by the following:
- **North** – Immediately to the north of the site are ten allotments that contain 1-2 storey residential dwellings that are zoned R-2 - Low Density Residential.
  - **West** – Immediately to the west of the site are several industrial properties that are currently used for low intensity industrial purposes. All of these properties are zoned IN1 – General Industrial and are accessed via Dunlop Street. Further to the west is Dean Reserve which includes a playground and picnic facilities.
  - **South** – Sharing the southern boundary of the site is the Cooks River and the Cooks River Cycleway, which provides protected pedestrian and bicycle access from Rookwood Cemetery to Sydney Airport.
  - **East** – East of the site, across Water Street, is a series of 1-2 storey residential dwellings, Ford Park and a 3-storey residential flat building.
36. Table 1 and Figure 3 below provides a summary of the current and proposed planning controls relating to 7-33 Water Street:

**Table 1: Comparison of Current and Proposed Planning**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zoning	IN1 General Industrial	R4 High Density Residential
Height	12m	28m (135% increase)
FSR	1:1	1.85:1 (85% increase)



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Figure 1: Subject Site

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PICTURE 1 – PHOTO OF 25-33 WATER STREET



PICTURE 2 – PHOTO OF AUSTLAND TILES, 17-23 WATER STREET



 The Site

PICTURE 3 – PHOTO OF GHP AUSTRALIA AND HEMS GLOBAL, 7-15 WATER STREET

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**PICTURE 4 – PROPERTIES IMMEDIATELY NORTH OF THE SUBJECT SITE**



**PICTURE 5 – IMAGES OF PROPERTIES WEST OF THE SUBJECT SITE**



**PICTURE 6 – PANORAMA OF COOKS RIVER AND COOKS RIVER CYCLEWAY**

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PICTURE 7 – IMAGE OF PROPERTIES WEST OF THE SITE



**Figure 2: Site and Enfield Intermodal Logistics Centre.**  
 Source Enfield ILC EIS and Strathfield LEP 2012.

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Figure 3: Existing and Proposed Controls. Source: Planning Proposal

**EASTERN CITY DISTRICT PLAN**

- 37. The draft Central District Plan was released on 21 November 2016 and DPE, in its report to the SCPP assessed the proposal against the priorities of the draft Plan.
- 38. In the report, the officer concludes that the proposal is inconsistent with Productivity Action 5, which aims to protect and support employment and urban services land. The draft Plan states that a precautionary approach should be taken to the conversion of employment and urban

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services lands, unless there is an alternative strategy endorsed by the relevant planning authority.

39. Further, the Greater Sydney Commission advised Council on 22 September 2017 that in relation to the merits of the proposal, the opinion of the GSC at officer level is that the Planning Proposal is not supported *particularly on the basis of the loss of employment land but most specifically because of the potential long term impact on the operation of the nearby intermodal terminal.*
40. Industrial and urban services land in the Eastern City District provides cost competitive and well located land for industries and services that support businesses in the Harbour CBD, other centres and Greater Sydney's two existing international trade gateways of Port Botany and Sydney Airport.
41. Urban services include activities such as motor vehicle services, printing, waste management, courier services and concrete batching plants. These activities serve local communities and businesses and require adequate access to industrial land across the District. Demand for this land will increase commensurate with population growth. Good local access to these services reduces the need to travel to other areas, minimising congestion on the transport system.
42. The Eastern City District Plan was recently finalised and provides actions for Councils with respect to existing industrial and urban services land. Unlike the draft Plan, which advised that Councils take a "precautionary approach", the finalised Eastern City District Plan provides a clearer direction with respect to the consideration of the rezoning of industrial and employment lands. Planning Priority E12, Objective 23 of the Eastern City District Plan requires that *industrial and urban services land is planned, retained and managed*
43. In this regard, the Eastern City District Plan states:


*All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. This approach retains this land for economic activities required for Greater Sydney's operation, such as urban services. Specifically these industrial lands are required for economic and employment purposes. Therefore the number of jobs should not be the primary objective – rather a mix of economic outcomes that support the city and population. The management of these lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses.*

*Where a retain and manage approach is being undertaken, councils are to conduct a strategic review of industrial land as part of updating local environmental plans. There will also be a need, from time to time, to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans. Any review should take into consideration findings of industrial, commercial and centre strategies for the local government area and/or the district.*

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44. The key actions related to this Planning Priority include:

 Actions	Responsibility
51. Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.	Bayside Council, Burwood Council, City of Canada Bay, Council of the City of Sydney, Inner West Council, Randwick City Council, Strathfield Council, Waverley Council, Woollahra Municipal Council, and other planning authorities
52. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.	Councils and other planning authorities

45. *A Metropolis of Three Cities* includes Affordable Rental Housing Targets for very low to low-income households in Greater Sydney. Affordable Rental Housing Targets that are generally in the range of 5-10 per cent of new residential floor space are subject to viability.
46. The Eastern City District Plan identifies that an Affordable Rental Housing Target of between 5%- 10% be provided for development of new urban renewal areas.
47. It is recommended that should a Gateway Determination be issued, that prior to the exhibition the Planning Proposal be updated to include a provision for affordable housing to be incorporated in any development on the site equivalent not less than 10% in accordance with the Eastern City District Plan.

## STRATEGIC REVIEW OF INDUSTRIAL LANDS

48. The Economic Land Use and Employment Strategy for the Strathfield LGA was prepared by SGS in June 2010 (Strathfield at the Crossroads of Sydney: An Economic Land Use and Employment Strategy: SGS 2010).
49. The Strategy focused on how new jobs could be encouraged through appropriate land use planning and identified tools to protect business and industrial areas. The study identified the need to modernise planning controls to reflect local circumstances and the changing nature of employment.
50. With respect to the subject site, this is part of the Water/Dunlop Street Precinct. This Precinct was identified as an area where alternate planning controls may be investigated. In this regard, the Strategy stated that *more work is required to investigate alternate uses for the Water Street/Dunlop Street Precinct* and that *there is a need for a precinct wide approach to ensure an equitable outcome for landowners*.
51. In addition to this Strategy, the GSC commissioned Hill PDA to undertake a Industrial Precinct Review (2015). This review identified the Water Street Precinct as being a mid-scale precinct of "good health". The Review states that, while *Sydney's traditional manufacturing operations have moved either offshore or to lower value locations in Western Sydney, there is a growing and evolving demand for industrial areas within inner city and middle ring suburbs of Sydney to serve the needs of the growing local population (ie panel beaters, council depots, vehicle repairs) and strategic centres (ie data centres, concrete batching plants and distribution centres)*.

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52. In view of the finalisation of the Eastern City District Plan and its Actions, it is recommended that prior to the consideration of any further Planning Proposals for industrial and urban services land, that Council prepare a comprehensive and updated Employment Lands Strategy for all industrial zoned lands within the Strathfield LGA to set a clear strategic direction for all industrial lands and to investigate alternative industrial opportunities including revitalisation of the areas.
53. Should the proponent wish to progress the planning proposal for the rezoning of IN1 land, it is considered appropriate to request that the proponent be requested to undertake a strategic review of all Industrial (IN1 and IN2 zoned land) within the Strathfield LGA in accordance with Action 51 of the Eastern City District Plan.

**OUTSTANDING ISSUES**

54. The proposal is inconsistent with a number of existing and proposed Section 117 Directions, including *Direction 4.3 Flood Prone Land* and the proposed Section 117 Direction for considering contamination when rezoning land.

**Contaminated Land**

55. The planning proposal included a Contamination Report, which is reliant on information that is more than two (2) years old and relates to a different proposal.
56. The draft Contaminated Land Planning Guidelines and the draft Section 117 Direction outlines a process for applicants where it is proposed to rezone land that is contaminated. The draft Section 117 Direction also requires that a planning proposal to rezone land must be accompanied by a preliminary site investigation or detailed site investigation when:
- land is significantly contaminated land within the meaning of the CLM Act
  - an activity listed in the SEPP (as reproduced in Table 1 in Appendix 1 of the draft Guidelines) is being carried out on the land and is potentially causing contamination
  - records show that a potentially contaminating activity has been carried out on the land
  - there are incomplete records about the use of the land and during the periods not covered by those records, it would have been lawful to carry out a potentially contaminating activity and
  - the proposed rezoning, or proposed change to planning controls, would allow the land to be used for residential, educational, recreational or child care purposes, or for the purposes of a hospital.
57. It is recommended that should a Gateway Determination be issued, a condition be included that prior to the exhibition of the Planning Proposal, a detailed Contamination Study in accordance with the draft Contaminated Land Planning Guidelines and the draft Section 117 Direction for the whole precinct that clearly demonstrates that the precinct can be remediated to be suitable for residential/open space purposes be prepared and included with the exhibition material.



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**Flooding**

58. The proposal also contained a Flood Impact Assessment, which states that the site is subject to both local overland flows from the north and mainstream flooding from the Cooks River.
59. Council's Consultant Development Engineer has reviewed the Flood Impact Assessment Report prepared by WMA Water dated November 2015 and its supporting Concept Plan which indicates the proposed residential building footprints. The assessment has considered the Cooks River Flood Study and NSW Floodplain Development Manual 2005.
60. Council's Consultant Development Engineer has provided the following conclusion with respect to Flood Impact Assessment:
- ....it can be concluded that the subject site is unsafe and high risk and therefore the proposal for residential development cannot be supported as the flood depth exceeds 2.8m along the western boundary of the site;*
- The proposal also fails to demonstrate how vehicles can enter and exit the subject site in a safe manner (i.e. the proposed locations of vehicular access are located within areas of high flood risk) and therefore cannot be supported. This also relates to issues of evacuation. There is insufficient time warning for people to evacuate to a place of refuge above the 100 year or PMF flood level. Again, this is contrary to the requirements set out in Section 117 Direction and NSW Floodplain Development Manual dated 2005.*
61. The officer of the DPE, in their report to the SCPP also made the following comments in respect to the impact of flooding:
- The site is vulnerable to flash flooding (the modelled Probable Maximum Flood would peak 1.5 hours after the commencement of rain, but begin to inundate the ground at the site after just 25 minutes). Evacuation of the site is not considered practical and evacuation to higher floor levels is considered to be a safer course of action.*
- Should the proposal proceed to gateway, it is recommended that a comprehensive flood study...and consultation with the State Emergency Service be required.*
62. It is recommended that should a Gateway Determination be issued, a condition be included that prior to the exhibition of the Planning Proposal, a comprehensive flood study which addresses the flood affectation for the whole precinct and provides an effective design that addresses all of the critical issues that relate to flooding.
63. The Flood Study should also demonstrate compliance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005

**Electromagnetic Radiation**

64. The planning proposal includes an electromagnetic radiation report, given the proximity to high voltage power lines. It concludes that:
- a. no habitable rooms should be located within 11 radial metres of the power lines;
  - b. no unreasonable magnetic field will occur beyond 23 radial metres of the power lines; and

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- c. mitigation measures need to be applied between 11 and 23 radial metres of the power lines to mitigate the otherwise unacceptable magnetic fields, which would affect general electronic and medical equipment.

65. The report does not provide discussion on appropriate mitigation measures. These should be included and should apply to the whole Precinct.

66. It is recommended that should a Gateway Determination be issued, a condition be included that requires an updated electromagnetic radiation report, which addresses the impact of residential development for the whole Precinct, given the proximity to high voltage power lines and identifies appropriate mitigation measures.

**Context of R4 – High Density Residential with adjoining R2 – Low Density Residential**

67. The Planning Proposal was accompanied by an Urban Design Report prepared by GMU Urban Design & Architecture. A copy of the Urban Design Report is included at Attachment 3.

68. Based on the analysis of the area GMU provided the following concept design for the subject site, shown in Figure 4 below:



Figure 20. Preliminary masterplan for the industrial precinct

**Figure 4: Concept Design prepared by GMU**

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69. The concept plan indicates how the built form massing could be distributed on the site in order to meet the principles for the development of the precinct
70. Council considers that the proposed height as indicated in the concept plan does not appropriately address the adjoining R2 – Low Density Residential zone
71. The physical impact on the surrounding area (i.e. height, bulk, building location & orientation) is a critical concern, specifically in relation to:
- Five (5) storey buildings to the Water Street frontage would be incompatible with the existing built form and character of the streetscape;
  - Five (5) storey buildings (with minimal setback above three storey component) to the northern boundary will likely create opportunities for significant overlooking toward the existing houses fronting William Street;
  - High rise buildings ranging five (5) to eight (8) storeys on the western part of the site maximise the potential land use conflicts with the existing industrial premises at Dunlop Street; and
  - The potential overshadowing impact on Cooks River Cycleway / Open Space link is excessive. This overshadowing impact would severely impact the visual amenity of the regional open space corridor area and potentially impact on the native vegetation.
72. In addition, the DPE officer's report notes that the *proposed height limit of 28m, allowing up to 8 storey development is considered to be a significant increase compared to the existing development, with potentially significant visual impacts upon the adjacent residential developments.*
73. A more comprehensive Urban Design Analysis of the whole IN2 precinct is to be prepared and should provide building massing envelopes that appropriately transition to the existing R2 – Low Density Residential zone.
74. Consideration also needs to be given to the stepping of heights adjacent to the Cooks River Cycleway/Open Space link so as to minimise the impacts of overshadowing.

**OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT**

75. The Proponent has offered to enter into a Voluntary Planning Agreement (VPA) based on the following:
- a) *Funding a portion of the implementation of Sydney Water's Cooks River Bank Naturalisation Project;*
  - b) *Enhancement works to the Cooks River foreshore reserve and cycleway adjacent to the site;*
  - c) *Relocation and replacement of the existing north bound and south bound Water Street bus stops; and*
  - d) *Funding of a widened pedestrian / cycle path cantilevered off the existing Water Street bridge over the Cooks River*

**Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South**

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

76. The Voluntary Planning Agreement offer includes elements that extend beyond Council's jurisdiction, and would therefore require further consultation/negotiation with relevant State agencies such as Sydney Water and Transport for NSW.
77. With respect to the works to the Cooks River, Council has already been collecting funding through Section 94 contributions to improve the amenity along the Cooks River foreshore reserve and cycleway. This Section 94 work program will be undertaken according to the Section 94 Direct Contributions Plan regardless of whether this rezoning proposal will proceed or not.
78. It is recommended that should a Gateway Determination be issued, the proponent continue to negotiate with Council to formalise a letter of offer to enter into a Voluntary Planning Agreement (VPA), in accordance with Council's current VPA Policy.

**CONCLUSION**

79. The Planning Proposal for No 7-23 and 25-33 Water Street, Strathfield South was considered by the SCPP in April 2017, where it resolved that any rezoning from IN1 to a residential use must consider the whole precinct.
80. Prior to submitting the Planning Proposal to Greater Sydney Commission (GSC) for a Gateway Determination in accordance with section 3.34 of the Act, Council requested that the proponent address the recommendation of the SCPP, including expanding the Planning Proposal to address the whole IN1 precinct.
81. To date, no response has been received from the proponent and as a result Council sought advice from DPE with respect to how to proceed.
82. In this regard, it is recommended that Council seek to advise the DPE that it will continue the role of the planning proposal authority (RPA) and that Council submit to the GSC, the Planning Proposal, accompanied with a letter that includes the issues raised in this report and request that they be considered as conditions that the proponent will have to deal with prior to the public exhibition of the planning proposal, should a Gateway Determination be given.

**RECOMMENDATION**

1. That the Strathfield Local Planning Panel recommend to Council that the following be undertaken with respect to the Planning Proposal for No 7-23 and 25-33 Water Street, Strathfield South:
  - (a) Council advise the Department of Planning and Environment that it will continue the role of the planning proposal authority in accordance with Section 3.32 of the Environmental Planning & Assessment Act.
  - (b) That the Planning Proposal be submitted to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act

**Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South**

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

- (c) That Council reiterate the recommendations of the Sydney Central Planning Panel and request that prior to community consultation, the Planning Proposal be updated to address the following:
- *Any rezoning to residential use be for the whole IN1 precinct of which the site only forms a part*
  - *That the existing expert reports attached to the Planning Proposal for sites A and B be augmented to include analysis of the larger precinct having regard to:*
    - (i) *Flooding*
    - (ii) *Contamination*
    - (iii) *Traffic*
    - (iv) *Noise and emissions*
    - (v) *Economic impact on existing neighbouring employment lands including the Enfield Inter Modal Centre*
    - (vi) *Masterplan/urban design analysis*
- and the Planning Proposal be amended accordingly*
- *That prior to public exhibition, the adjoining landowners within the precinct be informed in relation to the prospective rezoning of the whole precinct*
  - *The augmented reports (b) be available for exhibition*
- (d) That Council request that the following condition be included as part of any Gateway Determination and the proponent be given a specified timeframe in which to comply with all of the conditions:
- Prior to community consultation, the Planning Proposal is to be updated and amended to:
- Reference and address all relevant priorities and actions in *A Metropolis of Three Cities – the Greater Sydney Region Plan* and provide justification as to any inconsistencies;
  - Reference and address all relevant priorities and actions outlined in the Eastern City District Plan;
  - In accordance with Action 51 of the Eastern City District Plan, undertake a strategic review of all Industrial (IN1 and IN2 zoned land) within the Strathfield LGA;
  - Include a comprehensive Urban Design Analysis of the whole IN2 Precinct which provides building massing envelopes that appropriately transition to the existing R2 – Low Density Residential zone. Consideration also needs to be given to the stepping of heights adjacent to the Cooks River Cycleway/Open Space link so as to minimise the impacts of

**Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South**

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

overshadowing.

- Include a comprehensive flood study which addresses the flood affectation for the whole precinct and provides an effective design that addresses all of the critical issues that relate to flooding. The Flood Study should also demonstrate compliance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005;
  - Include a detailed Contamination Study in accordance with the draft Contaminated Land Planning Guidelines and the draft Section 117 Direction for the whole precinct that clearly demonstrates that the precinct can be remediated to be suitable for residential/open space purposes;
  - Include an updated electromagnetic radiation report, which addresses the impact of residential development for the whole Precinct, given the proximity to high voltage power lines and identifies appropriate mitigation measures;
  - Include a provision in the Planning Proposal for affordable housing to be incorporated in any development on the site equivalent not less than 10% in accordance with the Eastern City District Plan.
  - Address and justify the inconsistencies with the relevant Section 117 Directions
- (e) That should a Gateway Determination be issued, the proponent continue to negotiate with Council to formalise a letter of offer to enter into a Voluntary Planning Agreement (VPA), in accordance with Council's current VPA Policy.
- (f) That should the proponent not comply with the recommended conditions of any Gateway Determination within the timeframe provided, that Council request that the Greater Sydney Commission, in accordance with Section 3.35(4) determine that the matter not proceed.

2. That a report to Council be prepared to advise of the IHAP recommendations.

**ATTACHMENTS**

1. [↓](#) Council Officer's Report to Council - July 2016 - Planning Proposal 7-33 Water Street, Strathfield South
2. [↓](#) Pre-Gateway Review Advice Report - Prepared by DPE (April 2017) - Planning Proposal No 7-33 Water Street, Strathfield South
3. [↓](#) Panel Advice Report - 5 April 2017 - Planning Proposal 7-35 Water Street, Strathfield South



## COUNCIL MEETING 19 JULY 2016 – PLANNING AND DEVELOPMENT

ITEM 7. PLANNING PROPOSAL FOR 7-33 WATER STREET,  
STRATHFIELD SOUTH

*Report by Frankie Liang, Strategic Planner*

**RECOMMENDATION**

1. ***That the Planning Proposal to rezone 7-33 Water Street, Strathfield South from IN1 General Industrial to R4 High Density Residential should not proceed to Gateway Determination for the following reasons:***
  - ***Lack of a comprehensive Flood Study to support the zoning change;***
  - ***Lack of detail and consultation with external agencies regarding the proposed Voluntary Planning Agreement;***
  - ***The proposed maximum height of 28m and maximum Floor Space Ratio of 1.85:1 are excessive considering context of the site; and***
  - ***Potential land use conflict between the proposed R4 High Density Residential zoning and neighbouring IN1 General Industrial zoning.***
2. ***That the proponent be advised to amend the Planning Proposal in accordance with maximum height of 11m and maximum FSR up to 1.2:1 consistent with the established Strathfield Local Environmental Plan spatial hierarchy, subject to the submission of additional information to satisfy the flooding issues within the site and value capture matters.***
3. ***That the Department of Planning & Environment be notified accordingly.***

**PURPOSE OF REPORT**

1. To inform Council of the Planning Proposal lodged by Urbis Pty Ltd to amend the Strathfield Local Environmental Plan 2012 (LEP) as detailed below:
  - a. Alter the Land Zoning of the subject site from IN1 General Industrial to R4 High Density Residential.
  - b. Increase the maximum applicable height of buildings Development Standard from 12 metres to 28 metres.
  - c. Increase the maximum applicable floor space ratio (FSR) Development Standard from 1:1 to 1.85:1.
2. To inform Council of the outcomes of the initial assessment of the Planning Proposal and the recommendation not to support the Planning Proposal to be submitted to the Department of Planning and Environment for Gateway determination.

**REPORT**Proposal Overview

The table below provides a summary of the current and proposed planning controls relating to 7-33 Water Street:



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ITEM 7. PLANNING PROPOSAL FOR 7-33 WATER STREET,  
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	EXISTING	PROPOSED
Zoning	IN1 General Industrial	R4 High Density Residential
Height	12m	28m (135% increase)
FSR	1:1	1.85:1 (85% increase)
Permissibility	Residential Flat Buildings are prohibited	Residential Flat Buildings are permissible
No. of unit	N/A	361
Carparking	N/A	595

Table 1: Comparison of Current and Proposed Planning Controls

Background

There have been various attempts to rezone the Water Street properties by private proponents since the late 1990s.

In 1998 and 2003, two (2) rezoning applications seeking to rezone the site of 7-23 Water Street from Industrial to Residential were made, however, neither were successful due to the management of land contamination and impacts associated with increasing the maximum building height.

In December 2009, Council resolved to endorse the Planning Proposal (including supporting studies) to rezone 7-33 Water Street & 8-10 Dunlop Street from Industrial to Medium Density Residential and submitted to Department of Planning.

However, in February 2010, the Department determined not to support the Planning Proposal for the following reasons:

- “1. The proposal is premature given the imminent completion of Council’s economic and employment land use study. This study will inform Council in relation to the future of employment land throughout the LGA and the importance of retaining Category 1 employment lands to meet Council’s employment targets.*
- 2. In the event that the study shows that the rezoning of the subject land is appropriate, Council should consider extending the Planning Proposal to cover all of the industrially zoned land in the South Strathfield Water Street precinct to avoid future land use conflicts.”*

Subsequently, Council reviewed the zonings across the local government area including the Water / Dunlop Street industrial precinct as part of the new draft Strathfield Local Environmental Plan 2012 process.

In July 2012, Council resolved to submit the final draft Strathfield LEP 2011 to the Department of Planning, including recommendation of an individual Planning Proposal for the Water Street / Dunlop Street precinct to be prepared by land owners.

Pre-lodgement Discussions

Prior to lodging the Planning Proposal, the Proponent met with Council Officers on 19 June 2015. On 3 July 2015, Council Officers wrote to the Proponent providing a record of the meeting and the following feedback:

1. Consistent with the previous rezoning/planning proposals for the subject site, the proposal should demonstrate how the flooding and contamination issues will be addressed to ensure that the subject site is suitable for residential development. The flood planning issues are the main





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ITEM 7. PLANNING PROPOSAL FOR 7-33 WATER STREET,  
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site constraint and it is recommended that this matter be further investigated prior to Planning Proposal lodgement.

2. It is noted that the Department's Gateway Determination and the recommendation of the Economic Land Use and Employment Strategy indicate that a precinct-wide approach to land use planning is needed to ensure an equitable outcome for all landowners.
3. Consideration should also be given to surrounding low density residential areas, industrial land, and the centres hierarchy in determining the suitability of the proposed densities and heights for the subject site.
4. Council is generally on track to achieve its 20-year housing target of 8,300 dwellings as per the draft Inner West Subregional Strategy. The Strathfield LEP 2012, a 10-year LEP, allows for 75% of this housing target primarily concentrated in centres and secondary nodes such as the Strathfield Town Centre, Parramatta Road Precinct, Enfield, and Belfield local centres. The subject site is not located in any of these precincts.
5. Further meetings to discuss the progress of the proposal are recommended once the flooding and contamination issues have been addressed.

During the meeting on 19 June 2015, the proponent proposed the subject site with an R3 zoning which is generally consistent with Economic Land Use and Employment Strategy. To the surprise of Council Officers, the proponent subsequently emailed Council in August 2015 seeking Council's support on an R4 zoning, maximum height of 8 storeys, 2:1 FSR.

To clarify this matter, further correspondence dated 10 September 2015 was provided to the proponent reiterating:

1. Flood planning issues are the main constraints that have never been adequately addressed.
2. Council is unlikely to support an R4 High Density Residential zoning in this precinct.

Despite Council's indication of not supporting the proposed R4 High Density Residential zoning, the proponent formally lodged the Planning Proposal on 22 April 2016.

#### The Site and Surrounding Land

The subject site is known as 7-23 & 25-33 Water Street, forming Site A (25 – 33 Water Street) and Site B (7-23 Water Street). The legal description of the site is:

- Site A: Lots 23 and 24 in DP29213, Lot 22 in DP 402062,
- Site B: Lot 1 and 2 in DP 603465 and Lot 3 in DP 217450.

The total area is 18,952.7m<sup>2</sup> and is primarily occupied by industrial buildings. An electrical transmission tower and power lines are located adjacent to the southern boundary.

The site is situated approximately 13 kilometres west of the Sydney CBD on the northern bank of the Cook's River, between Liverpool Road and Punchbowl Road. Lots immediately to the north are detached dwellings. Two (2) three-storey residential flat buildings and Ford Park are located on eastern side of Water Street. Existing industrial lots fronting Dunlop Street neighbour the subject site to the west.

An aerial photograph of the subject site is below:



Figure 1: Locality Plan

#### Strategic Planning Context

The relevant planning provisions applicable to the subject site are under the provisions of SLEP 2012. These include land use zoning, building height and floor space ratio.

#### **Land Use Zoning**

The site is currently zoned *IN1 General Industrial* under Strathfield LEP 2012. The zone objectives of which are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.



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All forms of residential accommodation (including residential flat buildings as proposed) are prohibited under the existing IN1 General Industrial zone. Please refer to Figure 2 for details of existing and surrounding land use zoning under the SLEP 2012.

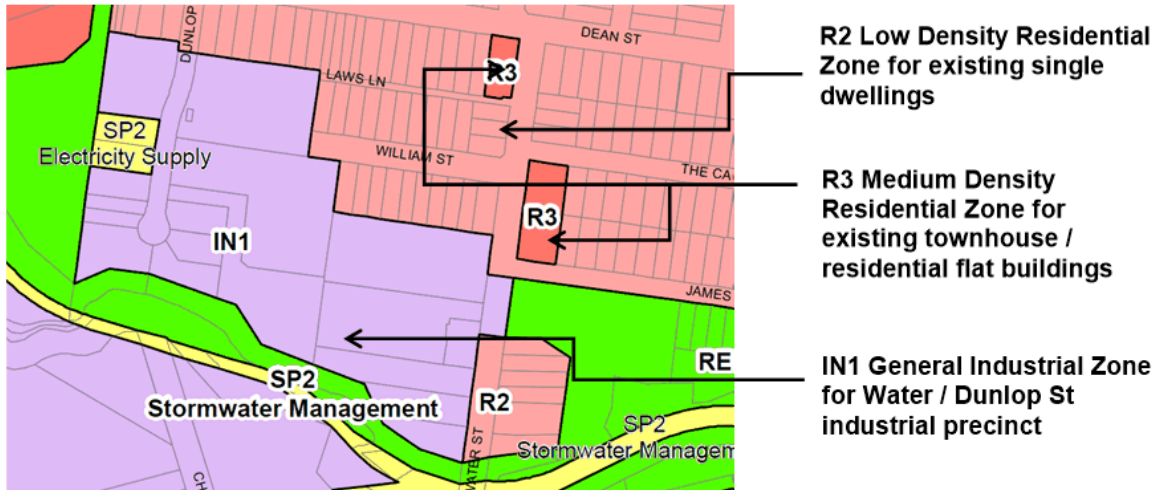


Figure 2: SLEP 2012 Zoning Map Extract

**Building Height**

The maximum building height for the site and surrounding as part of the Water Street / Dunlop Street industrial precinct is 12 metres. Refer to Figure 3.



Figure 3: SLEP 2012 Height Map Extract

### Floor Space Ratio

The maximum floor space ratio for the subject site and the entire Water / Dunlop Street industrial precinct pursuant to Clause 4.4 is 1:1. Refer to Figure 4.



Figure 4: SLEP 2012 FSR Map Extract

### Major Issues to Be Resolved

#### Flood Planning

Flood planning is the major issue that has not been adequately addressed by the proponent. Council Officers repeatedly recommended that the flooding matters be further investigated before progressing on other aspects of the proposal. This is documented in Council Officer's two (2) previous correspondences in July and September 2015. Despite the advice of Council Officers, the proponent formally lodged the Planning Proposal without adequate consideration of the flooding constraints.

A letter prepared by WMA Water for the proponent provides recommendations on how the flood risk can be managed, however, no specific recommendations are provided as to whether the Planning Proposal should be supported on flooding grounds. Therefore, the proponent has not addressed the NSW Government's Section 117 Direction 4.3 Flood Prone Land in sufficient detail.

Council's Consultant Development Engineer has reviewed the Flood Impact Assessment Report prepared by WMA Water dated November 2015 and its supporting Concept Plan which indicates the proposed residential building footprints. The assessment has considered the Cooks River Flood Study and NSW Floodplain Development Manual 2005.

The following comments are provided with respect to Flood Impact Assessment:



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- The subject site is located adjacent to Cooks River and is severely affected by mainstream flooding during the Probable Maximum flood and flood depths exceed 2.8m on the western edge which is considered high risk;
- The proposal intensifies the development of land from industrial to residential and presents a possible danger to personal safety, risk to lives and potential for significant structural damage to buildings, is contrary to the requirements set out in the Section 117 Direction and NSW Floodplain Development Manual dated 2005, therefore cannot be supported on flooding grounds;
- The figure below provides direction of the Hydraulic Hazard Categories and the Velocity Depth.

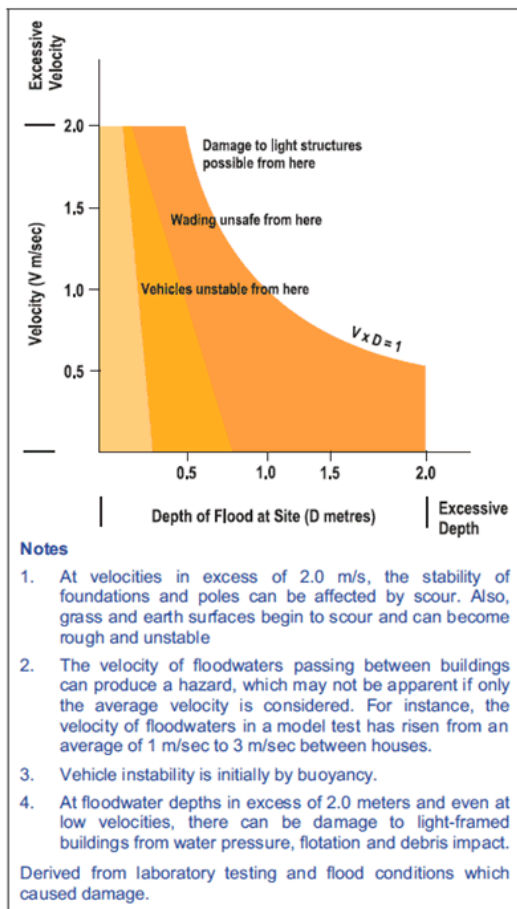


FIGURE L1 - Velocity & Depth Relationships

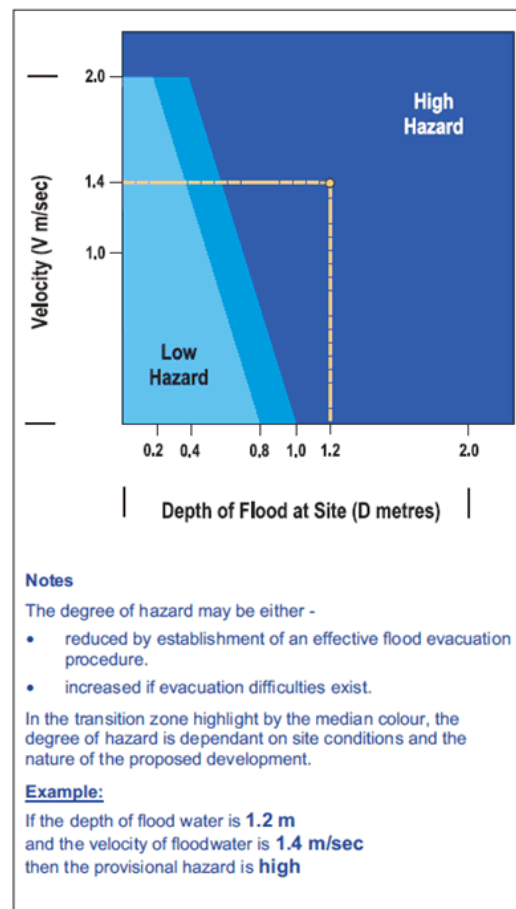


FIGURE L2 - Provisional Hydraulic Hazard Categories

Relationship:

- Based on the above tables, it can be concluded that the subject site is unsafe and high risk and therefore the proposal for residential development cannot be supported as the flood depth exceeds 2.8m along the western boundary of the site;
- The proposal also fails to demonstrate how vehicles can enter and exit the subject site in a safe manner (i.e. the proposed locations of vehicular access are located within areas of high flood



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*risk) and therefore cannot be supported. This also relates to issues of evacuation. There is insufficient time warning for people to evacuate to a place of refuge above the 100 year or PMF flood level. Again, this is contrary to the requirements set out in Section 117 Direction and NSW Floodplain Development Manual dated 2005.*

In light of the above critical strategic planning issues that relate to the safety of future residents, it is recommended that the proponent should prepare a comprehensive flood study before proceeding further with other aspects of this Planning Proposal.

Taking into consideration the supporting Flood Study, the proponent will then need to revisit their proposal and provide an effective design that addresses all of the critical issues that relate to flooding. The Planning Proposal should then demonstrate compliance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 prior to Gateway Determination.

**Value of Voluntary Planning Agreement**

The Proponent has offered to enter into a Voluntary Planning Agreement (VPA) based on the following:

- a) Funding a portion of the implementation of Sydney Water's Cooks River Bank Naturalisation Project;
- b) Enhancement works to the Cooks River foreshore reserve and cycleway adjacent to the site;
- c) Relocation and replacement of the existing north bound and south bound Water Street bus stops; and
- d) Funding of a widened pedestrian / cycle path cantilevered off the existing Water Street bridge over the Cooks River

The Voluntary Planning Agreement offer includes elements that extend beyond Council's jurisdiction, therefore would require further consultation with relevant State agencies such as Sydney Water and Transport for NSW.

Regarding works to the Cooks River, Council has already been collecting funding through Section 94 contributions to improve the amenity along the Cooks River foreshore reserve and cycleway. This Section 94 work program will be undertaken according to the Section 94 Direct Contributions Plan regardless of whether this rezoning proposal will proceed or not.

Whilst a widened pedestrian / cycle path off the existing Water Street bridge over Cooks River may be supported, it is not accepted by Council that the proposed works can support the proposed rezoning and population densities in infrastructure terms. Furthermore, any works over the Cooks River will need to be considered in consultation with Sydney Water.

Further negotiation details and justification should be provided to ascertain the possibility of such infrastructure provisions and to address value capture satisfactorily.

**Assessment of Planning Proposal**

The below table provides a summary of the justification provided in the Planning Proposal (PP) and Council Officers' comment in accordance with the NSW "A Guide to Preparing Planning Proposals":



## COUNCIL MEETING 19 JULY 2016 – PLANNING AND DEVELOPMENT

ITEM 7. PLANNING PROPOSAL FOR 7-33 WATER STREET,  
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	Proponent's Justification	Council Officers' comment
<i>Strategic Merit Assessment</i>		
A Plan for Growing Sydney	Consistent – accelerate Urban Renewal and housing opportunities.	<i>Inconsistent – the site is not located within the identified strategic urban renewal corridors for high density residential.</i>
Local Strategy	Consistent – recommend high quality, medium density residential with improved open space link.	<i>Inconsistent – the proposed R4 High Density Residential zone is not consistent with Council's spatial planning hierarchy.</i>
SEPP 55 – Remediation of Land	Consistent – supported by the Site Audit Report by Ramboll Environ.	<i>Should the PP proceed to Gateway, a detailed contamination study is recommended that clearly demonstrates the site can be remediated to be suitable for the residential / open space purpose prior to exhibition.</i>
Direction 1.1 Business and Industrial Use	Consistent – the Strathfield South industrial precinct is diminishing as an industrial centre.	<i>Inconsistent, however it is accepted that the inconsistency is minor as supported by the Economic Impact Assessment by Hill PDA.</i>
Direction 3.1 Residential Zones	Consistent – it provides a variety of housing types and will improve residential amenity	<i>Inconsistent – the proposed R4 High Density Residential Zoning is in a location distant from established centres and frequent transport services.</i>
Direction 3.4 Integrating Land Use and Transport	Consistent – the subject site is in close proximity to both public transport and to the Cooks River Cycleway.	<i>Inconsistent – the subject site is not well serviced by existing public transport infrastructure.</i>  <i>There is only one bus line located within 10min walking radius which provides access to Burwood / Sydney Olympic Park at 15min peak or 30min non-peak frequency.</i>
Direction 4.1 Acid Sulfate Soils	N/A	<i>Inconsistent – the site is identified in the Strathfield LEP 2012 as containing "Class 4 Acid Sulfate Soils".</i>  <i>Should the PP proceed to Gateway, the proposal must demonstrate consistency with this direction prior to exhibition.</i>
Direction 4.3 Flood Prone Land	Consistent - A Flood Impact Assessment Report was prepared by WMA Water.	<i>Inconsistent – please refer to previous discussion regarding Flood Planning.</i>
<i>Site Specific Merit Assessment</i>		
Urban Design and Built Form	An Urban Design Report in support of the PP was prepared by GMU Urban Design & Architecture.	<i>The proposed height and FSR is contrary to the established height and FSR hierarchy set in the SLEP 2012;</i>  <i>The physical impact on the surrounding</i>



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	Proponent's Justification	Council Officers' comment
		<p>area (i.e. height, bulk, building location &amp; orientation) is a critical concern;</p> <p>Five (5) storey buildings to the Water Street frontage would be incompatible with the existing built form and character of the streetscape;</p> <p>Five (5) storey buildings (with minimal setback above three storey component) to the northern boundary will likely create opportunities for significant overlooking toward the existing houses fronting William Street;</p> <p>High rise buildings ranging five (5) to eight (8) storeys on the western part of the site maximise the potential land use conflicts with the existing industrial premises at Dunlop Street; and</p> <p>The potential overshadowing impact on Cooks River Cycleway / Open Space link is excessive. This overshadowing impact would severely impact the visual amenity of the regional open space corridor area and potentially impact on the native vegetation.</p>
Traffic & Parking	A Traffic Assessment Report prepared by GTA Consultants.	<p>It is considered that the proposed residential development would generate predominantly light vehicle movements and thus replace the relatively high proportion of heavy vehicle movements currently being generated by the industrial use of the site.</p> <p>As the surrounding properties are generally low and medium density residential uses, the removal of heavy vehicle movements to and from the site would enhance the residential amenity in the area.</p> <p>No objection was made to the PP on traffic grounds.</p>
Acoustics	<p>Acoustic Logic has undertaken a preliminary analysis of the potential impact of external sources of noise and vibration on the amenity of future residents. It is concluded that:</p> <p>a) The main source of noise from high traffic noise levels from Liverpool Road; and</p> <p>b) acoustic treatments will be</p>	<p>The preliminary acoustic report is general in nature and fails to consider the source of noise from adjoining industrial operations. No specific building design solutions were recommended in order to maintain natural ventilation to the apartments adjoining the industrial sites whilst addressing the noise impact.</p> <p>Should the Planning Proposal proceed to Gateway, a more specific acoustic report</p>





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	Proponent's Justification	Council Officers' comment
	possible and practical to the building façade to ensure that internal noise levels comply with significant noise emissions from the substation located immediately south of the proposed development.	<i>would need to be prepared to consider other relevant noise sources and demonstrate its compliance with NSW Industrial Noise Policy prior to exhibition.</i>

Recommended Alternative

It is accepted by Council Officers that the rezoning of the subject site from Industrial land use to Residential land use will increase the residential amenity of the precinct. The impact of potential loss of employment is justified by the supporting Economic Impact Assessment by Hill PDA as minor.

However, it is not supported by Council Officers that the proposed planning controls should be altered to such an excessive scale of height (28m) and density (1.85:1 FSR) in the context of a low-medium density residential neighbourhood.

Subject to the resolution of the flood planning and Voluntary Planning Agreement value capture matters, it is recommended an amended Planning Proposal be submitted to Council, at a more appropriate scale as below:

- Zoning: R3 Medium Density Residential
- Maximum Height: 11m
- Maximum FSR: 0.9:1 (or up to 1.2:1 subject to a supporting Voluntary Planning Agreement)

These proposed alternative planning controls are consistent with the SLEP 2012 strategic planning framework and other R3 Medium Density Residential zoned precincts adjacent to the Strathfield South Town Centre and Belfield Local Centre.

The bonus provisions of 1.2:1 FSR is consistent with the existing density of the three (3) storey Residential Flat Buildings at 8-16 Water Street, Strathfield South. This could be applied subject to provision of additional infrastructure which supports the increased density.

Conclusion

Council Officers have considered the proposal and supporting documentation and conclude that there is insufficient merit in the current proposal proceeding to the Gateway Determination by the Department of Planning & Environment.

Council Officers do recognise the site (being part of an isolated industrial lot) may provide an opportunity for possible rezoning, and there are some merits in applying a R3 Medium Density Residential zoning as outlined in the recommended alternative, subject to satisfactorily addressing the flooding and VPA / value capture matters.

The Planning Proposal fails to convincingly justify the proposed R4 High Density Residential zone, height and density to such an excessive scale. Furthermore, the flooding constraints and Voluntary Planning Agreement matters have not been adequately addressed. The subject site neighbours the existing IN1 General Industrial zoned lots in the Dunlop Street industrial precinct which could create significant land use conflicts.



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Strategically the site is not located in the Parramatta Road / Bankstown to Sydenham Urban Renewal Corridor, or adjacent to Council's designated centres / nodes in the SLEP 2012 which are well serviced by existing infrastructure. Therefore, applying an R4 High Density Residential does not represent 'orderly planning' (Clause 5, EP&A Act 1979).

It is therefore recommended that the Planning Proposal should not proceed to Gateway Determination at its current format. Serious consideration should be given to preparing a Comprehensive Flood Study, negotiation on the Voluntary Planning Agreement and opportunities for value capture. On the basis of these documents, the proponent should then revisit the Planning Proposal in accordance with the recommended alternative planning controls provided in this report.

## REFERRAL FROM OTHER DEPARTMENT

Various departments have been consulted with to provide comment on this Planning Proposal.

## FINANCIAL IMPLICATIONS

There are no financial implications.

## Report approved by:

Sophie Olsen	Silvio Falato
<b>A/Manager Planning &amp; Development</b>	<b>A/Director Infrastructure &amp; Development</b>

**PRE-GATEWAY REVIEW – Information Assessment and Recommendation Report**

<b>LGA:</b>	Strathfield	
<b>Amended LEP:</b>	Strathfield Local Environmental Plan 2012	
<b>Address:</b>	7-23 and 25-33 Water Street, South Strathfield  (Lot 1 DP 603465; Lot 2 DP 603465; Lot 3 DP 217450; Lot 22 DP 402062; Lot 23 DP 29213; and Lot 24 DP 2921).	
<b>Reason for review:</b>	<input checked="" type="checkbox"/> Council notified proponent it will not support proposed amendment	<input type="checkbox"/> Council failed to indicate support for proposal within 90 days
<b>Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?</b>	<input checked="" type="checkbox"/> Provided <span style="margin-left: 200px;"><input type="checkbox"/> N/A</span> Comment: No donations or gifts to disclose	

**1. SUMMARY**

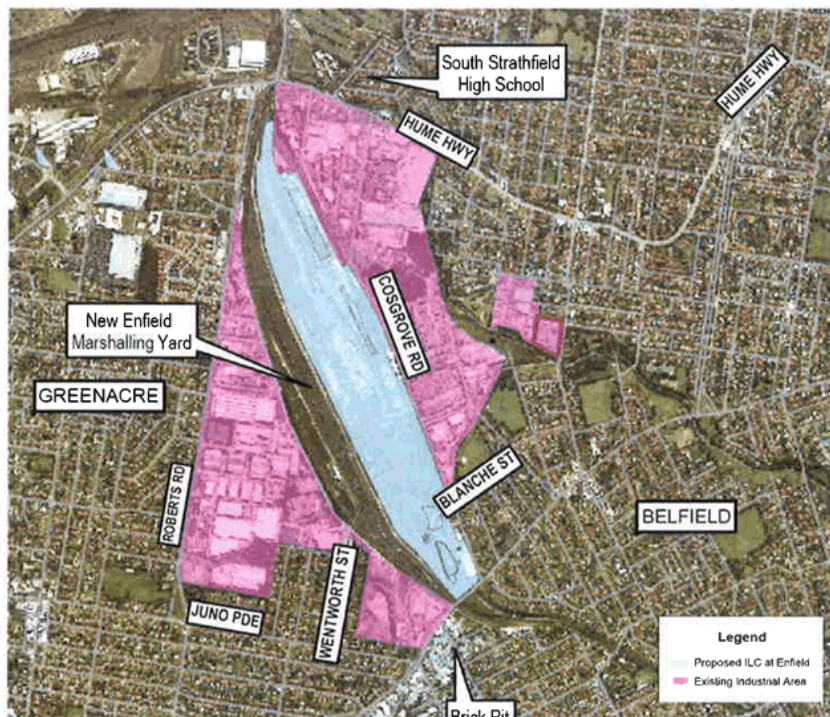
On 15 August 2016, Urbis Pty Ltd, on behalf of Westport Pty Ltd and RJ Green & Lloyd Pty Limited, submitted a request to the Department for a pre-Gateway review of the planning proposal relating to land at 7-23 and 25- 33 Water Street, South Strathfield (Tab E).

The planning proposal (Tab F) seeks to rezone the land and amend the maximum building height and floor space ratio (FSR) controls applicable to 7-23 and 25-33 Water Street, Strathfield South (Figure 1). The site consists of two blocks, split by ownership. Site A is 25-33 Water Street and is owned by RJ Green & Lloyd and Site B is 7-23 Water Street and owned by Westport Pty Ltd.



Figure 1: Site. Source: Planning Proposal

 The Site



**Figure 2: Site and Enfield Intermodal Logistics Centre.**  
 Source Enfield ILC EIS and Strathfield LEP 2012.

The site comprises six lots and has a total area of 18,952.7m<sup>2</sup> (1.9 ha). It is bounded by contiguous industrial land to the west, the Cooks River to the south, low density residential development of one to two storeys along Water Street to the east, low density residential development to the north and residential flat buildings of up to 3 storeys are also located to the north east of the site along Water Street. The site is not located within an identified urban renewal corridor, centre or major redevelopment project, but is located in close proximity to other industrial land and 2km from the Enfield Intermodal Logistics Centre to the south west.

The site is currently used for a variety of industrial purposes, including household trades, distribution centres and vehicle repairs. The adjacent industrial areas are also used for a variety of industrial uses, including a concrete batching plant and warehouse and logistics centre. The nearby industrial area and the Enfield Intermodal Logistics Centre are separated from the subject site by the Cooks River (Figure 2). The Intermodal will involve various light industrial and commercial uses and will provide a key connection to Port Botany.

The site is somewhat isolated from the bulk of Strathfield's industrial and employment lands and access to it is via residential streets. It is also constrained by limited access to major haulage transport routes (which are via the local road network), the low rise small lot fine grain character of the surrounding residential area, exposure to flash flooding, potential contamination from existing and former industrial uses, and presence of large electric tower and overhead power lines and large below ground high pressure oil pipeline adjacent to the site to the south.

The proposal seeks to amend the following controls under the *Strathfield Local Environmental Plan 2012* (Strathfield LEP 2012) for the site (Figure 3):

- rezone the site from zone IN1 General Industrial to R4 High Density Residential;
- amend the Height of Buildings Map from 12 metres to 28 metres; and
- amend the Floor Space Ratio Map from 1:1 to 1.85:1.



Figure 3: Existing and Proposed Controls. Source: Planning Proposal

The proposal will facilitate the redevelopment of the site for residential development comprising approximately 361- 371 apartments across 5 buildings of 3-8 storeys and basement parking for up to 607 cars and landscaping.

The Greater Sydney Commission were briefed on the proposal and raised concerns about the loss of industrial land and unsuitability for high density residential in this location.

In summary, it is considered that the proposal has strategic merit in its delivery of additional and diverse housing for Sydney, at a location that is relatively accessible for residential traffic but constrained for industrial traffic. This is consistent with the housing directions within A Plan for Growing Sydney, draft Central District Plan and Council's local strategy. The Department

considers that the proposal has sufficient strategic merit to warrant its consideration by the Sydney Central Planning Panel.

However, it is recommended that, should the proposal proceed to Gateway, the planning proposal be expanded to include the whole of the Water Street/Dunlop Street Precinct, consistent with Council's Economic Land Use and Employment Strategy (SGS 2010), which recommends that alternative uses for the whole of the precinct be investigated, including land 'pooling' to expand the open space corridor adjacent to the Cooks River, while allowing for comprehensive redevelopment of the current industrial land for R3 Medium Density Residential uses. The investigation should include further work to address inconsistencies with the relevant Section 117 Direction (and subsequently released draft District Plan) in relation to the loss of industrial land, the impact of rezoning the whole of the industrial precinct (versus the proposed partial precinct) on the future operations of the industrial/business precinct and nearby industrial areas including the Enfield Intermodal logistics centre, flooding, contamination, and electromagnetic radiation from nearby high voltage power lines, and visual and amenity issues associated with the increase in development controls in relation to the low density residential surrounds.

#### History of the Planning proposal

In 1998 and 2003, two rezoning applications seeking to rezone the site of 7-23 Water Street from Industrial to Residential were lodged with Council. The Planning proposal states that both were refused due to concerns with the management of land contamination and impacts associated with increasing the maximum building height.

In December 2009, Council resolved to endorse a planning proposal to rezone 7-33 Water Street & 8-10 Dunlop Street from Industrial to Medium Density Residential.

In February 2010, the Department determined not to support the proposal for the following reasons:

- 1. The proposal is premature given the imminent completion of Council's economic and employment land use study. This study will inform Council in relation to the future of employment land throughout the LGA and the importance of retaining Category 1 employment lands to meet Council's employment targets.*
- 2. In the event that the study shows that the rezoning of the subject land is appropriate, Council should consider extending the Planning Proposal to cover all of the industrially zoned land in the South Strathfield Water Street precinct to avoid future land use conflicts.*

Prior to lodging the current planning proposal, the proponent met with Council officers on 19 June 2015. During the meeting, an R3 Medium Density Residential zoning was discussed. However in August 2015 the applicant sought Council officer support on a proposal with a R4 High Density Residential zoning, maximum building height of 28 metres and a FSR of 2:1. Council officers indicated that it was unlikely to support the proposed R4 zoning. The proponent formally lodged the planning proposal with Council on 22 April 2016.

On 19 July 2016 Strathfield Council resolved not to support the proposal. On 8 August 2016, Urbis lodged the planning proposal with the Department for a Pre-Gateway review.

## **2. REQUIREMENTS UNDER SECTION 55 OF THE EP&A ACT**

### **2.1 Objectives and intended outcomes**

The objectives and intended outcomes of the planning proposal are to:

- deliver residential housing in response to the identified need outlined by State and Local planning strategies situated close to facilities and services;
- provide opportunities for improvement to the wider public domain including relocation and replacement of the existing Water Street bus stops adjacent to the site;
- provide a catalyst to further renewal of the Water Street/Dunlop Street Precinct;
- transform an underutilised industrial site into a vibrant residential development; and
- provide a range of dwelling types in close proximity to transport, schools, open space, retail and support services.

## 2.2 Explanation of provisions

The following amendments to the Strathfield LEP 2012 for the site have been requested:

- amend the Land Zoning Map, rezoning the site to R4 High Density Residential;
- amend the Building Height Map to 28 metres in height; and
- amend the Floor Space Ratio Map to apply a maximum FSR of 1.85:1.

No other amendments or site specific controls have been requested.

## 2.3 Mapping

The planning proposal contains sufficient mapping. The mapping clearly demonstrates existing and proposed controls for the site as well as the site in its context.

## 2.4 Community consultation (including agencies to be consulted)

The planning proposal does not propose consultation with other agencies or stakeholders. The views of adjoining industrial operators is of particular relevance as the change in zoning could compromise their future operations through land use conflict and lead to employment losses in the locality.

A community consultation and public exhibition period of 14 or 28 days has been suggested. Should the proposal proceed to gateway, a timeframe for exhibition will be determined by the Gateway.

## 3. VIEWS OF COUNCIL AND AGENCIES

### 3.1 Comments from Strathfield Council

On 19 July 2016, Council resolved not to support the planning proposal for the following reasons (Tab G):

- lack of a comprehensive Flood Study to support the zoning change;
- lack of detail and consultation with external agencies regarding the proposed Voluntary Planning Agreement;
- the proposed maximum height of 28m and maximum Floor Space Ratio of 1.85:1 are excessive considering the context of the site; and
- potential land use conflict between the proposed R4 High Density Residential zoning and neighbouring IN1 General Industrial zoning.

In addition, the Council resolved that the proponent be advised to amend the planning proposal to a maximum height of 12m and maximum FSR of up to 1.2:1, consistent with the established Strathfield LEP 2012 spatial hierarchy and to submit additional information to satisfy the flooding issues and voluntary contributions.

On 31 August 2016, the Department wrote to Council seeking additional comments. Council reiterated that it did not support the planning proposal for the same reasons outlined in its resolution to refuse the proposal (as outlined above) (Tab H).

#### 4. PROPOSAL ASSESSEMENT

##### 4.1 Strategic merit assessment

###### 4.1.1 A Plan for Growing Sydney

In December 2014, the Department released *A Plan for Growing Sydney* (the Plan'), the long term strategic plan for metropolitan Sydney. Under the Plan, the site is located in the Central Subregion. No specific directions or goals apply to the site under the Central Subregion or the Plan. The site is not located in a strategic centre or urban renewal corridor, but is located in close proximity to other industrial land and the Enfield Intermodal Logistics Centre.

The proposal states it is consistent with the following three goals of the Plan:

- Goal 2 - A city of housing choices with homes that meet our needs and lifestyles:
  - the proposal will deliver appropriately located housing to meet Sydney's growth;
  - the proposal will accelerate urban renewal by converting existing underutilised light industrial land to medium density residential within a 35 minute commute to Sydney CBD; and
  - the proposal will deliver a variety of housing options that complement the detached houses that currently characterise the locality, and will include options for both first home buyers and older locals seeking to downsize from larger houses in the area;
- Goal 3 – A great place to live with communities that are strong, healthy and connected:
  - the proposal will contribute to the revitalisation of the Strathfield South residential area; and
  - the proposal will contribute to enhancing and expanding the existing open space network in the immediate area by making improvements to the Cooks River bank, the Cooks River Cycleway and by improving access to these spaces from within the site; and
- Goal 4 – A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources:
  - the proposed naturalisation of the Cooks River bank aligns with this priority. The asset will be enhanced to meet the goals of Sydney Water and Strathfield Council and will provide increased amenity for the local community.

The proposal is considered to be consistent with Goals 2 and 3 as the proposal will deliver additional housing stock and increase housing choice in an area that is in close proximity to established housing, services, jobs and local active and passive recreation areas, and which is somewhat isolated from the bulk of Strathfield's industrial and employment lands and access to it is via residential streets.

The proposal is inconsistent with *Goal 1- A competitive economy with world class services and transport*, as it will reduce the amount of employment land within the Strathfield local government area. It is considered that the impact the rezoning and loss of urban support services may have on the surrounding employment lands requires further assessment.

The proposal does not address the criteria contained in the 'Industrial Lands Strategic Assessment Checklist' (Action 1.9.2 of the Plan). This checklist is to guide any proposed rezoning of industrial lands in order to ensure evidence-based decisions and prevent encroachment on important industrial sites (further discussed at 4.1.3).



#### 4.1.2 State Environmental Planning Policies

The planning proposal is generally consistent with, or can comply at the development application stage, the relevant SEPPs outlined in the proposal.

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

A contamination audit (Tab I) has been provided, which is based on the results of a 2007 site audit report (SAR) and site audit statement (SAS) to support a previous rezoning proposal for several sites in the Water/Dunlop Street precinct, including 7-33 Water Street. The previous proposal was for fourteen two to nine storey residential developments.

The subject site is located on top of a backfilled quarry. The audit notes the 2007 SAR found data was lacking in relation to several aspects however, these were for the most part considered acceptable to manage during remediation or as contingencies after remediation.

The concept design proposes two basement levels within the known footprint of the filled quarry. An analysis of the depth of various basements in respect to the groundwater table has yet to be performed. The audit recommends that:

- a more accurate delineation of the filled quarry boundary and assessment of landfill gas conditions in proximity to this boundary would be required if this depth of basement were to be retained in the area; and
- to be consistent with the previous remediation action plan, the basement depths should be maintained above the level of groundwater table within the footprint of the fill quarry.

It is considered that should the proposal address the above and the recommendations outlined in the audit, the proposal could be considered consistent with the requirements of SEPP 55.

#### 4.1.3 Section 117 Directions

##### *Direction 1.1 Business and Industrial Zones*

The proposal is inconsistent with this Direction as it would reduce the on-going employment generating capacity of the site and reduce floor space currently zoned for industrial purposes.

The proponent has undertaken an Economic Impact Assessment (Tab J) of the planning proposal. This study discusses the implications of the loss of industrial land that would result from the proposal. The proposal states that it will result in an overall loss of only 0.7% of total employment lands supply in the Strathfield local government area and a loss of 71 jobs on the subject site (down from approximately 115 currently). The assessment has not considered whether there would be impacts from the change of use on the neighbouring and nearby industrial operations.

The Greater Sydney Commission's Industrial Precinct Review (Hill PDA, 2015), commissioned to inform District Planning, identified the Water Street precinct as being a mid-scale precinct of "good health". The Review states that, while Sydney's traditional manufacturing operations have moved either offshore or to lower value locations in Western Sydney, there is a growing and evolving demand for industrial areas within inner city and middle ring suburbs of Sydney to serve the needs of the growing local population (i.e. panel beaters, council depots, vehicle repairs and household trades) and strategic centres (i.e. data centres, archives, utilities, concrete batching plants and distribution centres). The study supported the diversification of industrial uses within the precinct.

Strathfield Council has prepared a residential study and economic study (discussed further in 4.1.5) which considered the Water/Dunlop Street industrial area, concluding that residential could be supported subject to further investigation of alternative uses for the precinct and that there is a need for a precinct wide approach to ensure an equitable outcome for landowners.

*Direction 3.1 Residential Zones*

The proposal is generally consistent with this Direction as it would deliver additional housing stock and increase housing choice in an area that is close to existing housing, services, jobs and local active and passive recreation areas.

*Direction 3.4 Integrating Land Use and Transport*

The proposal is generally consistent with this Direction as it would provide additional housing in close proximity to jobs and the site is well serviced by several bus routes.

*Direction 4.3 Flood Prone Land*

The proposal is considered to be inconsistent with this Direction as it has failed to address this direction in adequate detail. Whilst the applicant has included a Flood Impact Assessment (Tag K) and the assessment makes recommendations on how the flood risk can be generally managed, it does not address the proposal's ability to comply with the Floodplain Development Manual 2015, as outlined in the Direction. The issue of flooding is discussed further below (section 4.3.1).

*Direction 7.1 Implementation of the Metropolitan Plan*

The proposal is consistent with the goals and objectives relating to the delivery of additional and diverse housing for Sydney.

However, the proposal is considered to be inconsistent with the directions relating to employment land and the protection of business and industrial zoned land, including land that is currently providing urban support services. The proposal may also impact on the viability of other industrial uses in the immediate and surrounding areas.

It is relevant to note that a planning proposal may be inconsistent with this priority but still be acceptable if it achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

The proposal does not include an assessment against the Industrial Lands Strategic Assessment Checklist, as required in A Plan for Growing Sydney. The Department of Planning and Environment's assessment against the checklist is below.

*1. Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

The proposal is inconsistent with State strategies relating to employment and industrial lands, including land that provides urban support services, as it will result in the reduction of well-located employment land and industrial floor space. The proposal is inconsistent in terms of the staging of Council's Strathfield Residential Land Use Study (November 2011) and Strathfield Economic Land Use and Employment Strategy (June 2010), as both studies recommend further investigation is needed before any development occurs. However, these studies identify the precinct as having potential for future urban development.

It is noted that Council's strategies support the rezoning of the site, in conjunction with the wider Water/Dunlop Street Industrial precinct for low and medium residential purposes, subject to further investigation relating to alternate uses for the site and adequate management of flooding and contamination issues. The local strategies should be carefully considered as part of the proposal as these provide finer grain evidence than the broader plans contained at State or district level.

*2. Is the site:*

- *near or within direct access to key economic infrastructure?*
- *contributing to a significant industry cluster?*

The site is 1.2km to the Enfield Intermodal Logistics Centre (Figure 2). The site is 550m to Liverpool Road/ Hume Highway. The site does not have direct access to the Intermodal.

The site currently forms part of an IN1 General Industrial precinct. It is estimated that the subject site provides 115 jobs. The site is approximately 1.9ha and the precinct covers approximately 5.5ha.

*3. How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?*

The site represents 0.7% of the employment lands within the local government area. The rezoning would not significantly impact upon the industrial land stocks within the region and the ability to meet future demand for industrial land activity.

*4. How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objective?*

As stated above, the site represents a small proportion of employment land available within the local government area. The proposed rezoning would not significantly impact upon the achievement of regional or local government area employment capacity targets and industrial objectives. However, the proposal may have implications for the continued future of the remainder of the Water/Dunlop Street industrial precinct. On this basis the application should consider the entire precinct.

*5. Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future?*

The proposal's main argument for rezoning is centred on the outcomes of Council's Strathfield Economic Land Use and Employment Strategy and Residential Land Use Study. These studies recommend a rezoning of a site, but concluded that further investigation into alternative uses of the site be carried out as well as further investigation to support the conversion of this land for residential purposes. The proposal does not include a discussion of how the site may be used for other industrial or business related purposes.

*6. Is the site critical to meeting the need for land for an alternative purpose?*

The site is not critical to meet any future residential targets or retail/commercial space goals.

#### 4.1.4 Draft Central District Plan

The Draft District Plans were released on 21 November 2016 and the proposal has been assessed against the priorities and actions of the draft Central District Plan.

The proposal is consistent with Liveability Action 3, which aims to increase housing supply and choices by requiring Strathfield Council to implement the following actions:

- monitor and support the delivery of Strathfield's five-year housing target of 3,650 dwellings;
- manage the competing demands for residential and enterprise lands; and
- investigate local opportunities to address demand and diversity in and around local centres and infill areas with a particular focus on transport corridors and other areas with high accessibility.

The proposal is inconsistent with Productivity Action 5, which aims to protect and support employment and urban services land. The draft plan states that a precautionary approach should be taken to the conversion of employment and urban service lands, unless there is a

clear direction in A Plan for Growing Sydney or an alternative strategy endorsed by the relevant planning authority. While the proposal is not consistent with the priorities for the Central Subregion in A Plan for Growing Sydney in relation to loss of employment land (as discussed above), Council's Economic Land Use and Employment Strategy (as further discussed in section 4.1.5) noted support for residential conversion subject to a review of alternative land uses and to a comprehensive approach to redevelopment across the precinct.

The draft plan further notes that employment and urban services zoned land supports activities that are central to Sydney's productivity, sustainability and liveability, and existing industrial, manufacturing, warehousing and distribution industries serve a vital role in supporting the employment network in the Central district.

#### 4.1.5 Local Strategy

Strathfield Council prepared a residential study (November 2011) and an economic study (June 2010) to support the comprehensive Strathfield LEP 2012. Both studies considered the Water/Dunlop Street industrial area should be further investigated for alternative land uses and suggested support for conversion for residential purposes subject to a comprehensive redevelopment approach for the entire precinct and the acceptable management of flooding and contamination issues. Should the planning proposal progress to the Gateway, this would provide an opportunity to undertake these further investigations.

#### Strathfield Residential Land Use Study (JBA November 2011)

Council's Residential Land Use Study identified the Water/Dunlop Street industrial precinct as forming part of the South Strathfield precinct, characterised by a high level of residential amenity and with a low scale residential nature that should be protected. The Water / Dunlop Street industrial area is somewhat isolated from the bulk of Strathfield's industrial and employment lands and access to it is via residential streets. Whilst the precinct is not within walking distance of a rail station, it is serviced by bus access to the station. The Water / Dunlop Streets industrial area was identified as having contamination and flooding issues. The study concluded that further investigation is needed to support the conversion of this land for residential purposes and that this support would be subject to acceptable management of flooding and contamination issues.

#### Strathfield Economic Land Use and Employment Strategy (SGS June 2010)

Council's Economic Land Use and Employment Strategy sought to improve the knowledge of Strathfield's economic base and investigate the issues facing the Strathfield LGA. The Strategy focused on how new jobs could be encouraged through appropriate land use planning and identified tools to protect business and industrial areas. The study identified the need to modernise planning controls to reflect local circumstances and the changing nature of employment. The Water/Dunlop Street precinct was identified as one such site for investigation (Action 6.1 - Consider alternative planning controls for Water Street/Dunlop Street).

The strategy states that "more work is required to investigate alternative uses for the Water Street/Dunlop Street Precinct" and that "there is a need for a precinct wide approach to ensure an equitable outcome for landowners". Alternatives should include land pooling and designation of flood affected land as parkland so as to expand the open space corridor along the Cooks River whilst allowing a comprehensive redevelopment of the precinct. It identified the surrounding residential areas as being negatively affected by the adjacent industrial activities and offered poor residential amenity. The strategy states that "a coordinated redevelopment of the precinct will result in high quality, medium density residential development and improved open space links along the Cooks River." The strategy suggested that it be investigated whether the State Government can contribute towards funding the open space link along the Cooks River.

### Department of Planning and Environment's views on strategic merit

The proposal has demonstrated sufficient strategic merit in line with a Plan for Growing Sydney (Goals 2 and 3) and the draft Central District Plan (Liveability Action 3) to warrant its consideration by the Sydney Central Planning Panel, as it would provide additional housing at a location that is relatively accessible for residential traffic but constrained for industrial traffic. It will also result in an overall loss of only 0.7% of total employment lands supply in the Strathfield local government area.

However, the proposal raises concerns in relation to the draft Central District Plan's productivity priority requiring a precautionary approach to the conversion of employment and urban services land. Council's strategic residential study (2011) and economic study (2010) supports residential redevelopment subject to reviewing alternative uses and to a comprehensive precinct-wide approach. The proposal has not sufficiently addressed the cumulative impact that the loss of this precinct would have on the adjacent and nearby industrial areas, including the Enfield Intermodal Logistic Centre. The proposal is currently considered to be inconsistent with Section 117 Direction 1.1 Business and Industrial Zones as it would result in the reduction of the on-going employment generating capacity of the site and a loss of 71 jobs (down from approximately 115 on the subject site currently). The proposal is currently considered to be inconsistent with Section 117 Direction 4.3 Flood Prone Land as the proposal does not adequately address the flooding issues that are present on site. However, given Council's specific investigations on the suitability of future redevelopment on a precinct wide basis, it is considered that should the proposal be recommended to proceed to the Gateway, these matters could be further investigated in an amended planning proposal that could address the broader Water/Dunlop Street industrial precinct, prior to community consultation.

### 4.2 Site-Specific merit assessment

#### 4.2.1 Existing use of land

The subject site is located at 7-23 and 25-33 Water Street (the site) and forms part of the Water/Dunlop street industrial precinct. At present the site has several industrial buildings which are currently used for low intensity industrial purposes. To the north of the site there are 1-2 storey residential dwellings that are zoned R2 Low Density Residential, to the west there are several industrial properties that are currently used for low intensity industrial purposes, to the east there are a series of 1-2 storey residential dwellings, Ford Park and a 3-storey residential flat building, and to the south there is an electrical transmission tower and power lines and the Cooks River, which includes a walk and cycle way.

The following development controls apply to the site:

Control	Explanation
Zoning	IN1 General Industrial
Building height	12 metres
Floor space ratio	1:1

#### 4.2.2 Proposed use of land

The planning proposal seeks to rezone the site and amend the maximum building height and floor space ratio. The proposal intends that the site is redeveloped for 5 residential flat buildings ranging in height from 4 to 8 storeys. This would provide approximately 361-371 apartments, and 579-607 basement car parking spaces. The final number of apartments and parking spaces would be determined by a future development application, should the proposal proceed.

The planning proposal seeks to amend the development controls for the site to the following:

Control	Explanation
Zoning	R4 High Density Residential
Building height	28 metres
Floor space ratio	1.85:1

As part of Council's resolution to refuse the proposal, the following controls for the site were identified:

Council Alternate Controls	Explanation
Zoning	R3 Medium Density Residential
Building height	11 metres
Floor space ratio	0.9:1 (1.2:1 subject to a supporting Voluntary Planning Agreement)

Council considered that the revised controls were consistent with the SLEP 2012 strategic planning framework and other R3 Medium Density Residential zoned precincts adjacent to the Strathfield South Town Centre and Belfield Local Centre.

### 4.3 Natural Environment

There are no known critical habitats, threatened species or ecological communities within the site which will be affected by the proposal. However, potential site contamination, arising from the previous and existing use of the site for industrial uses are issues that have not adequately been addressed or considered.

#### 4.3.1 Contamination and flooding

The proposal includes a Contamination Report, which is reliant on information that is more than two years old and is for a different proposal ([Tab I](#)). The proposal also contains a Flood Impact Assessment, which states that the site is subject to both local overland flows from the north and mainstream flooding from the Cooks River ([Tab K](#)). The site is vulnerable to flash flooding (the modelled Probable Maximum Flood would peak 1.5 hours after the commencement of rain, but begin to inundate the ground at the site after just 25 minutes). Evacuation of the site is not considered practical and evacuation to higher floor levels is considered to be a safer course of action.

Should the proposal proceed to gateway, it is recommend that a comprehensive flood study, an updated contamination report and consultation with the State Emergency Service be required.

### 4.4 Services and infrastructure

#### 4.4.1 Public Transport

The site has access to several bus routes that provide services to Strathfield Station, which link the site to Parramatta and Sydney CBD. The site is located in close proximity to the Cooks River cycleway.

#### 4.4.2 Traffic and car parking

The planning proposal was submitted with a transport impact assessment, which was undertaken by GTA Consultants. The report has been based off a development consisting of 361 residential apartments, with 579 car spaces. Should the proposal proceed to gateway, it is recommended that the transport impact assessment be updated to reflect the final proposal apartment and car parking spaces configuration.

#### 4.4.3 Infrastructure and Services

As the site has already been developed, the land is already serviced. Given the age of the existing development and the significant uplift proposed, consultation with utility providers would be required to ascertain capacity of existing infrastructure.

#### 4.5 Other relevant matters

##### 4.5.1 Visual Impact / Overshadowing

Shadow diagrams indicate the proposed controls would not have a significant impact on solar access to neighbouring properties. Any shadows generated by the redevelopment fall within the existing shadow footprints created by the current developments. The Council officer's report notes that they consider the potential overshadowing impact on Cooks River Cycleway/Open Space link is excessive.

The Department notes that the site is surrounding by low density residential and industrial uses. The proposed height limit of 28m, allowing up to 8 storey development, is considered to be a significant increase compared to the existing development, with potentially significant visual impacts upon the adjacent residential developments.

##### 4.5.2 Electromagnetic Radiation and Acoustic

The proposal includes an electromagnetic radiation report (Tab L), given the proximity to high voltage power lines. It concludes that a) no habitable rooms should be located within 11 radial metres of the power lines; b) no unreasonable magnetic field will occur beyond 23 radial metres of the power lines; and c) mitigation measures will need to be applied between 11 and 23 radial metres of the power lines to mitigate the otherwise unacceptable magnetic fields, which would affect general electronic and medical equipment.

The proposal also an acoustic assessment (Tab M), which found that, based on the location of the site and the surrounding roadways and land use activities, the project will be able to comply with the relevant noise level criteria using standard single glazing.

#### **Department of Planning and Environment's views on site specific merit**

The Department notes a number of specific merit issues, including the height and scale relationship of the development with the low density residential scale and character of the area, and potential amenity impacts on new residents arising from adjoining industrial operations, flooding, contamination, and electromagnetic radiation from nearby high voltage power lines.

### 5. BACKGROUND SUPPORTING INFORMATION

#### 5.1 Adequacy of existing information

The planning proposal is supported by the following documentation:

- Pre-Gateway Review Application Form, Urbis, August 2016.
- Cover Letter, Urbis, August 2015
- Planning Proposal, 7-33 Water Street, South Strathfield, Urbis, April 2016 (as refused by Council).
- Council's Planning Committee Meeting Agenda and Minutes, July 2016
- Council Notice, July 2016
- Urbis Correspondence with Mayor of Strathfield, July 2016
- Council's pre-lodgement correspondence, July 2015 and September 2015
- Architectural Drawings, Robertson + Marks Architects, January 2016
- Design Report, Robertson+ Marks Architects
- ADG Compliance Table, Urbis
- Urban Design Study, GMU Design, March 2016
- Transport Assessment, GTA Consultants, March 2016
- Flood Impact Assessment, WMA Water, November 2015

- Contamination Assessment, Ramboll Environ, March 2016
- Preliminary Arboriculture Assessment, Tree Consulting by Jo, December 2015
- Economic Assessment, Hill PDA
- Acoustic Assessment, Acoustic Logic, March 2016
- Electromagnetic Radiation Report, EMC Services, March 2016

Is the supporting information provided more than 2 years old? Yes  No

If 'yes', explain/detail currency of information

- The Contamination Audit Report is based on a report undertaken in March 2007. An assessment of its validity is provided in section 4.1.2 of this report.

Is there evidence of agency involvement in the preparation of any supporting information or background studies? Yes  No

**5.2 Requirement for further information**

No further information is required.

**CONCLUSION**

The proposal has demonstrated strategic merit in its delivery of additional and diverse housing for Sydney at a location that is relatively accessible for residential traffic but constrained for industrial traffic. This is consistent with the housing directions within A Plan for Growing Sydney, draft Central District Plan and Council's local strategy. There is sufficient strategic merit for referral to the Sydney Central Planning Panel for independent review.

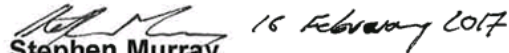
It is recommended that, should the proposal proceed to Gateway, the planning proposal be expanded to include the whole of the Water Street/Dunlop Street Precinct and include investigation of inconsistencies with the relevant Section 117 Directions (and subsequently released draft Central District Plan) in relation to:

- the loss of industrial land and the impact of rezoning the whole of the industrial precinct (versus the proposed partial precinct) on the future operations of the industrial/business precinct and nearby industrial areas including the Enfield Intermodal logistics centre;
- addressing flooding, contamination, and electromagnetic radiation from nearby high voltage power lines, and opportunities for enhancing open space provision and connections with the adjacent Cook River open space network; and
- suitable zoning, scale and density in relation to visual and amenity impacts within the precinct site and on adjoining low density residential uses.

Endorsed by:



**Karen Armstrong** 15/2/17  
 Director, Sydney Region East



**Stephen Murray**  
 Executive Director, Regions



**Marcus Ray**  
 Deputy Secretary  
 Planning Services

14 23/02/2017





**PRE-GATEWAY REVIEW  
ADVICE REPORT**  
SYDNEY CENTRAL PLANNING PANEL

<b>DATE OF ADVICE</b>	Wednesday 5 April 2017
<b>PANEL MEMBERS</b>	Maria Atkinson (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

**PRE-GATEWAY REVIEW**

2017SCI018 – Strathfield - PGR\_2016\_STRAT\_002\_00 at 7-33 Water Street South Strathfield (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

**PANEL CONSIDERATION AND RECOMMENDATION**

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that:

- The planning proposal **should** be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
- The planning proposal **should not** be submitted for a Gateway determination

The decision was 4:1 in favour, against the decision was John Roseth.

**ADVICE AND REASONS FOR THE RECOMMENDATION**

The Panel agrees that there is strategic merit in the proposal.

The Panel has considered the report of the Department of Planning and Environment and Council. The Panel considered the precautionary principle contained in the Draft Central District Plan relating to a concern for the loss of industrial and urban service landuse. However, in this particular case, having regard to the strategic planning work undertaken by Council in respect of the residential needs and employment land strategy, considers that the site and surrounding precinct has strategic merit for rezoning to residential purposes. This consideration is made on the following grounds:

- The current IN-1 land sits within and is accessed exclusively through low-density residential housing and street network.
- The land the subject of the Planning Proposal accounts for only 0.7% of the employment land in the municipality with the whole precinct accounting for 1.3% of local employment land.
- The location of the land adjacent to the Cooks River which Council has been improving with landscaping, cycleway improvements etc.
- The rezoning would allow for increased housing supply to assist housing affordability.

However, the majority of the Panel agrees with the report and conclusion of the Department of Planning and Environment that the subject site should not be rezoned in isolation since the collocation of a residential zone adjacent to the IN-1 zone would be undesirable, contrary to fundamental planning land

use principles and also inconsistent since the proximity of residential to the industrial uses is one of the reasons for the support of the Panel to rezone. In considering the whole precinct, it is necessary for deliberation of the suitability of the whole precinct for residential use having regard to the following studies:






1. Flooding
2. Contamination
3. Traffic
4. Noise and emissions
5. Economic impact on existing neighbouring employment lands including the Enfield Inter Modal Centre
6. Masterplan/urban design analysis

Accordingly, the Panel agrees to forward the Planning Proposal to Gateway and recommends that:

- a) Any rezoning to residential use be for the whole IN-1 precinct of which the site only forms a part
- b) That the existing expert reports attached to the Planning Proposal for sites A and B be augmented to include analysis of the larger precinct having regard to items 1-6 above and the Planning Proposal be amended accordingly
- c) That prior to public exhibition, the adjoining landowners within the precinct be informed in relation to the prospective rezoning of the whole precinct
- d) The augmented reports (b) be available for exhibition.

John Roseth agreed with the majority recommendation that the proposal should proceed to Gateway determination. However, he dissented from the majority in respect of extending the planning proposal to the whole precinct on the ground that it was unreasonable to expect the proponent to prepare studies in relation to land it did not own or have options for and for which no-one was seeking a rezoning. If rezoning the of the whole precinct is desired, it should be a planning proposal by Council.

In John Roseth's view the planning proposal should proceed for the land in respect of which it was made. The information already provided with the proposal is adequate and should be included in the material exhibited.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 John Roseth
 Sue Francis	 Mike Ryan
 Vivienne Albin	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	2017SCL018 – Strathfield - PGR_2016_STRAT_002_00 at 7-33 Water Street South Strathfield
2	<b>LEP TO BE AMENDED</b>	Strathfield Local Environmental Plan 2012
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to rezone the site to R4 Residential, amend the maximum height of buildings to 28m and amend the floor space ratio to 1.85:1.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Pre-Gateway review request documentation</li> <li>• Department Justification Assessment Report</li> </ul>
5	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection &amp; Briefing meeting with Department of Planning and Environment (DPE): Wednesday 5 April 2017 <ul style="list-style-type: none"> <li>○ Panel Members in attendance: Maria Atkinson (Chair), John Roseth, Sue Francis, Mike Ryan, Vivienne Albin</li> <li>○ Department of Planning and Environment (DPE) in attendance: Ella Wilkinson, Martin Cooper, Douglas Cunningham</li> </ul> </li> <li>• Briefing meeting with Council &amp; Proponent: Wednesday 5 April 2017, 12.30 pm <ul style="list-style-type: none"> <li>○ Panel Members in attendance: Maria Atkinson (Chair), John Roseth, Sue Francis, Mike Ryan, Vivienne Albin</li> <li>○ Department of Planning and Environment (DPE) in attendance: Ella Wilkinson, Martin Cooper, Douglas Cunningham</li> <li>○ Council representatives in attendance: Silvio Falato, Joanne Chan</li> <li>○ Representatives on behalf on the proponent: Ryan Macindoe, Ian Cady, Pierre Abrahamse, Michael Romano, Bob Cantley</li> </ul> </li> </ul>

**TO:** Strathfield Local Planning Panel Meeting - 5 April 2018  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** (S8.2) DA2017/157/01- 50 MYRNA ROAD, STRATHFIELD  
LOT 28 IN DP 14613  
**DA NO.** 2017/157/01

## SUMMARY

**Proposal:** Section 8.2 Review- Alterations and additions to a dwelling house involving the conversion of an existing roof on the first floor to a balcony.

**Applicant:** Architects Becerra

**Owner:** S and R Demyane

**Date of lodgement:** 23 January 2018

**Notification period:** 8 February 2018 to 23 February 2018

**Submissions received:** Nil

**Assessment officer:** SB

**Estimated cost of works:** \$5000.00

**Zoning:** R2 - SLEP 2012

**Heritage:** N/A

**Flood affected:** Yes

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

## EXECUTIVE SUMMARY

- 1.0 The current application seeks a review of determination of DA2017/157 pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979*. The application for alterations and additions to a dwelling house involving the conversion of an existing roof on the first floor to a balcony was originally refused by Council's Internal Development and Assessment Panel on 20 December 2017
- 2.0 The subject application was notified from 8 February 2018 to 21 February 2018 in accordance with the requirements of Part L "Public Notification of Development Applications" of the Strathfield Consolidated Development Control Plan 2005. No written submissions were received during the assessment process.
- 3.0 It is recommended that the Development Application be approved subject to the imposition of recommended conditions of consent

The subject application was referred to Council's Internal Development Assessment Panel (IDAP) for consideration on 20 December 2017. The Panel generally supported the Assessing Officer's recommendation and associated conditions, however has recommended that the application be referred to SIHAP for determination.

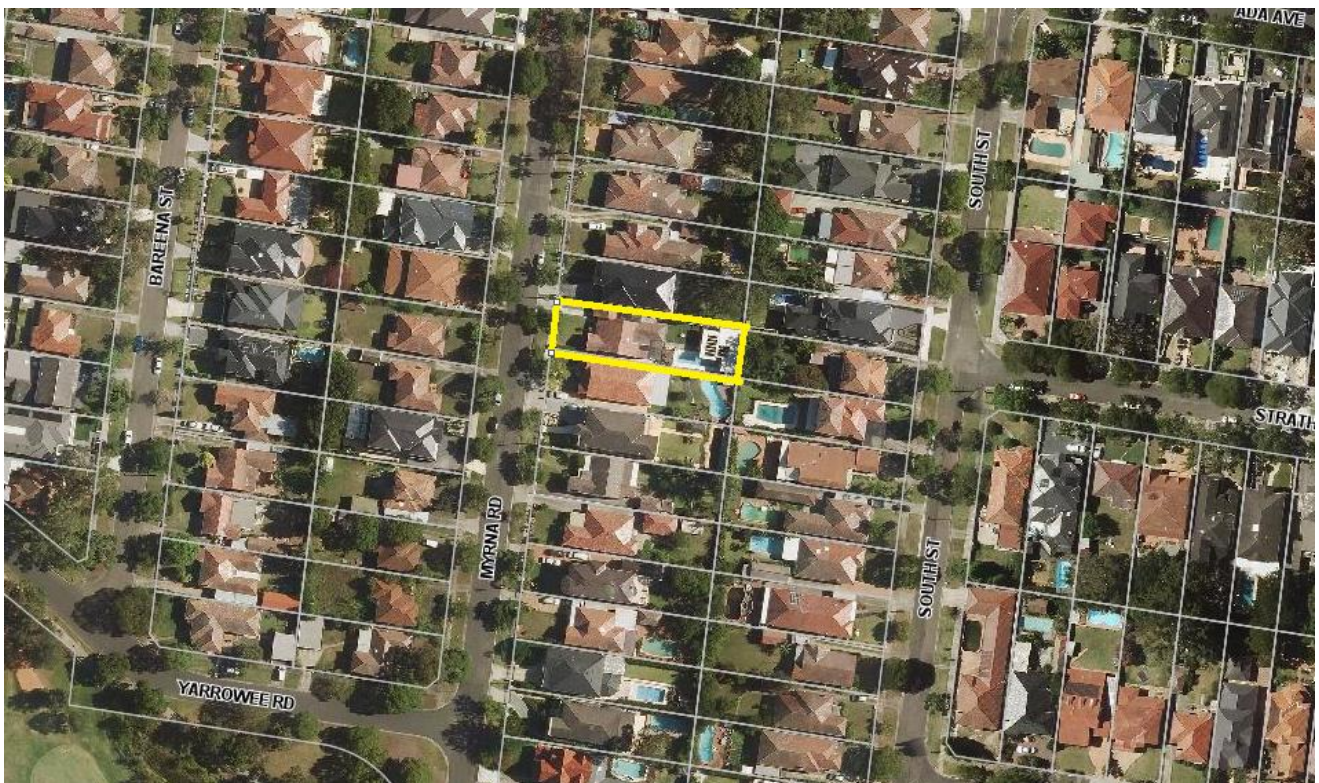
(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)

## BACKGROUND

21 December 2016	Complying Development Certificate issued by Paul Rolfe Consulting Pty Ltd for the demolition of the existing single storey dwelling house with a garage and the construction of a new two (2) storey with garage.
26 October 2017	Subject application lodged.
20 December 2017	The subject application was refused by Council's Internal Development Assessment Panel.
23 January 2018	Section 8.2 Review of the determination was lodged.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the eastern side of Myrna Road with a rectangular shaped allotment featuring a 13.715m frontage to Myrna Road with a total site area of 727.2m<sup>2</sup> (shown in Figure 1). The site is currently occupied by a two (2) storey dwelling house under construction, an outbuilding with deck and in-ground swimming pool (shown in Figure 2). Development in the surrounding streetscape is varied with a mixture of old and new housing stock with exposed facebrick and rendered masonry exterior walls.



**Figure 1:** Aerial view of the subject site (as outlined in yellow) and surrounding residential properties.

(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
 Lot 28 in DP 14613 (Cont'd)



**Figure 2:** Streetscape view of subject site and dwelling under construction from Myrna Road

## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval to convert the roof on the first floor into a balcony located at the rear of the approved two (2) storey dwelling house (Complying Development certificate No. CD16.08.2014/01). The balcony is proposed to be fitted with a 1m wide planter box with a 2m high privacy screens along the northern and southern side elevations.

## REFERRALS

### INTERNAL REFERRALS

No referrals were required with the application.

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

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

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

- (i) any environmental planning instrument**

(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)

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

The value of works is less than \$50,000 and as a result there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

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

**Comments:** The proposed development contributes to the private open space of the dwelling and is a feature consistently found amongst residential dwellings in the Strathfield locality.

### Permissibility

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

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

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

The proposed development for the purpose of alteration of a roof into a rear balcony to a dwelling is permissible within the R2 Zone and is consistent with the definition above.

### Zone Objectives

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

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

(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)

**Comments:**

- The proposed development involves the construction of a balcony as part of a dwelling house which provides for the housing needs of the community in a low density setting.

**Part 6: Local Provisions**

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

**6.3 Flood planning**

The subject site is identified as being affected in the 1 in 100 year flood event. Given that the proposed development is a balcony, it will not impact upon flood waters, therefore no further assessment against Clause 6.3 of the *SLEP 2012* is required.

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

The Draft Part A of the Strathfield Consolidated Development Control Plan 2005 is currently under exhibition. There are no inconsistencies between the current and draft revision of the SCDCP 2005 in regards to the proposed development.

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

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

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

**PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

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

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

**Comments:**



**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
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- The proposed development is of an appropriate scale, keeping within the building footprint of the existing dwelling so as not to be visible from the streetscape.
- The proposed privacy screens and planter box provide screening to avoid direct overlooking opportunities to the adjacent dwelling houses.
- The proposed balcony will have minimal impact on the solar access of surrounding properties.

**Privacy**

<b>Cl. 14.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Maintain reasonable sharing of views from public places and living areas</i>	<b>Yes</b>
<b>B.</b>	<i>Ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	<b>Yes</b>
<b>C.</b>	<i>Ensure that canopy trees take priority over views</i>	<b>Yes</b>
<b>D.</b>	<i>Ensure that the placement of balconies does not adversely impact on the visual privacy of adjoining properties</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>14.3.1</b>	<i>Views and view sharing</i>	(1) <i>Buildings shall maintain views where possible from surrounding and nearby properties and those available to the public from nearby public domain areas</i> (2) <i>Established building lines are to be maintained to preserve view sharing</i>	<b>Yes</b>
<b>14.3.2</b>	<i>Visual privacy</i>	<i>Private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by:</i> (1) <i>arranging the layout of a building so as to reduce opportunities for overlooking;</i> (2) <i>the use of fixed screening devices;</i> (3) <i>the separation of buildings;</i> (4) <i>the considered placement of windows and openings;</i> (5) <i>appropriate evergreen screen plants and trees; and</i> (6) <i>ensuring finished floor levels are not excessively elevated above NGL</i>	<b>Yes</b>
<b>14.3.4</b>	<i>Balconies and screening</i>	(1) <i>Upper storey balconies are not permitted on side boundaries, except where facing the secondary frontage of a corner lot, and provided other setback controls can be achieved</i> (2) <i>Elevated decks, verandahs and balconies shall incorporate privacy screens where necessary and shall be located at the front or rear of the building only</i> (3) <i>Small upper floor rear balconies measuring no more than 1m in depth by 2m in length may be permitted where an applicant can demonstrate that the balcony would not unreasonably impact upon the privacy of adjoining premises (including buildings and outdoor spaces)</i> (4) <i>Second storey balconies extending for the full width of the front façade are not permitted</i>	<b>Yes</b>
<b>14.3.5</b>	<i>Acoustic privacy</i>	(1) <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and recreation areas and the like</i> (2) <i>Double glazing, laminated glass, vibration-reducing footings or other materials, should be considered to minimise the effects of noise and/or vibrations</i> (3) <i>Suitable acoustic screen barriers or other noise mitigation measures may be required where physical separation is not able to be achieved</i>	<b>Yes</b>

(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
 Lot 28 in DP 14613 (Cont'd)

**Comments:**

- As a result of the review, amended plans were submitted to ensure compliance with Section 14.3.2 and 14.3.4 of the SCDCP 2005 through the placement of minimum 2m privacy screens to mitigate any potential direct overlooking opportunities into the adjoining properties. Specifically, the placement of the privacy screens on either side of the balcony will assist in restricting indirect overlooking specifically into the first floor windows of the northern adjoining dwelling house and the in-ground swimming pool of the southern adjoining dwelling house.
- Whilst the proposal complies with Section 14.3.4 of Part A of the SCDCP 2005, the windows/sliding doors either side of the proposed balcony provide opportunities to access the 'non-trafficable area'. As such, a condition of consent is recommended to ensure the roof area is of a material which is non-trafficable. This is to ensure that the amenity of adjoining residents is not adversely impacted upon.

**Water and Soil Management**

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>16.3.1</b>	<i>Onsite water management and stormwater control</i>	1) <i>Developments shall comply with Council's Stormwater Management Code</i> 2) <i>On site detention devices may be required to assist in the management of stormwater on site.</i>	<b>Yes</b>
<b>16.3.2</b>	<i>Acid sulfate soils</i>	<i>Development is to ensure that sites with potential to contain acid sulfate soils are managed in a manner consistent with the provisions contained in Strathfield Draft LEP 2008 and the relevant standards and guidelines</i>	<b>Yes</b>
<b>16.3.3</b>	<i>Flood prone areas and through site drainage</i>	(1) <i>Flood affected properties must comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas and Through Site Drainage)</i> (2) <i>Where a site is subject to flooding applicants should seek written advice from Councils Planning &amp; Environment section in relation to minimum habitable floor height for the site</i> (3) <i>In areas subject to major overland flow from adjoining properties, applicants are required to engage a suitably qualified hydraulics engineer and lodge a drainage/flood report prepared by a hydraulics engineer</i> (4) <i>Applicants must comply with Council's Stormwater</i>	<b>Yes</b>

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

		<i>Management Code with regard to drainage and stormwater detention matters. Full details and plans of the stormwater system are to be submitted for approval as part of the development application</i>	
<b>16.3.3</b>	<i>Flood prone areas and through site drainage</i>	<ol style="list-style-type: none"> <li>(1) <i>Flood affected properties must comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas and Through Site Drainage)</i></li> <li>(2) <i>Where a site is subject to flooding applicants should seek written advice from Councils Planning &amp; Environment section in relation to minimum habitable floor height for the site</i></li> <li>(3) <i>In areas subject to major overland flow from adjoining properties, applicants are required to engage a suitably qualified hydraulics engineer and lodge a drainage/flood report prepared by a hydraulics engineer</i></li> <li>(4) <i>Applicants must comply with Council's Stormwater Management Code with regard to drainage and stormwater detention matters. Full details and plans of the stormwater system are to be submitted for approval as part of the development application</i></li> </ol>	<b>Yes</b>
<b>16.3.4</b>	<i>• Soil erosion and sediment control</i>	<ol style="list-style-type: none"> <li>(1) <i>Appropriate soil erosion and sediment control measures must be detailed in the development application and implemented prior to the commencement of work.</i></li> <li>(2) <i>The following sediment control measures are recommended:</i> <ol style="list-style-type: none"> <li>a) <i>perimeter bank and channels;</i></li> <li>b) <i>turf filter strips;</i></li> <li>c) <i>sediment fences;</i></li> <li>d) <i>sediment traps; and</i></li> <li>e) <i>roof guttering.</i></li> </ol> </li> <li>(3) <i>Applicants may be required to provide plans showing stormwater quality treatment techniques to prevent sediments and polluted waters from discharging from the site during the construction phase. Such plans will show temporary measures designed in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual.</i></li> </ol>	<b>Yes</b>

**Comments:**

- The proposed development will utilise the stormwater drainage system of the dwelling house currently under construction. Nonetheless, appropriate stormwater conditions have been recommended to ensure compliance with Council's Stormwater Management Code.

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

The development application was not accompanied by a Waste Management Plan. However, as it is unlikely that the construction of the balcony will generate a significant amount of waste, a condition of consent requiring a Waste Management Plan to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate has been recommended.

**4.15(1)(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*.

(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)

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

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

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

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

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

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

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

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. As previously stated, whilst the subject site is identified as being flood affected the nature of the proposed development being a balcony does not warrant any flood design requirements.

**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**

**Rear Balcony**

The proposal seeks to convert the roof on the first floor at the rear of the dwelling house (currently under construction). The proposal has been amended as part of the review process to comply with Section 14.3.4 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed balcony seeks to restrict the potential for direct overlooking opportunities into adjoining properties through the placement of a 1m wide planter box and 2m high privacy screens to the northern and southern side of the balcony as purported in the north and south elevations.

Whilst the proposal complies with Section 14.3.4 of Part A of the SCDCP 2005, the windows/sliding doors either side of the proposed balcony provide opportunities to access the 'non-trafficable area'. As such, a condition of consent is recommended to ensure the roof area is of a material which is non-trafficable. This is to ensure that the amenity of adjoining residents is not adversely impacted upon.

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

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Lot 28 in DP 14613 (Cont'd)

The proposed development is considered to be suitable to the site and is unlikely to compromise the amenity of the adjoining properties through the installation of a roofing material which is non-trafficable as recommended as a condition of consent.

#### **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 8 February 2018 to **21 February 2018**. No written submissions were received.

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

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

### **SECTION 7.11 CONTRIBUTIONS**

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
- or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

### **STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN**

Section 7.11 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as the cost of works are less than \$100,000.00

### **CONCLUSION**

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

### **RECOMMENDATION**

That Development Application No. 2017/157/01 for the alterations and additions to a dwelling house involving the conversion of an existing roof on the first floor into a balcony at 50 Myrna Road, Strathfield be **APPROVED**, subject to the following conditions:

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

1. **NON-TRAFFICABLE ROOFING MATERIAL**

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

No permanent structures or furniture shall be erected on the roof area adjacent to the approved balcony, and the roof area outside of the balcony area shall be non-trafficable. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: To preserve the amenity of adjoining residences and the public domain.)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/157:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A100	Site Plan	Architects Becerra	Revision C 18 January 2018	22 January 2018
A102	Level 1 Floor Plans	Architects Becerra	Revision C 18 January 2018	22 January 2018
A103	Elevations	Architects Becerra	Revision C 18 January 2018	22 January 2018

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

**3. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

**5. MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)**

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity.)

**6. 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.)

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

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

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

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

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

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

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

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)****9. 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).



**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

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.)

**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.)

**11. 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 PRIOR TO THE COMMENCEMENT OF WORKS (CW)**

**12. 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

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

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

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

**(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)**

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

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

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

**16. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

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

(Reason: Maintenance and environment.)

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

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

(Reason: Adequate stormwater management.)

**ATTACHMENTS**

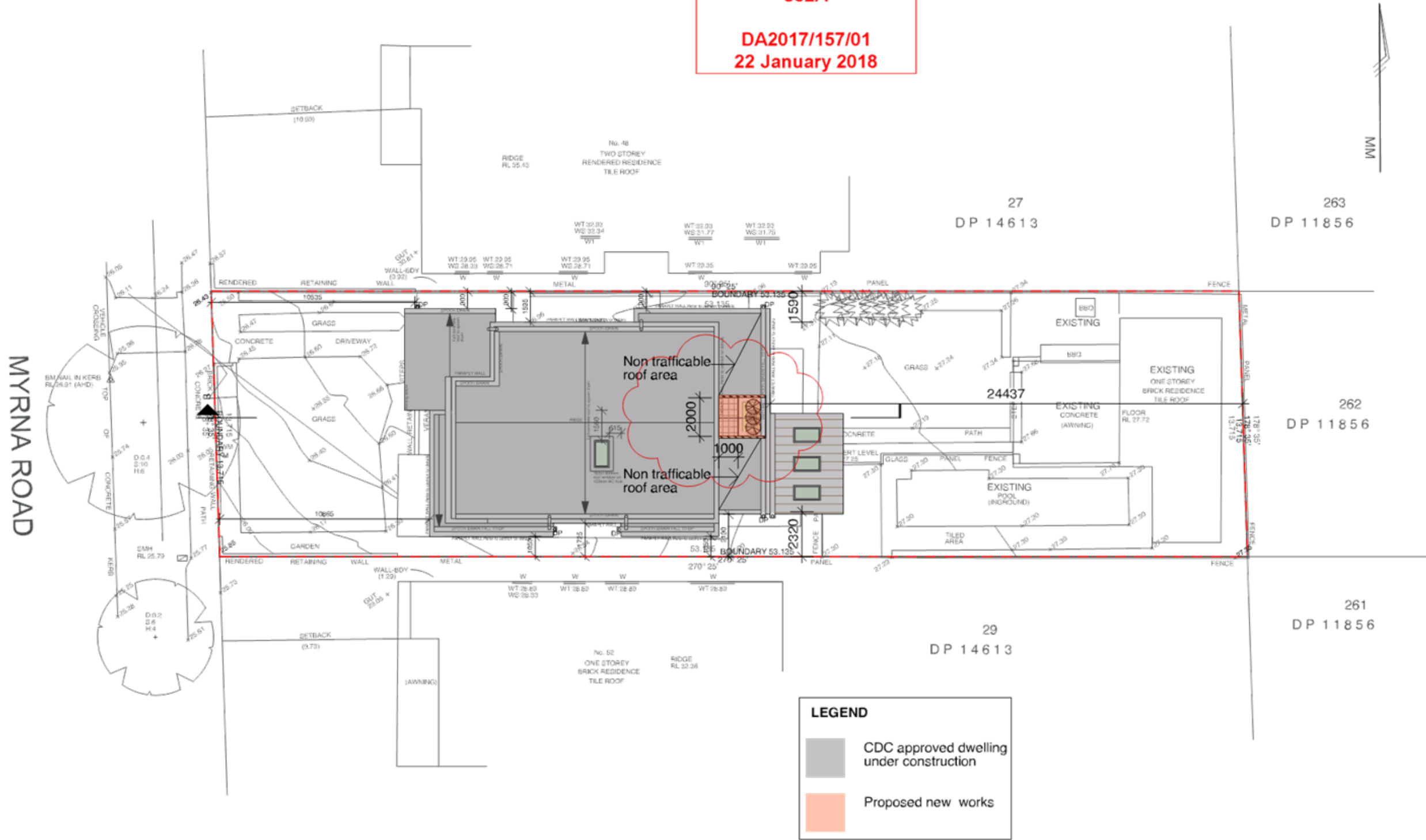
(S8.2) DA2017/157/01- 50 Myrna Road, Strathfield  
Lot 28 in DP 14613 (Cont'd)

1. [↓](#) Architectural Plans

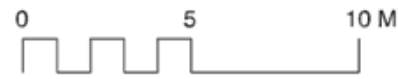
**STRATHFIELD COUNCIL  
RECEIVED**

**s82A**

**DA2017/157/01  
22 January 2018**



C	Amended & issued for a s82A review	PB	18/1/18
B	Balcony reduced for s82A review	PB	8/1/18
A	DA for new level 1 balcony	PB	19/10/17
Revision	Amendment	Rv	Date



**Architects**  
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Registered Architect 5387  
ABN 87 123 916 807

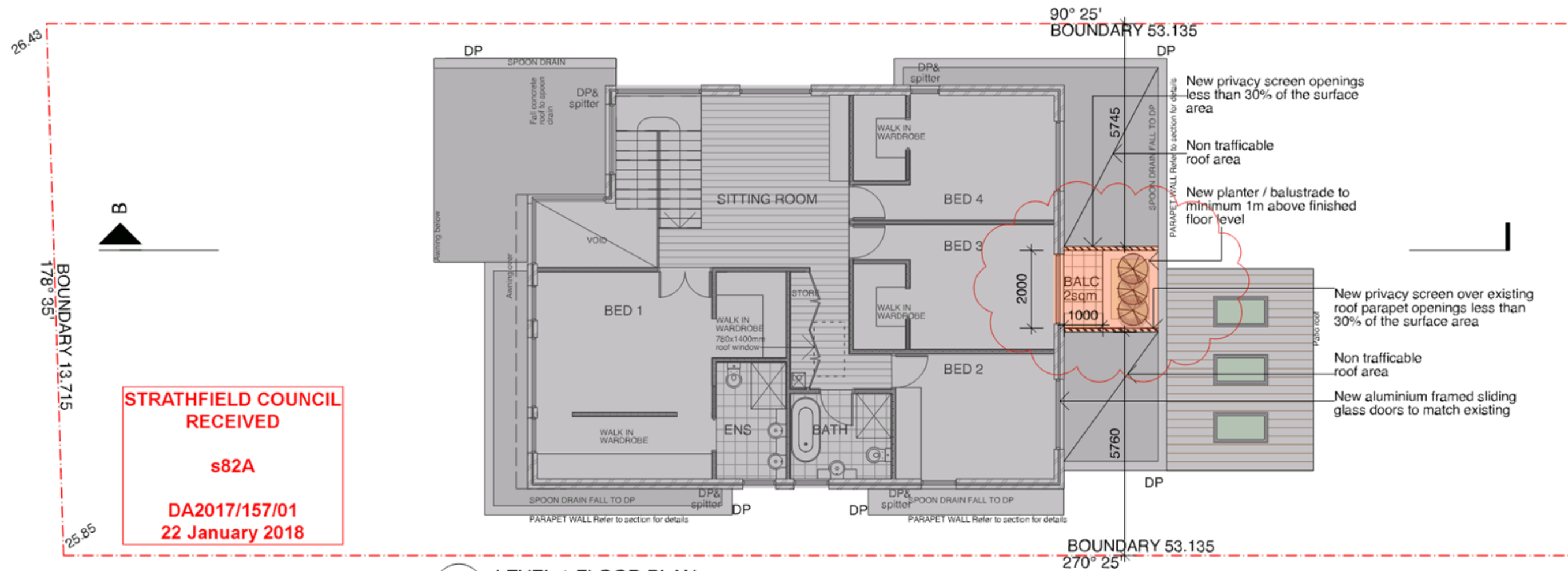
Project	New balcony to exist. residence 50 Myrna Road Strathfield	Drawn By	PB	Dwg Date:	March 14	Project No.	1406
Client	Mr & Mrs Demyane	Checked By		Scale	1:100@A3	Drwng No.	A100
Title	Site plan					Rev	C

**LEGEND**

- CDC approved dwelling under construction
- Proposed new balcony

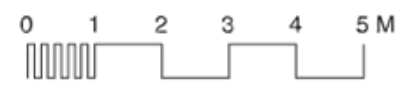


2 SECTION B



1 LEVEL 1 FLOOR PLAN

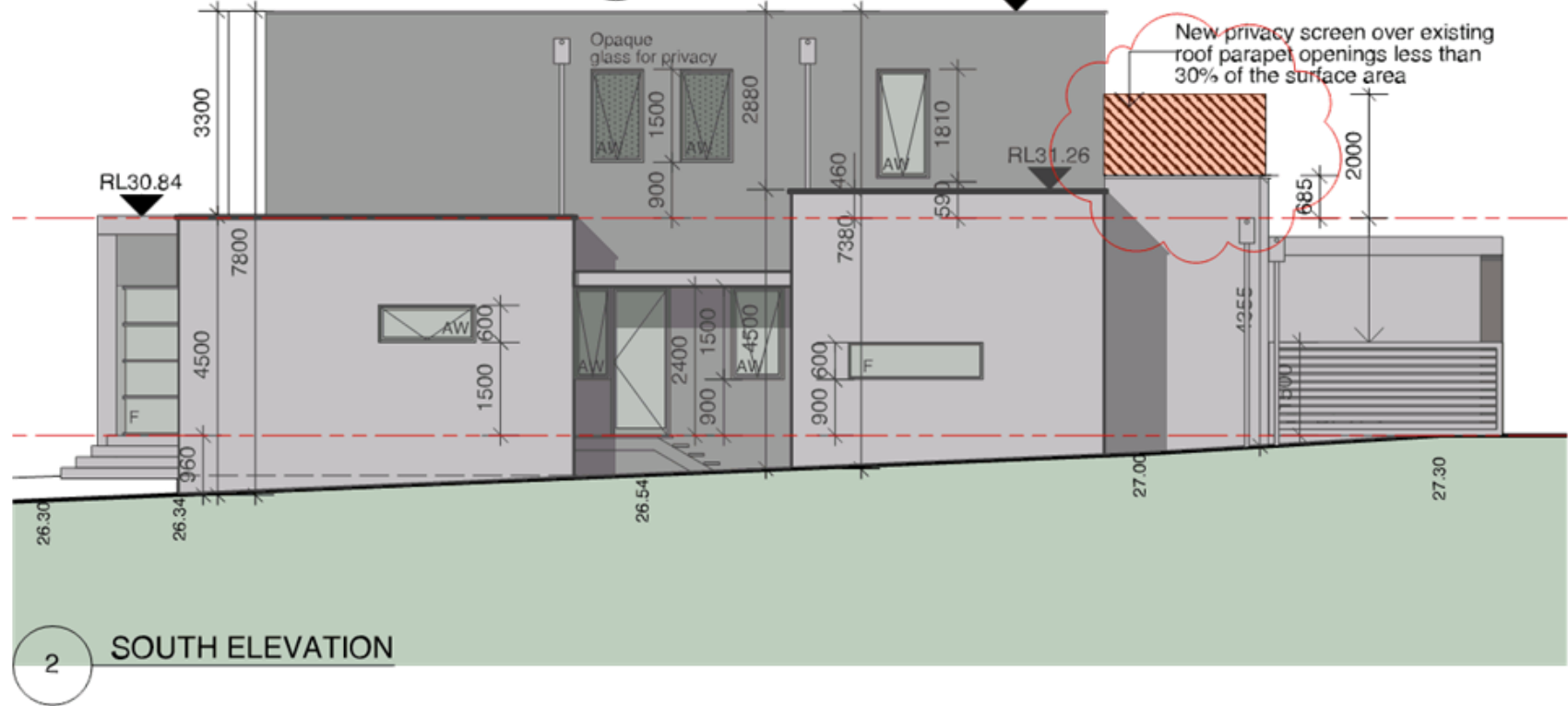
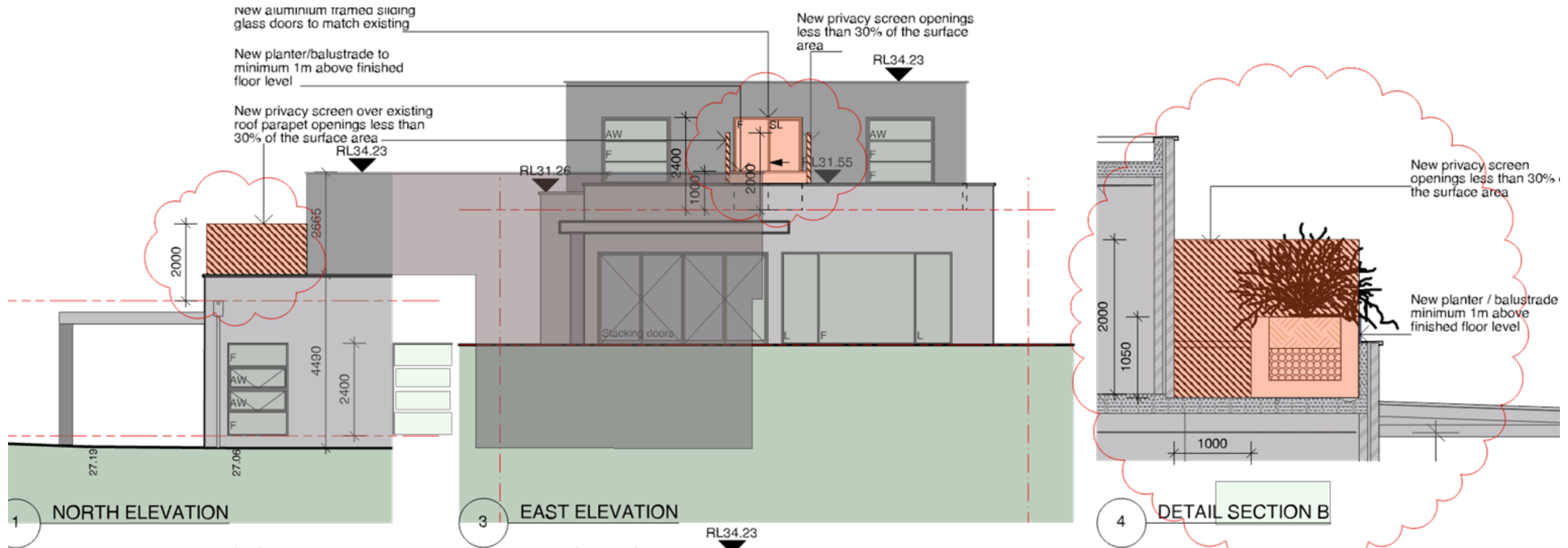
C	Amended & issued for a S82A review	PB	18/1/18
B	Balcony reduced for S82A review	PB	8/1/18
A	DA for new balcony	PB	19/10/17



**Architects**  
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Registered Architect 5387  
ARN 87 125 918 A07

Project	New balcony to exist. residence 50 Myrna Road Strathfield	Drawn By	PB	Dwg Date:	March 14	Project No.	1406
Client	Mr & Mrs Demyane	Checked By		Scale	1:100@A3	Drawing No.	A102
Title	Level 1 floor plan					Rev	C



**STRATHFIELD COUNCIL  
RECEIVED**

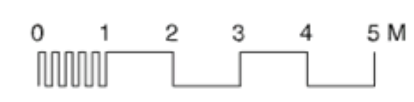
**s82A**

**DA2017/157/01  
22 January 2018**

**LEGEND**

	CDC approved dwelling under construction
	Proposed new works

Revision	Amendment	By	Date
C	Amended & issued for a s82A review	PB	18/1/18
B	Balcony reduced for s82A review	PB	8/1/18
A	DA for new balcony	PB	10/10/17



**Architects  
Becerra**

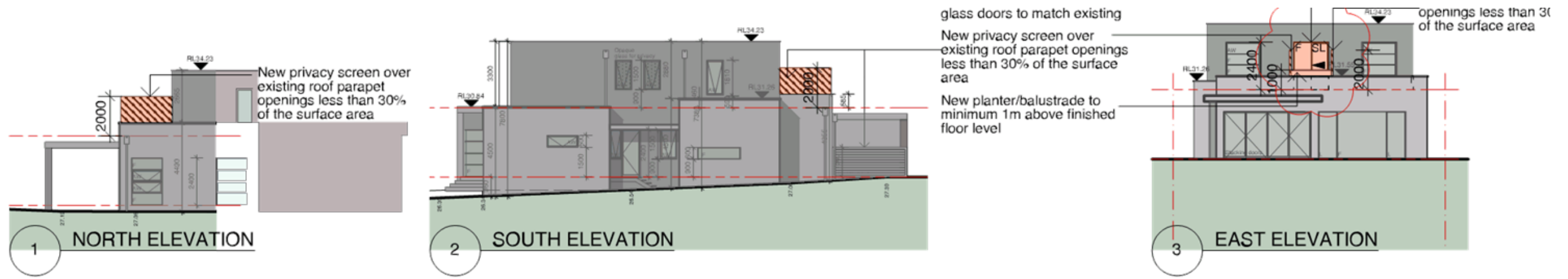
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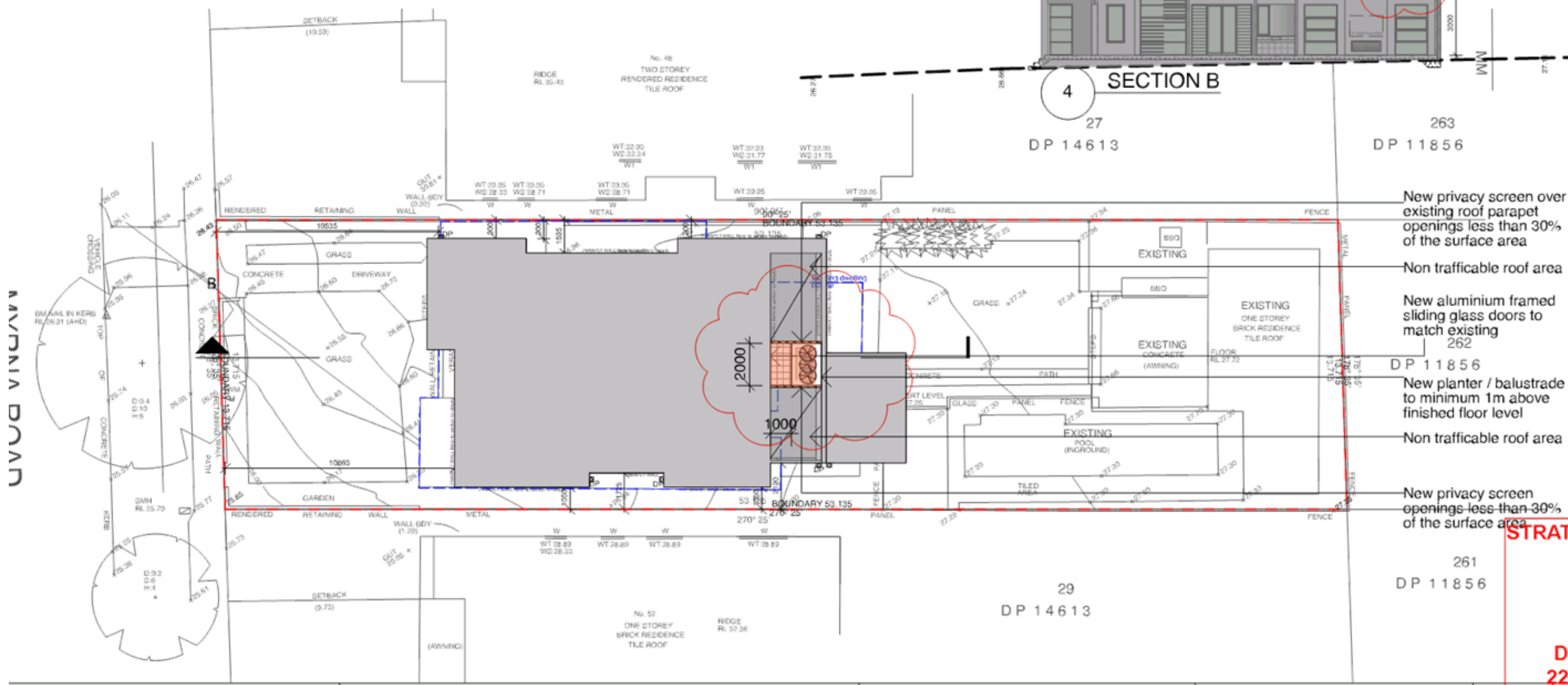
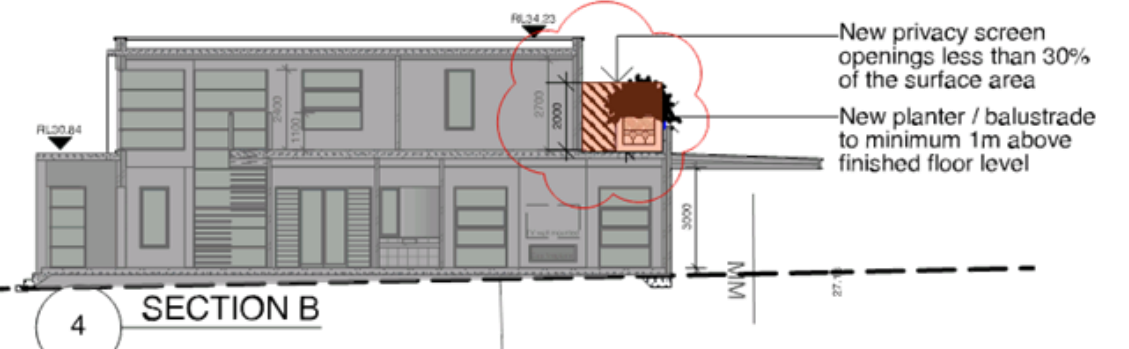
Project	New balcony to exist. residence 50 Myrna Road Strathfield	Drawn By	PB	Dwg Date:	March 14	Project No.	1406
Client	Mr & Mrs Demyane Elevations	Checked By		Scale	1:100@A3	Drawing No.	A103
Title						Rev	C





**LEGEND**

- CDC approved dwelling under construction
- Proposed new balcony



**STRATHFIELD COUNCIL RECEIVED**

**s82A**

**DA2017/157/01**  
**22 January 2018**

<p>C Amended &amp; issued for a s82A review                  B Balcony reduced for s82A review                  A Balcony to level 1 added                  Revisions Amendment</p>	<p>PB 18/1/18                  PB 8/1/18                  PB 23/10/17                  Ru Date</p>	<p>0 5 10 M</p>		<p><b>Architects</b> <b>ecerra</b></p> <p>The Grace Building                  601, 1 Layton Street                  Camperdown NSW 2050                  Cnr Pymont Bridge Road &amp; Market Street</p> <p>t 02 9557 2288                  f 02 9557 2287                  www.archb.com.au</p> <p>Registered Architect 5387                  ABN 87 123 916 807</p>	<p>Project <b>New residence</b>  <b>50 Myrna Road Strathfield</b></p> <p>Client <b>Mr &amp; Mrs Demyane</b></p> <p>Title <b>Notification plan</b></p>	<p>Drawn By <b>PB</b></p> <p>Checked By</p> <p>Scale <b>1:200@A3</b></p>	<p>Dwg Date <b>Oct 17</b></p> <p>Project No. <b>1406</b></p> <p>Drawing No. <b>A104</b></p> <p>Rev <b>C</b></p>
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**TO:** Strathfield Local Planning Panel Meeting - 5 April 2018  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2017/158 - 47 BARKER ROAD, STRATHFIELD  
LOT 146 DP 12405  
**DA NO.** DA2017/158

## **SUMMARY**

**Proposal:** Demolition of existing structures and construction of a two (2) storey dwelling with basement parking, swimming pool and front fence.

**Applicant:** Morrison Homes

**Owner:** Kandasamy Dhanapalan

**Date of lodgement:** 26 October 2017

**Notification period:** 2 November 2017 to 15 November 2017

**Submissions received:** 1

**Assessment officer:** KL

**Estimated cost of works:** \$1,739,027.95

**Zoning:** R2 Low Density Residential - SLEP 2012

**Heritage:** N/A

**Flood affected:** No

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

## **EXECUTIVE SUMMARY**

- 1.0 Approval is sought for the demolition of existing structures and construction of a new two (2) storey dwelling house with basement parking, swimming pool and front fence.
- 2.0 The application was notified in accordance with Part L of the SCDCP 2005 from 8 August 2017 to 21 August 2017. One (1) written submission was received. Concerns raised were in relation to potential asbestos and pool fence compliance.
- 3.0 The proposed development generally complies with the relevant statutory controls.
- 4.0 It is recommended that the Development Application be approved subject to recommended conditions of consent.

## **BACKGROUND**

24 January 2018 - The proposed development application was brought forward to Internal Development Assessment Panel was recommended for review on Strathfield Independent Hearing Assessment Panel Meeting (SIHAP).

1 February 2018 – Strathfield Independent Hearing and Assessment Panel Meeting held on 1 February 2018 deferred the proposed Development Application for the following reasons:

1. *Amendment of roof form to introduce a pitch which is sympathetic to the streetscape.*

**DA2017/158 - 47 Barker Road, Strathfield  
Lot 146 DP 12405 (Cont'd)**

2. *Amendment of the materials to include face brickwork and composite timber cladding (not to be painted) and delete areas of light coloured render to be more responsive to the streetscape.*
3. *Amendment of the front elevation to simplify the composition and reduce the number of elements.*
4. *Redesign the front fence to delete render and include masonry piers*
5. *Redesign of the east and west elevations to introduce greater articulation.*

16 March 2018 – The applicant provided the additional information and amended plans as requested to address the deferred matters.

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

The subject site is legally described as Lot 146 DP 12405 and is commonly known as 47 Barker Road, Strathfield. The site is located on the northern side of street and has an area of 708m<sup>2</sup>.

The locality is characterised by a mixture of single and two storey dwellings that are predominantly brick buildings with tiled roofing.

The streetscape is currently under a state of transition with two (2) storey dwellings being the predominant dwelling type in the streetscape. There is also a growing emergence of more contemporary-style dwellings in the streetscape including the dwelling immediately west of the subject site.



**Figure 1: Locality plan**

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## PROPERTY BURDENS AND CONSTRAINTS

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

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of existing structures and construction of a two (2) storey dwelling with basement parking, swimming pool and front fence.

The specific elements of the proposal are:

Basement level:

- Parking and Gym

Ground floor level:

- Guest Room, Study Room, Kitchen, Family Room, Dining Room and Media Room

First floor level:

- 4 Bedrooms, 3 Bathrooms, Upper lounge room and a Study Nook

External works:

- Swimming Pool

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

Council's Engineer has commented on the proposal as follows:

*The subject site has a natural fall to the front and disposal by means of gravity is attainable, hence enabling the applicant to submit a compliant design. The rising main from the pump out pit connects to the boundary pit.*

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

#### Landscaping Comments

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

## SECTION 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 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

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

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

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

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

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

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

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

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

**Comments:** The existing streetscape comprises of a mixture of exposed facebrick and rendered masonry single and two (2) storey dwelling with pitched and flat roof forms. The proposed development provides an appropriate level of articulation throughout the front and side elevations, creating a compatible bulk and scale.

**Permissibility**

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

The construction of a two (2) storey dwelling is permissible within the R2 Low Density Residential Zone with consent and is defined under the SLEP 2012 as follows:

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

The proposed development for the purpose of a two (2) storey dwelling is consistent with the definition above and is permissible within the R2 Low Density Residential Zone with consent.

**Zone Objectives**

An assessment of the proposal against the objectives of the R2 Low Density Residential Zone is 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 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 comprises of a two (2) storey dwelling achieving the above objectives of the R2 Low Density Residential Zone.

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#### Part 4: Principal development standards

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

##### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.05m	Yes

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

##### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.57:1 (407.2m <sup>2</sup> )	0.53:1 (375.4m <sup>2</sup> )	Yes

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

#### Part 5: Miscellaneous Provisions

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

##### 5.9 Preservation of trees or vegetation

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

#### Part 6: Local Provisions

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

##### 6.4 Essential services

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

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drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

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

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

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

**PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

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

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

**Comments:**

- The proposal seeks to construct a new two (2) storey dwelling with rendered exterior walls utilising earthy tones which are consistent with the dwellings within the immediate streetscape.
- The bulk and scale of the dwelling is appropriate to those within the surrounding streetscape.
- The proposed development will result in an acceptable level of solar access to the adjoining properties.

**Streetscape**

<b>Cl. 3.2 Objectives</b>	<b>Complies</b>
<b>A.</b> <i>Ensure that development respects the height, scale, character, materials and architectural qualities of the surrounding neighbourhood, including any adjoining or nearby heritage item or heritage conservation area</i>	<b>Yes</b>
<b>B.</b> <i>Protect and retain the amenity of adjoining properties</i>	<b>Yes</b>
<b>C.</b> <i>Discourage the use of non-responsive streetscape elements</i>	<b>Yes</b>
<b>D.</b> <i>Ensure that each new dwelling, addition or alteration respects the predominant height, bulk and scale of existing residential development in the immediate vicinity</i>	<b>Yes</b>
<b>E.</b> <i>Ensure that the dominant building rhythm of the streetscape is reflected in the</i>	<b>Yes</b>



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<i>building design in terms of the spacing and proportion of the built elements</i>		
<b>F.</b>	<i>Retain a feeling of openness and space between built elements by maintaining landscaped setbacks</i>	<b>Yes</b>
<b>G.</b>	<i>Ensure that new dwellings have facades, which define, address, and enhance the public domain</i>	<b>Yes</b>
<b>H.</b>	<i>Preserve the appearance of dwellings set in the tree lined streets and park-like environment</i>	<b>Yes</b>
<b>I.</b>	<i>Achieve quality architecture in new development through the appropriate composition and articulation of building elements</i>	<b>Yes</b>
<b>J.</b>	<i>Encourage building materials, colours and finishes that are sympathetic to the materials and finishes of surrounding buildings and can be integrated into the overall building form</i>	<b>Yes</b>
<b>K.</b>	<i>To ensure fencing is sympathetic to the design of the dwelling and enhances the character of both the individual house and street</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>3.3.1</b>	<i>Neighbourhood character and amenity</i>	<ul style="list-style-type: none"> <li>(1) <i>New dwellings positioned and oriented to address the street frontage and complement the existing pattern of development in the street</i></li> <li>(2) <i>Consistently occurring positive building façade features within existing streetscape incorporated into the dwelling design</i></li> </ul>	<b>Yes</b>
<b>3.3.2</b>	<i>Scale, massing and rhythm</i>	<ul style="list-style-type: none"> <li>(1) <i>Overall scale, massing, bulk and layout to complement existing streetscape</i></li> <li>(2) <i>New buildings, alterations and additions shall reflect dominant building rhythm in the street</i></li> </ul>	<b>Yes</b>
<b>3.3.3</b>	<i>Street edge and garden setting</i>	<ul style="list-style-type: none"> <li>(1) <i>Retain existing trees within the front setback</i></li> <li>(2) <i>At least two (2) canopy trees within the front setback with minimum mature height of 10m</i></li> <li>(3) <i>Driveway location must not necessitate the removal of any street tree</i></li> <li>(4) <i>At least 50% of the front setback area must comprise deep soil landscaping</i></li> </ul>	<b>Yes</b>
<b>3.3.4</b>	<i>Materials, colours, roof forms and architectural detailing</i>	<ul style="list-style-type: none"> <li>(1) <i>Roof design to be similar in pitch, materials and colour to roofs in the immediate streetscape</i></li> <li>(2) <i>Colours of garages, window frames, ventilation and downpipes and balustrading on main facades and elevation to complement external design of the building</i></li> <li>(3) <i>Building form to be articulated to avoid large expanses of unbroken wall.</i></li> <li>(4) <i>In relation to heritage items or buildings within a conservation area, cement render of previously unrendered masonry is not permitted</i></li> <li>(5) <i>Materials used for additions and ancillary structures to be compatible with the existing dwelling house</i></li> <li>(6) <i>Monotone face brick walls and tiled roofs used where they are existing in the immediate streetscape</i></li> <li>(7) <i>Highly reflective materials are not acceptable for roof or wall cladding</i></li> </ul>	<b>Yes</b>
<b>3.3.5</b>	<i>Fencing</i>	<ul style="list-style-type: none"> <li>(1) <i>Front and side fencing facing a secondary street to be sympathetic to the style of the dwelling.</i></li> <li>(2) <i>Any fencing forward of the building line may be topped by an additional 0.8m high open timber picket, wrought iron, palisade or similar element. Brick piers over 1m are permitted to support decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m.</i></li> <li>(3) <i>Solid fencing forward of the building line shall not exceed 1m above NGL.</i></li> <li>(4) <i>Solid fencing up to 1.8m along a secondary frontage.</i></li> </ul>	<b>Yes</b>

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- (5) Side and rear fences permitted up to 1.8m high.
- (6) Materials not supported for front fences: unrendered cement block, galvanised or aluminium sheeting, fibre-cement board, brushwood, barbed wire, or fencing with a spear type design.
- (7) Side fencing shall be stepped to reflect the topography of the street.
- (8) Side and rear fences to allow stormwater to flow through or under the fence.
- (9) Fencing on corner allotments to incorporate a minimum 1.5m x 1.5m splay adjacent to the road intersection to maintain sight distances for pedestrians and drivers.
- (10) Solid fences adjoining vehicular access driveways to be provided with a minimum 1m x 1m splay to maintain sight distances for pedestrians and drivers.
- (11) Corner splays must be landscaped.
- (12) Council does not permit trees to be removed to facilitate a fence design.
- (13) Dividing fences between private property and Council parks, reserves, open space etc. must be constructed only in timber palings (lapped and capped) with a maximum height of 1.8m.
- (14) No gates or entries from private property onto Council's parks, reserves, open space, etc. are permitted.

**Comments:**

- The bulk and scale of the dwelling is appropriate to those within the surrounding streetscape.
- The proposed development includes a complying front fence with a maximum height of 1.2m.

**Architectural Design and Details**

<b>Cl. 5.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Encourage architecture that is innovative and that uses high quality detailing, blending elements characteristic of Strathfield with contemporary materials and features</i>	<b>Yes</b>
<b>B.</b>	<i>Encourage building materials and finishes which are sympathetic to the materials and finishes within the surrounding context</i>	<b>Yes</b>
<b>C.</b>	<i>Require the use of colours that are sympathetic to the surrounding dwelling and streetscape that is within proximity of the new development.</i>	<b>Yes</b>
<b>D.</b>	<i>Reduce the use of highly reflective colours and materials that create visual prominence</i>	<b>Yes</b>
<b>E.</b>	<i>Building forms should be compatible with the existing dwelling house (in the case of alteration and additions) or with adjoining dwelling houses and the streetscape in terms of type, form and colour</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>5.3.1</b>	<b>Building forms</b>	<p>(1) Flat roofs may be considered where there are similar roof forms present in the immediate street. Flat roofs are not appropriate in the case of heritage items or heritage conservation areas.</p> <p>(2) Where a dwelling is located on a street corner it shall be designed to address both street frontages. Blank walls shall not be presented to either frontage and walls shall be articulated or staggered so as to avoid appearing unduly bulky or long.</p>	<b>Yes</b>

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<b>5.3.2</b>	Two (2) storey porticoes	(1) Two (2) storey porticoes may be considered where they are in scale with the proposed dwelling and compatible with the streetscape. (2) Two (2) storey porticoes are to be vertically articulated or broken to reduce their height. (3) No porticoes or associated porches shall protrude more than 1m forward of the front building façade. (4) Porticoes are not to extend higher than the understorey of the eaves/guttering.	<b>Yes</b>
<b>5.3.3</b>	Dormers	Dormers shall be traditionally proportioned and rectilinear.	<b>Yes</b>

**Comments:**

- The proposal seeks to construct a flat roof. The dwellings immediately adjoining the site provided flat roof and there are other various examples of dwellings in close proximity which are provided with flat roof forms. Please refer to Likely Impacts discussion.
- In addition, whilst the proposed built form complies with the side setback controls, it fails to achieve the objectives of the built form by providing articulation. As such, a condition of consent is to be imposed to provide articulation via recessing the guest room and the study nook via 300mm. Please refer to Likely Impacts discussion.

**Ecologically Sustainable Development**

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>6.3.1</b>	Solar access and natural lighting	(1) The design of new dwellings should ensure that living areas face north, sleeping areas face to the east or south, and utility areas to the west or south to maximise winter solar access. (2) In new dwellings, solar access to the windows of habitable rooms and to at least 50% of private open space must be provided or achieved for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice (June 22). (3) In the case of alterations or additions to existing dwellings, solar access to the windows of habitable rooms and to the majority of private open space of adjoining properties must be substantially maintained or achieved for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 22).	<b>Yes</b>
<b>6.3.2</b>	Natural heating	(1) Living areas should be oriented to the north to maximise direct solar access (2) Where it is proposed to plant trees to the north of the dwelling they must be deciduous to allow solar access during the winter (3) Materials with a high thermal mass are encouraged	<b>Yes</b>
<b>6.3.3</b>	Natural cooling	(1) Windows and walls should be shaded by the use of shading devices, eaves, louvres and trees. Shading devices should be sympathetic to dwelling design and not detract from the appearance of the dwelling	<b>Yes</b>

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		(2) <i>Windows should be positioned to capture breezes and allow for cross-ventilation</i>	
<b>6.3.5</b>	<i>Water tanks</i>	(1) <i>Above ground water tanks shall be located behind the dwelling. Where it is not possible to locate a water tank wholly behind the dwelling, it should be located behind the front building line and screened from view from the public domain with appropriate landscaping</i> (2) <i>Above ground water tanks must be located at least 450mm from any property boundary</i>	<b>Yes</b>
<b>6.3.6</b>	<i>Hot water heater units</i>	(1) <i>Hot water units shall be located behind the dwelling. Where it is not possible to locate the unit either internally or wholly behind the dwelling, it must be located behind the front building line and screened from view from the public domain with appropriate landscaping</i> (2) <i>Hot water systems are not to be located on balconies unless they are screened from public view</i>	<b>Yes</b>

**Comments:** A BASIX Certificate accompanied the application meeting the designated target for energy and water reduction.

### Building Height

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>8.3.1</b>	<i>Building height</i>	(1) <i>3.5m maximum height for outbuildings, detached garages and carports</i> (2) <i>The building height shall follow the gradient for any given site</i>	<b>Yes</b>
<b>8.3.2</b>	<i>Roof pitches and shape</i>	(1) <i>Pitched roofs should be designed with a pitch between 23.5 and 45 degrees.</i> (2) <i>An attic may be built in the roof space of either a two (2) storey dwelling or a single storey dwelling or garage provided access to the attic is via internal stairs.</i> (3) <i>Flat roofs will be considered where they are already present in the street or where a street has no discernible architecture style.</i> (4) <i>Balconies are not permitted in the attic of a garage, unless:</i> a) <i>less than 1.8m<sup>2</sup> in area;</i> b) <i>they are located in the centre of the wall or roof facing into the site; and</i> c) <i>do not allow any significant overlooking of adjoining properties.</i>	<b>Yes</b>

**Comments:** The maximum height for the proposed development is 8.05m and comfortably satisfies the maximum height requirement for the subject site.

### Landscaped Areas

<b>Cl. 9.2</b>	<b>Objectives</b>	<b>Complies</b>
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<b>A.</b>	<i>Encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development</i>	<b>Yes</b>
<b>B.</b>	<i>Encourage new dwellings to preserve existing landscape elements on site and encourage the integration of existing landscape elements in the design of the proposal</i>	<b>Yes</b>
<b>C.</b>	<i>Ensure adequate deep soil planting is retained on each allotment</i>	<b>Yes</b>
<b>D.</b>	<i>Ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer</i>	<b>Yes</b>
<b>E.</b>	<i>Encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna</i>	<b>Yes</b>
<b>F.</b>	<i>Encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna</i>	<b>Yes</b>
<b>G.</b>	<i>Provide functional private open and outdoor spaces for active or passive use by residents</i>	<b>Yes</b>
<b>H.</b>	<i>Provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place</i>	<b>Yes</b>
<b>I.</b>	<i>Encourage the greater provision of more effective shade within the community</i>	<b>Yes</b>
<b>J.</b>	<i>Encourage the integration of existing trees into the design of the new or altered dwelling</i>	<b>Yes</b>
<b>K.</b>	<i>Require owners assess the feasibility of retaining existing site trees prior to the design of a development</i>	<b>Yes</b>
<b>L.</b>	<i>Ensure protection of trees during construction is adequate</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>9.3.1</b>	<i>Minimum landscaped area</i>	<i>43% (304.5m<sup>2</sup>) as per Table 2 of Part A SCDCP 2005</i>	<b>Yes</b>
<b>9.3.2</b>	<i>Planting of landscaped areas</i>	<ul style="list-style-type: none"> <li><i>(1) Minimum 25% of canopy trees to comprise locally sourced indigenous species</i></li> <li><i>(2) Planting areas shall include a mix of low-lying shrubs, medium-high shrubs and canopy trees in location where they will soften the built form.</i></li> <li><i>(3) Where no existing canopy trees are present on a site at least two (2) canopy trees must be provided in the front yard and one (1) canopy tree in the rear yard.</i></li> <li><i>(4) New structures shall be positioned to provide for the retention and protection of existing significant trees, especially near property boundaries, and natural features such as rock outcrops.</i></li> </ul>	<b>Yes</b>
<b>9.3.3</b>	<i>Private outdoor living space</i>	<i>Private open space is to be provided in a single parcel rather than a fragmented space and shall be directly accessible from internal living areas of the dwelling</i>	<b>Yes</b>
<b>9.3.4</b>	<i>Tree removal and preservation</i>	<ul style="list-style-type: none"> <li><i>(1) Development shall provide for the retention and protection of existing significant trees, especially near property boundaries</i></li> <li><i>(2) The trunk of a proposed canopy tree must be planted a minimum of 4m from built structures, or a minimum of 3m from pier beam footings</i></li> <li><i>(3) New dwellings must be setback a minimum of 5m from any significant tree listed in Council's significant tree register</i></li> <li><i>(4) Building works should be located outside of the canopy spread of existing trees, with suitable setbacks depending upon species and size</i></li> <li><i>(5) Trees planted on side boundaries adjacent to neighbouring dwellings and structures must have a minimum 0.6m deep root deflection barrier provided for a minimum of 1.5m either side of the tree centre</i></li> </ul>	<b>Yes</b>

**Comments:** A total of 380m<sup>2</sup> of landscaped area is proposed.

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**Setbacks**

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>10.3.1</b>	<i>Street setback</i>	(1) <i>9m or prevailing setback in the street block</i> a) <i>1.5m for secondary street setbacks for dwellings on corner allotments</i> b) <i>3m where main entrance to dwelling from secondary frontage</i> (2) <i>Despite subclause (1), a primary street setback of less than 9m may be considered where:</i> a) <i>the predominant setback is the street block is less than 9m</i> b) <i>the proposed setback is not less than the setback of the existing dwelling</i> c) <i>the proposed setback would not be in conflict with the character of the existing streetscape</i> (3) <i>The street setback is measured at right angles from the lot boundary to the front wall of a dwelling</i> (4) <i>In the case of a corner site with two (2) frontages, the 9m setback applies to the narrowest or primary street frontage</i>	<b>Yes</b>
<b>10.3.2</b>	<i>Side and rear setbacks</i>	(1) <i>New dwellings and extensions: 25% of the width of the block with minimum 1.5m setbacks for each side</i> (2) <i>Minimum 6m rear setback to provide adequately sized outdoor living areas and adequate deep soil areas for shading/screening trees</i> (3) <i>Subject to meeting minimum landscaped areas, ancillary facilities such as garages/outbuildings may be located within the rear setback area</i> (4) <i>Following minimum setbacks apply to ancillary structures:</i> a) <i>Nil for detached garages and carport structures open on three (3) sides; 0.5m for all other</i> b) <i>0.5m setback from side and rear boundaries for garden sheds, studios, cabanas</i> c) <i>1m for pool concourse</i> d) <i>1m from any boundary and 3m from neighbouring habitable buildings for tennis courts</i>	<b>Yes</b>
<b>10.3.3</b>	<i>East-west lots</i>	(1) <i>Primary frontage facing west: the southern side setback should be utilised for the driveway/garage entry to reduce overshadowing</i> (2) <i>Primary frontage facing east: minimum side setback should be on the north</i>	<b>Yes</b>

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(3) *The wider setbacks on the southern side may require relocation of driveway or crossing*

**Comments:**

- The proposed front setback ranges from 8.9m to 11.84m. A small portion of the ground floor will result in a side setback of 1m to the west.
- The rest of the ground floor and the first floor provide 1.955m to the west and 1.95m to the east, achieving the required 25% of the total width of the frontage.

**Vehicle Access and Parking**

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>11.3.1</b>	<b>Driveway and grades</b>	<p>(1) <i>Existing driveways must be used unless the applicant can demonstrate that:</i></p> <ul style="list-style-type: none"> <li>(a) <i>relocation would improve solar access to the property and/or adjoining properties;</i></li> <li>(b) <i>the amenity of any adjoining residences would not be unduly affected (with regard to sleeping areas);</i></li> <li>(c) <i>relocation would not impact on street trees, on street parking or the streetscape; and</i></li> <li>(d) <i>relocation would not adversely impact the safety of vehicles or pedestrians</i></li> </ul> <p>(2) <i>Kerb and footpath crossings as part of the public domain must only be finished in natural finished concrete and not customised finishes that match the property driveway. Coloured concrete is not permitted in the driveway crossing outside the property boundary.</i></p> <p>(3) <i>Driveway crossings, including apron and layback shall be located a minimum of 1m clear of any existing stormwater pits, lintels or poles and 2m clear of the trunk of any trees within the road reserve</i></p> <p>(4) <i>The maximum width of driveways at the property boundary is to be 3m.</i></p> <p>(5) <i>Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction (i.e., vehicle manoeuvring shall be fully maintained within the site).</i></p> <p>(6) <i>Vehicular turning areas for garages shall comply with the relevant Australian Standard.</i></p> <p>(7) <i>Areas of concrete visible from a public road (including driveways and pedestrian ways) are to be kept to a minimum and coloured charcoal, grey or brown.</i></p> <p>(8) <i>New dual or combined driveways are not encouraged. Existing dual driveways may be retained in circumstance where:</i></p> <ul style="list-style-type: none"> <li>a) <i>The area of deep soil planting in the front garden is at least 50% of the front setback area; and</i></li> <li>b) <i>Where the entry and egress are able to be undertaken in a safe manner in accordance with Australian road rules.</i></li> </ul>	<b>Yes</b>
<b>11.3.2</b>	<b>Garages</b>	(1) Two (2) <i>car parking spaces are to be provided and</i>	<b>Yes</b>

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	<i>and carports</i>	<p><i>maintained behind the front building line of all new dwellings (i.e. garage/or allocated/stacked space). For lots less than 15m in width consideration may be given to one (1) car space. Where alterations and additions to existing dwellings are proposed and two (2) spaces are available, these spaces must be maintained.</i></p> <p>(2) <i>Garages are to be recessed behind the main front facade of the dwelling and/or designed so as not to dominate the appearance of the building or streetscape.</i></p> <p>(3) <i>Garages are not to be converted or used for any purpose other than that for which they are approved, that is, garages must not be converted into rumpus rooms, living areas, bedrooms, offices, etc.</i></p> <p>(4) <i>Garages should be provided no more than at 150mm above ground level at their entry unless the slope of the site exceeds 1:8 (12.5%) in which case a suspended garage may be acceptable.</i></p> <p>(5) <i>The minimum dimensions of parking spaces and garages shall comply with the relevant standards.</i></p>	
<b>11.3.3</b>	<i>East-west lots</i>	<p>(4) <i>Primary frontage facing west: the southern side setback should be utilised for the driveway/garage entry to reduce overshadowing</i></p> <p>(5) <i>Primary frontage facing east: minimum side setback should be on the north</i></p> <p>(6) <i>The wider setbacks on the southern side may require relocation of driveway or crossing</i></p>	<b>Yes</b>

**Comments:** Suitable conditions of consent are included requiring compliance with Council's policies and relevant Australian Standards in relation to driveway access, car parking dimensions, and maneuverability to ensure vehicles are able to leave the site in a forward direction.

**Basements**

<b>Cl. 12.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Ensure that any proposed basement minimises disturbance to natural drainage systems</i>	<b>Yes</b>
<b>B.</b>	<i>Basements are to have discreet entries, safe access and a high degree of natural cross-ventilation</i>	<b>Yes</b>
<b>C.</b>	<i>Minimise excavation to reduce disturbance to NGL particularly adjacent to site boundaries</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>12.3.1</b>	<i>Basement car parking</i>	<p>(1) <i>The maximum area of a basement shall be limited to and contained within the footprint of the dwelling at ground level</i></p> <p>(2) <i>The height of the dwelling will be measured from NGL and will need to satisfy the building height controls in this policy. Where a basement is proposed, the maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above. Where the basement exceeds 1m, it will be considered a storey and included in the calculation of maximum FSR</i></p> <p>(3) <i>Minimum internal clearance of 2.2m in accordance with BCA requirements</i></p> <p>(4) <i>Driveways shall comply with the relevant Australian Standards (AS1428.1 and a maximum 1:4 gradient)</i></p> <p>(5) <i>Basement entries and ramps/driveways within the property are to be no more than 3.5m wide</i></p> <p>(6) <i>Basements are not to be used for habitable purposes</i></p>	<b>Yes</b>



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- (7) No excavation is permitted within the required minimum side setbacks. Furthermore, the location of basement walls may warrant increased setbacks to provide sufficient area for water proofing, drainage etc.
- (8) Driveway ramps are to be perpendicular to the property boundary at the street frontage
- (9) Basements shall be designed to permit vehicles to enter and exit the basement in a forward direction
- (10) Provision of pump-out systems and stormwater prevention should be in accordance with Council's Stormwater Management Code
- (11) Basements may not be permissible on flood affected sites. Applicants should check with Council and consider the submitting a pre-lodgement application

**Comments:**

- The proposed basement parking area is contained within the footprint of the dwelling at ground level.
- The minimum internal clearance of 2.2m in accordance with BCA requirements is achieved.

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

<b>Cl. 13.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Encourage minimal use of cut and fill to reduce site disturbance</i>	<b>Yes</b>
<b>B.</b>	<i>Ensure existing trees and shrubs are undisturbed and maintain ground water tables</i>	<b>Yes</b>
<b>C.</b>	<i>Minimise impacts on overland flow/drainage and encourage the maintenance of existing ground levels</i>	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>13.3.1</b>	<b>Cut and fill</b>	<ul style="list-style-type: none"> <li>(1) Fill is limited to a maximum of 1m above natural ground level (NGL)</li> <li>(2) For all excavation works that require the use of fill, only clean fill is to be used</li> <li>(3) Cut and fill batters must be stabilised consistent with the soil properties.</li> <li>(4) Vegetation or structural measures are to be implemented as soon as the site is disturbed</li> <li>(5) All areas of excavation shall be setback from property boundaries in accordance with the building setback controls. No excavations shall be made to the ground within the minimum required setbacks</li> <li>(6) Where excavation work is proposed, the work must not affect or undermine the soil stability or structural stability of any buildings on adjoining properties</li> <li>(7) A dilapidation report may be required for all buildings which adjoin proposed excavation areas</li> <li>(8) Avoid excessive fill or floor levels to ensure convenient access between internal spaces and external recreation areas and to minimise potential impacts from overlooking</li> </ul>	<b>Yes</b>

**Comments:** The proposal is acceptable with regards to Clause 13.3.1 of Part A of SCDCP 2005.  
**Privacy**

<b>Cl. 14.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Maintain reasonable sharing of views from public places and living areas</i>	<b>Yes</b>
<b>B.</b>	<i>Ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	<b>Yes</b>

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<b>C.</b>	<i>Ensure that canopy trees take priority over views</i>	<b>Yes</b>	
<b>D.</b>	<i>Ensure that the placement of balconies does not adversely impact on the visual privacy of adjoining properties</i>	<b>Yes</b>	
<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>14.3.1</b>	<i>Views and view sharing</i>	(1) <i>Buildings shall maintain views where possible from surrounding and nearby properties and those available to the public from nearby public domain areas</i> (2) <i>Established building lines are to be maintained to preserve view sharing</i>	<b>Yes</b>
<b>14.3.2</b>	<i>Visual privacy</i>	<i>Private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by:</i> (1) <i>arranging the layout of a building so as to reduce opportunities for overlooking;</i> (2) <i>the use of fixed screening devices;</i> (3) <i>the separation of buildings;</i> (4) <i>the considered placement of windows and openings;</i> (5) <i>appropriate evergreen screen plants and trees; and</i> (6) <i>ensuring finished floor levels are not excessively elevated above NGL</i>	<b>Yes</b>
<b>14.3.3</b>	<i>Windows</i>	<i>Windows shall be designed to avoid overlooking of adjacent dwellings and where a transparent window is to be located within 9m of windows of an adjoining dwelling, the window must:</i> (a) <i>be offset from the edge of any windows in the adjoining dwelling by a distance of at least 0.5m; or</i> (b) <i>have a sill height of at least 1.7m about the floor; or have fixed, obscure glazing in any part of the window less than 1.7m above the floor</i>	<b>Yes</b>
<b>14.3.4</b>	<i>Balconies and screening</i>	(1) <i>Upper storey balconies are not permitted on side boundaries, except where facing the secondary frontage of a corner lot, and provided other setback controls can be achieved</i> (2) <i>Elevated decks, verandahs and balconies shall incorporate privacy screens where necessary and shall be located at the front or rear of the building only</i> (3) <i>Small upper floor rear balconies measuring no more than 1m in depth by 2m in length may be permitted where an applicant can demonstrate that the balcony would not unreasonably impact upon the privacy of adjoining premises (including buildings and outdoor spaces)</i> (4) <i>Second storey balconies extending for the full width of the front façade are not permitted</i>	<b>Yes</b>
<b>14.3.5</b>	<i>Acoustic privacy</i>	(1) <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and recreation areas and the like</i> (2) <i>Double glazing, laminated glass, vibration-reducing footings or other materials, should be considered to minimise the effects of noise and/or vibrations</i> (3) <i>Suitable acoustic screen barriers or other noise mitigation measures may be required where physical separation is not able to be achieved</i>	<b>Yes</b>

**Comments:**

- The proposal is acceptable with regards to Clause 14.2 of Part A of SCCP 2005. A condition is included to ensure all bathroom, ensuite and toilet windows are installed with obscure glazing.

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- In addition, a special condition of consent is to be imposed for the proposed stairwell window on the western elevation is to be fixed obscure glazing to minimise overlooking to adjoining properties.

**Access, Safety and Security**

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

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

**Comments:**

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

**Water and Soil Management**

<b>Cl. 16.2</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	<i>Encourage the incorporation of Sydney Water's Water Management Strategies in the development</i>	<b>Yes</b>

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

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>16.3.1</b>	<i>Onsite water management and stormwater control</i>	<ol style="list-style-type: none"> <li>1) <i>Developments shall comply with Council's Stormwater Management Code</i></li> <li>2) <i>On site detention devices may be required to assist in the management of stormwater on site.</i></li> </ol>	<b>Yes</b>
<b>16.3.2</b>	<i>Acid sulfate soils</i>	<i>Development is to ensure that sites with potential to contain acid sulfate soils are managed in a manner consistent with the provisions contained in Strathfield Draft LEP 2008 and the relevant standards and guidelines</i>	<b>Yes</b>
<b>16.3.3</b>	<i>• Flood prone areas and through site drainage</i>	<ol style="list-style-type: none"> <li>1) <i>Flood affected properties must comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas and Through Site Drainage)</i></li> <li>2) <i>Where a site is subject to flooding applicants should seek written advice from Councils Planning &amp; Environment section in relation to minimum habitable floor height for the site</i></li> <li>3) <i>In areas subject to major overland flow from adjoining properties, applicants are required to engage a suitably qualified hydraulics engineer and lodge a drainage/flood report prepared by a hydraulics engineer</i></li> <li>4) <i>Applicants must comply with Council's Stormwater Management Code with regard to drainage and stormwater detention matters. Full details and plans of the stormwater system are to be submitted for approval as part of the development application</i></li> </ol>	<b>Yes</b>
<b>16.3.3</b>	<i>Flood prone areas and through site drainage</i>	<ol style="list-style-type: none"> <li>1) <i>Flood affected properties must comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas and Through Site Drainage)</i></li> <li>2) <i>Where a site is subject to flooding applicants should seek written advice from Councils Planning &amp; Environment section in relation to minimum habitable floor height for the site</i></li> <li>3) <i>In areas subject to major overland flow from adjoining properties, applicants are required to engage a suitably qualified hydraulics engineer and lodge a drainage/flood report prepared by a hydraulics engineer</i></li> <li>4) <i>Applicants must comply with Council's Stormwater Management Code with regard to drainage and stormwater detention matters. Full details and plans of the stormwater system are to be submitted for approval as part of the development application</i></li> </ol>	<b>Yes</b>
<b>16.3.4</b>	<i>• Soil erosion and sediment control</i>	<ol style="list-style-type: none"> <li>1) <i>Appropriate soil erosion and sediment control measures must be detailed in the development application and implemented prior to the commencement of work.</i></li> <li>2) <i>The following sediment control measures are recommended:</i> <ol style="list-style-type: none"> <li>a) <i>perimeter bank and channels;</i></li> <li>b) <i>turf filter strips;</i></li> </ol> </li> </ol>	<b>Yes</b>

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- c) sediment fences;  
d) sediment traps; and  
e) roof guttering.
- (3) Applicants may be required to provide plans showing stormwater quality treatment techniques to prevent sediments and polluted waters from discharging from the site during the construction phase. Such plans will show temporary measures designed in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual.

**Comments:** Conditions of consent are to be imposed to ensure compliance with the proposed sediment and erosion control plan.

### Ancillary Structures

<b>Cl. 20.1</b>	<b>Objectives</b>	<b>Complies</b>
<b>A.</b>	Ensure that the design and location of ancillary structures takes into account the streetscape and overall environmental impact	<b>Yes</b>
<b>B.</b>	Ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development	<b>Yes</b>

<b>Cl.</b>	<b>Element</b>	<b>Controls</b>	<b>Complies</b>
<b>20.2.1</b>	Waste bin storage and management	1) Developments shall comply with Part H of SDCDP 2005 2) On site detention devices may be required to assist in the management of stormwater on site.	<b>Yes</b>
<b>20.2.2</b>	Retaining walls	(1) Retaining walls are to be no more than a maximum of 1.2m in height (2) Council requires retaining walls in excess	<b>Yes</b>
<b>20.2.4</b>	Air conditioning	1) Air-conditioning units are to be located within a proposed dwelling or within a suitable building and appropriately soundproofed from any habitable room of an adjoining property 2) Where an air-conditioning unit cannot be located in a building or concealed in a structure (as indicated above), it is to be located in the central third of the rear wall of the dwelling and be a minimum of 3m from any boundary 3) Any building work associated with the installation of an air-conditioning unit must not reduce the structural integrity of any existing buildings 4) Only residential grade air conditioners are to be installed and not commercial grade air conditioners 5) Air-conditioning units must be installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000	<b>Yes</b>
<b>20.2.5</b>	• Outbuildings	1) No outbuilding shall be constructed forward of the front building façade of the dwelling 2) New garden sheds, studios, cabanas and the like are limited to a maximum gross floor area of 40m <sup>2</sup> 3) Windows will not be permitted facing an adjoining property, unless the windows in the proposed outbuilding are screened by boundary fencing or: a) have a sill height of at least 1.7m above the floor; or b) have fixed translucent (or otherwise treated) glazing in any part of the window less than	<b>Yes</b>

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		1.7m above the floor	
		4) Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjacent premises	
		5) Under no circumstances is the roof area of an outbuilding to be accessible for any purpose or used as an entertaining or viewing area	
		6) No kitchen facilities will be permitted in an outbuilding. A small fridge and a sink alone are not considered to constitute a kitchen	
		7) Outbuildings are not to be used for habitable purposes	
<b>20.2.7</b>	<b>Swimming pools</b>	1) Where a pool is more than 1m above ground, the space between the bond beam/concourse and the ground is to be suitably finished with decorative blocks or other approved material and landscaped to Council's satisfaction	<b>Yes</b>
		2) Swimming Pool enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended	
		3) The outside edge of a pool concourse (and any paved/concreted area adjacent to the concourse) must be separated from a property boundary by an area of land at least 1m wide of deep soil soft landscape area containing a continuous planting of screening shrubs	
		4) An approved depth indicator must be attached to each end of the pool	
		5) The pool filter and pump equipment are to be located where they will not create a nuisance to neighbouring property owners/occupiers	
		6) Lighting should be installed so as not to cause nuisance	

**Comments:** The proposed swimming pool to the rear of the proposed dwelling is located 700mm from the side boundary to the east and a deep soil soft landscape area surrounding the edge of the pool is provided.

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

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. Compliance with the waste minimisation strategies of this waste management plan is enforced via recommended conditions of consent.

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

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

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

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does not

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involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

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

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

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

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

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

**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**

**Deferred matters**

Strathfield Independent Hearing Assessment Panel Meeting held on 1 February 2018 resolved the above Development Application as DEFERRED matter, requesting following matters be addressed:

- 1) *Amendment of roof form to introduce a pitch which is sympathetic to the streetscape.*

The proposal seeks a two (2) storey dwelling with a flat roof. There is a large diversity of roof forms in the near vicinity, from skillion roofs, hipped roofs and gabled roofs. The pitches of the roofs also vary, from low pitched roofs to 45 plus degree falls. Roof slopes tend to vary depending on the style and age of the dwelling. The roof is generally flat and an examination of the surrounding streetscape has identified that there are other flat roof dwellings in the near vicinity. As not one single roof form dominates the streetscape and the surrounding context, and the proposed works harmonises with the established varied roof forms in the near vicinity, the proposed flat roof is considered acceptable.

- 2) *Amendment of the materials to include face brickwork and composite timber cladding (not to be painted) and delete areas of light coloured render to be more responsive to the streetscape.*

Matters are addressed in conjunction with the matters raised in point 3.

- 3) *Amendment of the front elevation to simplify the composition and reduce the number of elements.*

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**Figure 2: 3D Street view Visualisation of the proposed development.**

In addressing the matters raised in points 2 and 3, facebrick works has been introduced to the front façade. In addition, timer cladding works on has been amended to wrap around to the a portion of eastern elevation of the dwelling to provide greater articulation and responsive to the streetscape.

**4) Redesign the front fence to delete render and include masonry piers**

The proposed fence has been redesigned accordingly.

**5) Redesign of the east and west elevations to introduce greater articulation.**

As previously mentioned, the eastern elevation has demonstrated greater articulation via timber cladding works on the first floor. On the western elevation, 500mm recession to the stairwell has been provided to prevent from providing long, blank, unbroken wall. It is noteworthy that such recession was initially imposed as a Special Condition which now has been satisfied.

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

The proposed development is considered to be suitable for the subject site resulting in a dwelling that will integrate well with the surrounding streetscape that will not compromise the amenity of adjoining residents through the imposition of the recommended conditions of consent.

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



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The application was notified in accordance with Part L of the SCDCP 2005 from **2 November 2017** to **15 November 2017**, with **one (1)** submissions received, raising the following concerns:

1. *Concerns were raised in relation to the proposed pool pump location.*

Assessing officer's comments: A condition of consent has been imposed to ensure any mechanical plant associated with swimming pool to be acoustically treated to comply with the Protection of the Environment Operations Act 1997.

2. *Concerns were raised in relation to potential asbestos on site.*

Assessing officer's comments: No record indicates presence of potential asbestos on site. However, condition of consent has been imposed to ensure demolition works are to be carried out in compliance with relevant requirements.

3. *Concerns were raised in relation to the proposed pool fence height being 700mm from the neighbouring fence.*

Assessing officer's comments: A condition of consent has been imposed to ensure the proposed pool is constructed in accordance relevant legislations.

4. *Concerns were raised in relation to the requirement of dilapidation survey for the proposed excavation.*

Assessing officer's comments: As the proposed construction includes one level of basement parking, dilapidation survey is required from the neighbouring property. Accordingly, a condition of consent has been imposed.

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

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

### **STRATHFIELD INDIRECT SECTION 7.11 CONTRIBUTIONS PLAN**

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

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Local Amenity Improvement Levy

\$17,392.00

## CONCLUSION

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

## RECOMMENDATION

That Development Application No. DA2017/158 for demolition of existing structures and construction of a two (2) storey dwelling with basement parking, front fence and swimming pool at 47 Barker Road, Strathfield be **APPROVED**, subject to the following conditions:

## SPECIAL CONDITIONS (SC)

### 1. STAIRWELL WINDOW (SC)

The proposed stairwell window on the western elevation is to be provided with fixed obscure glazing. Details demonstrating compliance with this requirement shall be submitted to and approved by a Principle Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To minimise privacy concerns)

## GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2017/158:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
2 of 9	Demolition Plan	Morrison Homes	J1270 Issue A	26.10.2017
1 of 9	Driveway Profile	Morrison Homes	J1270 Issue D	16.03.2018
2 of 9	Site Analysis Plan	Morrison Homes	J1270 Issue D	16.03.2018
3 of 9	Basement Floor Plan	Morrison Homes	J1270 Issue D	16.03.2018
4 of 9	Ground Floor Plan	Morrison Homes	J1270 Issue D	16.03.2018
5 of 9	First Floor Plan	Morrison Homes	J1270 Issue D	16.03.2018
6 of 9	Elevations 1	Morrison Homes	J1270 Issue D	16.03.2018
7 of 9	Elevations 2	Morrison Homes	J1270 Issue D	16.03.2018
C01.01	Sediment and Erosion Control Plan	Engineering Studio	Issue A	26.10.2017
C.01.02	Sediment and Erosion Control Details	Engineering Studio	Issue A	26.10.2017
C02.01	Stormwater Drainage Plan	Engineering Studio	Issue A	26.10.2017
C02.02	Basement Stormwater Drainage Plan	Engineering Studio	Issue A	26.10.2017
C02.03	Stormwater Details	Engineering Studio	Issue A	26.10.2017

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	Sheet 1			
C02.04	Stormwater Details Sheet 2	Engineering Studio	Issue A	26.10.2017
F102	Landscape Plan	Sticks & Stones	7.10.2017	26.10.2017
0002020 766	Nathers Certificate	Certified Engergy	11 Oct 2017	26.10.2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2017/158:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arborist Report	Rennie Bros. Tree Surgeons	19 Oct 2017	26 Oct 2017
Schedule of Finishes	Morrison Homes		26 Oct 2017
Cost Summary	Morrison Homes	14 Sept 2017	26 Oct 2017
Statement of Environmental Effects	Morrison Homes	14 Sept 2017	26 Oct 2017
Waste Management Plan	Morrison Homes	2/10/2016	26 Oct 2017

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

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

**3. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

**5. DEMOLITION – GENERALLY (GC)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

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

**6. DEMOLITION - SITE SAFETY FENCING (GC)**

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and  
provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

**7. FENCING - FRONT FENCE HEIGHT (GC)**

Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 1m above natural ground level. The fence may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element.

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m. Plans demonstrating compliance with this condition are to be submitted to the

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005.)

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

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

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

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

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

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

Tree No. in Arborist Report	Tree	Location
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2	Olea europaea sp (Olive )	Rear property
4	Prunus sp. (Stone fruit)	Rear property
3	Malus sp (flowering Crabapple)	Rear property
5	Cinnamomum camphora (Camphor laurel)	Rear property
6	Schefflera actinophylla (Umbrella tree)	Rear property

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(Reason: To ensure compliance with this consent.)

**12. 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.)

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

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

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

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

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

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

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

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

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

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

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

**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

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- greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

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

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

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

(Reason: To ensure protection of Council assets.)

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

**17. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

**18. 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.)

**19. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**



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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.)

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

**22. 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

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

**DA2017/158 - 47 Barker Road, Strathfield  
Lot 146 DP 12405 (Cont'd)**

- the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- the full name and license number of the asbestos removalist/s; and
- the telephone number of WorkCover's Hotline 13 10 50
- warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding Permit

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

Work Zone Permit

**DA2017/158 - 47 Barker Road, Strathfield  
Lot 146 DP 12405 (Cont'd)**

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

**Ground Anchoring Permit**

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

(Reason: Council requirement)

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

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

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

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

(Reason: Environmental protection.)

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

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

(Reason: Privacy amenity.)

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Lot 146 DP 12405 (Cont'd)

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

In accordance with the provisions of Section 7.11A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$17,390.00
--------------------------------	-------------

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

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

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

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

29. **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

**DA2017/158 - 47 Barker Road, Strathfield  
Lot 146 DP 12405 (Cont'd)**

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.)

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)****30. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

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Lot 146 DP 12405 (Cont'd)**

be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

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

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight

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Lot 146 DP 12405 (Cont'd)**

- dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
  - xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

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

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

A copy of a valid certificate of compliance or relevant occupation certificate must be



**DA2017/158 - 47 Barker Road, Strathfield  
Lot 146 DP 12405 (Cont'd)**

attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.

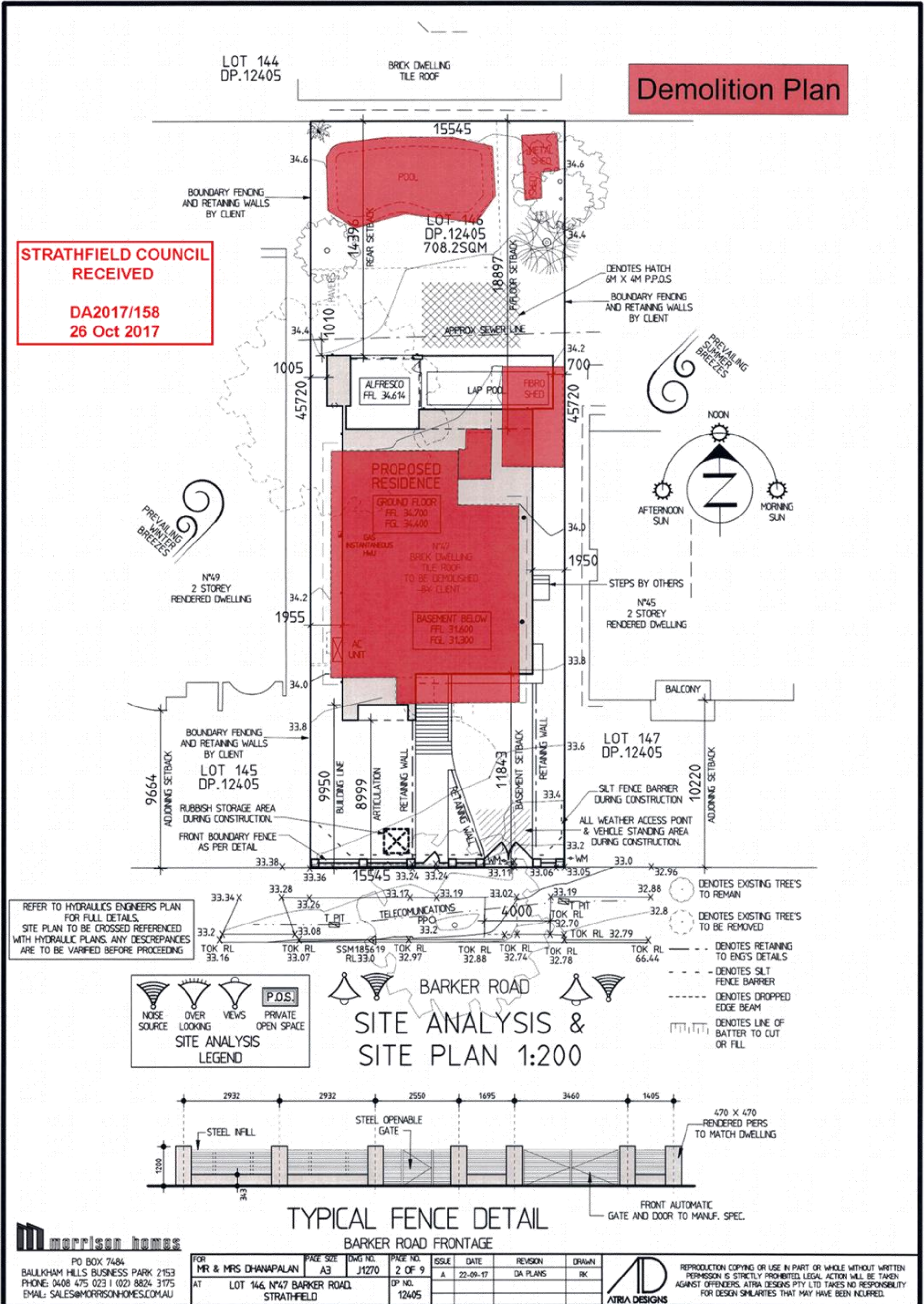
Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Safety and statutory compliance.)

**ATTACHMENTS**

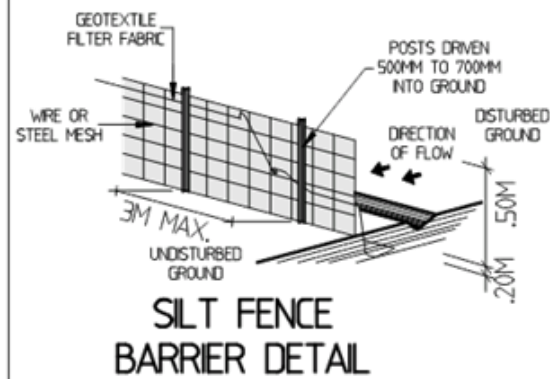
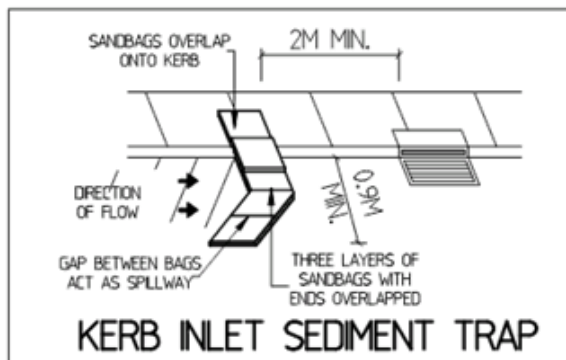
1. [↓](#) DA2017.158 - 47 Barker Road, Strathfield - Architectural Plans





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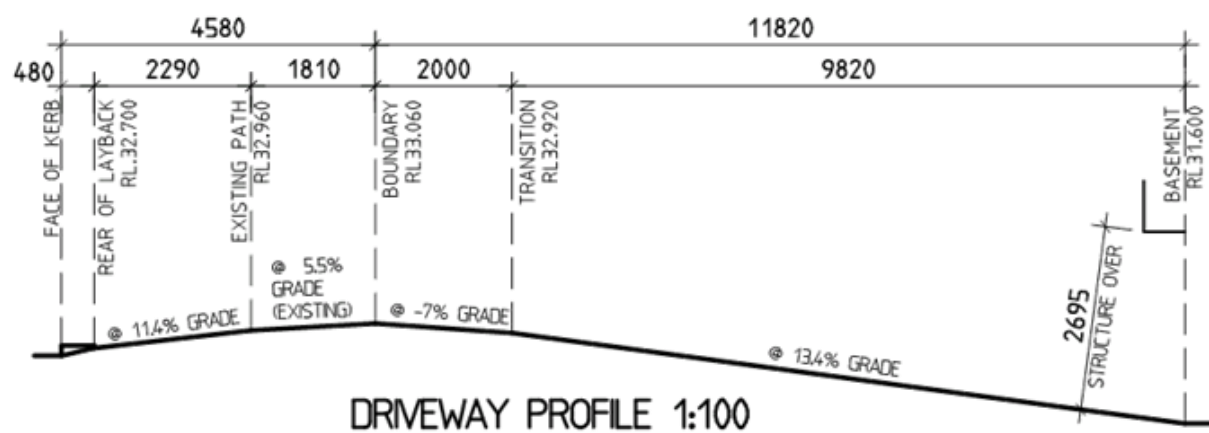
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- SEDIMENT CONTROL NOTES:**
- ALL EROSION AND SEDIMENTATION CONTROL MEASUREMENTS, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF N.S.W.
  - ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AROUND AND STABILISED AS EARLY AS POSSIBLE DURING DEVELOPMENT
  - SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300MM WIDE X 300MM DEEP TRENCH.
  - ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
  - ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
  - SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.
  - FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 2M CENTRES). FABRIC SHALL BE BURIED 150MM ALONG ITS LOWER EDGE.

SITE CALCULATIONS		SITE AREA = 708.2SQM	
	REQUIRED	PROVIDED	
LANDSCAPED AREA	4.3% OR 304.55SQM	53.7%	380SQM
FLOOR SPACE RATIO	PERMISSIBLE 407.25SQM	PROVIDED	375.4SQM

FLOOR AREAS	
GROUND FLOOR AREA	190.65SQM
BASEMENT FLOOR AREA	190.65SQM
PORCH FLOOR AREA	3.25SQM
ALFRESCO AREA	23.85SQM
FIRST FLOOR AREA	182.15SQM
TOTAL FLOOR AREA	590.35SQM OR 63.55SQS
POOL AREA	27.25SQM



PO BOX 7484  
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PHONE: 0408 475 023 I (02) 8824 3175  
EMAIL: SALES@MORRISONHOMES.COM.AU

FOR	MR & MRS DHANAPALAN	PAGE SIZE	A3	DWG NO.	J1270	PAGE NO.	1 OF 9
AT	LOT 146, N°47 BARKER ROAD, STRATHFIELD	DP NO.	12405				

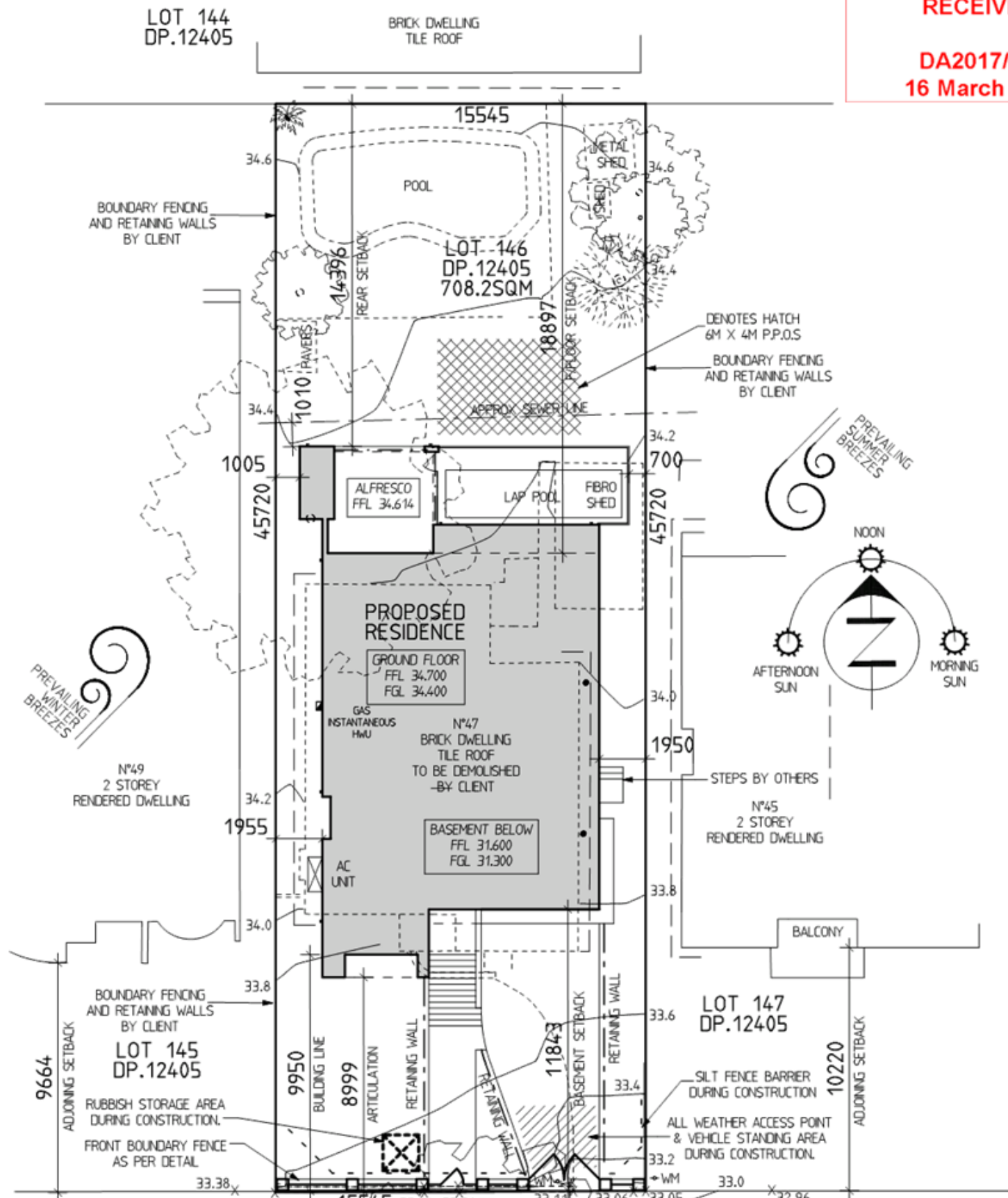
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B	21-02-18	AMEND DA PLANS	RK
C	26-02-18	AMEND DA PLANS	RK
D	06-03-18	AMEND DA PLANS	RK



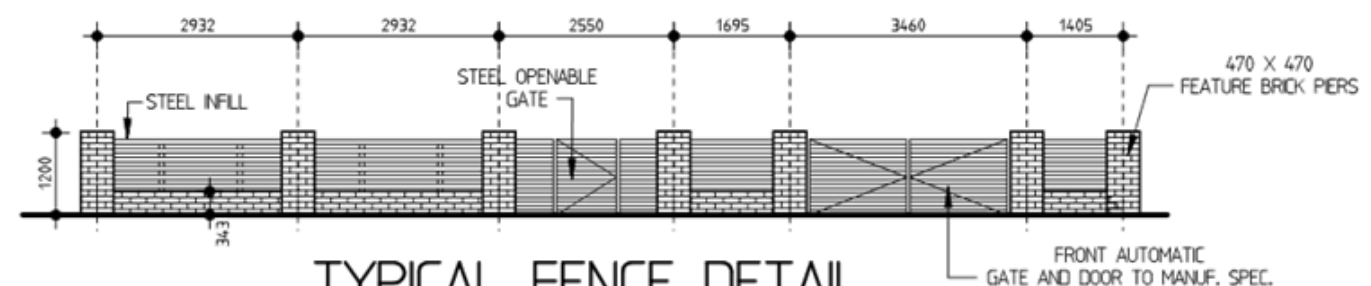
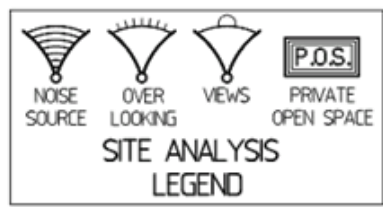
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REFER TO HYDRAULICS ENGINEERS PLAN FOR FULL DETAILS.  
SITE PLAN TO BE CROSSED REFERENCED WITH HYDRAULIC PLANS. ANY DISCREPANCIES ARE TO BE VARIFIED BEFORE PROCEEDING



**morrison homes**

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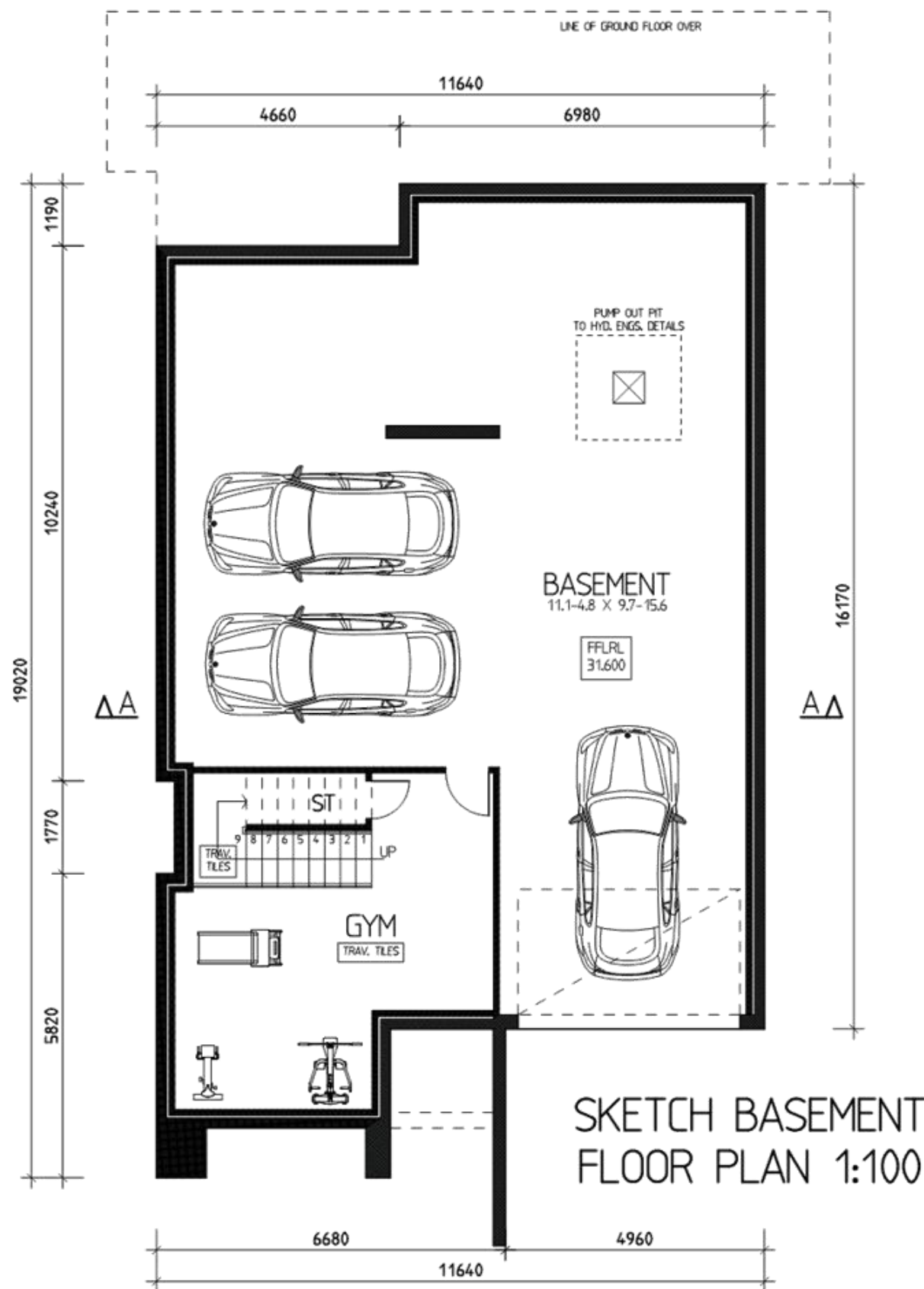
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AT LOT 146, N°47 BARKER ROAD, STRATHFIELD				C	26-02-18	AMEND DA PLANS	RK
				D	06-03-18	AMEND DA PLANS	RK

**AD ATRIA DESIGNS**

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FOR <b>MR &amp; MRS DHANAPALAN</b>	PAGE SIZE <b>A3</b>	DWG NO. <b>J1270</b>	PAGE NO. <b>3 OF 9</b>	ISSUE	DATE	REVISION	DRAWN
AT <b>LOT 146, N°47 BARKER ROAD, STRATHFIELD</b>			DP NO. <b>12405</b>	B	21-02-18	AMEND DA PLANS	RK
				C	26-02-18	AMEND DA PLANS	RK
				D	06-03-18	AMEND DA PLANS	RK



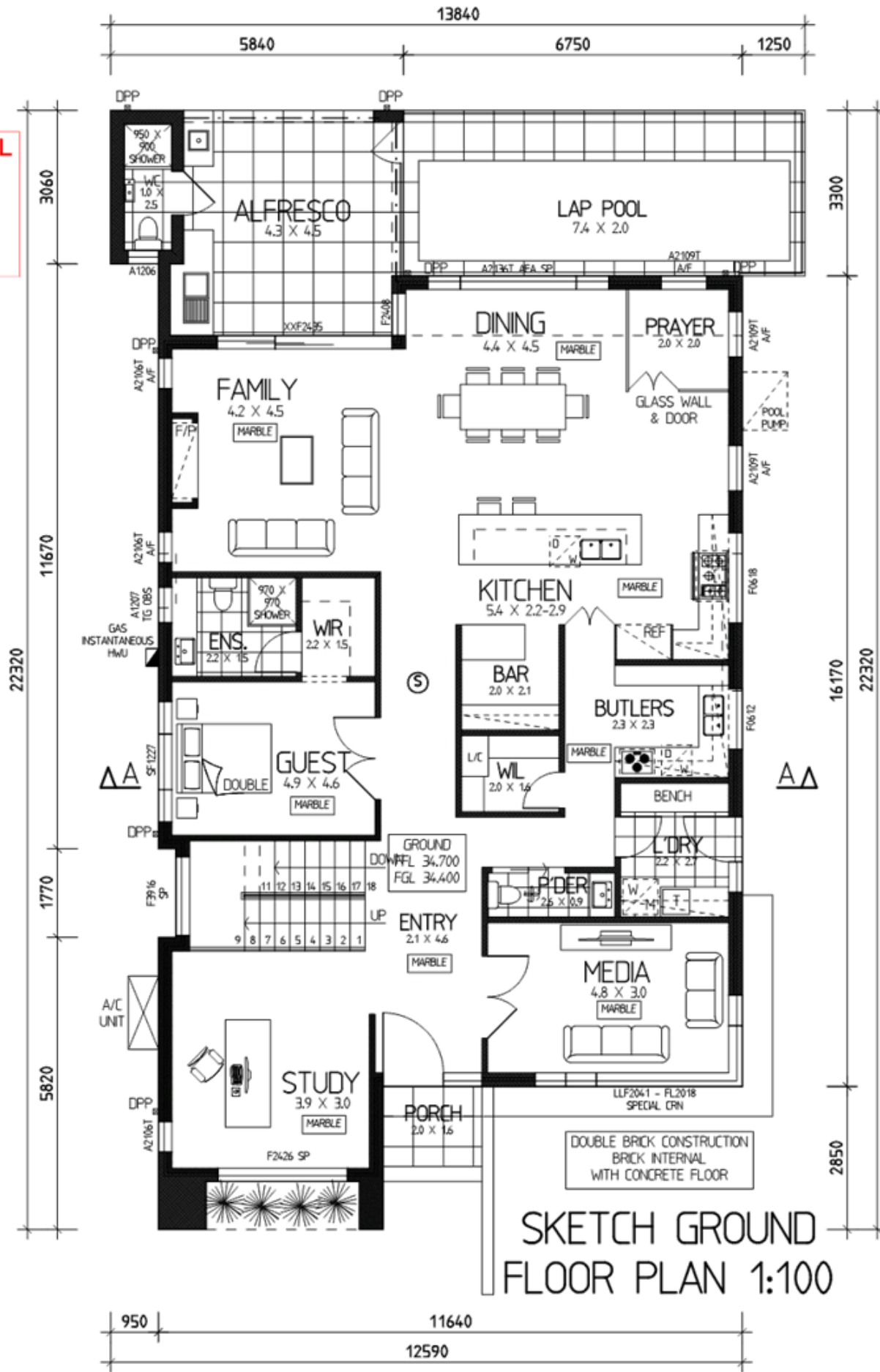
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 - DENOTES EXHAUST FAN CONNECTED TO LIGHT SWITCH TO BE DUCTED TO EXTERNAL WALL OR ROOF SPACE. TO BE DETERMINED ON SITE BY THE BUILDER.  
 - MECHANICAL VENTILATION IS TO BE DESIGNED TO PREVENT THE TRAVEL OF EXHAUST AIR BETWEEN THE LAUNDRY & OR SHOWER & MUST TRAVEL DIRECTLY TO THE OUTSIDE OF THE BUILDING.  
 - THE KITCHEN RANGE HOOD EXHAUST SYSTEM MUST NOT BE CONNECTED TO THE LAUNDRY & OR THE SHOWER EXHAUST SYSTEM.

REFER TO HYDRAULICS ENGINEERS PLAN FOR FULL DETAILS. SITE PLAN TO BE CROSSED REFERENCED WITH HYDRAULIC PLANS. ANY DISCREPANCIES ARE TO BE VARIFIED BEFORE PROCEEDING

 DENOTES LOCATION OF INTERCONNECTED HARDWIRED SMOKE DETECTOR

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**16 March 2018**



SKETCH GROUND FLOOR PLAN 1:100



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FOR	MR & MRS DHANAPALAN	PAGE SIZE	A3	DWG NO.	J1270	PAGE NO.	4 OF 9
AT	LOT 146, N°47 BARKER ROAD, STRATHFIELD	DP NO.	12405	ISSUE	DATE	REVISION	DRAWN
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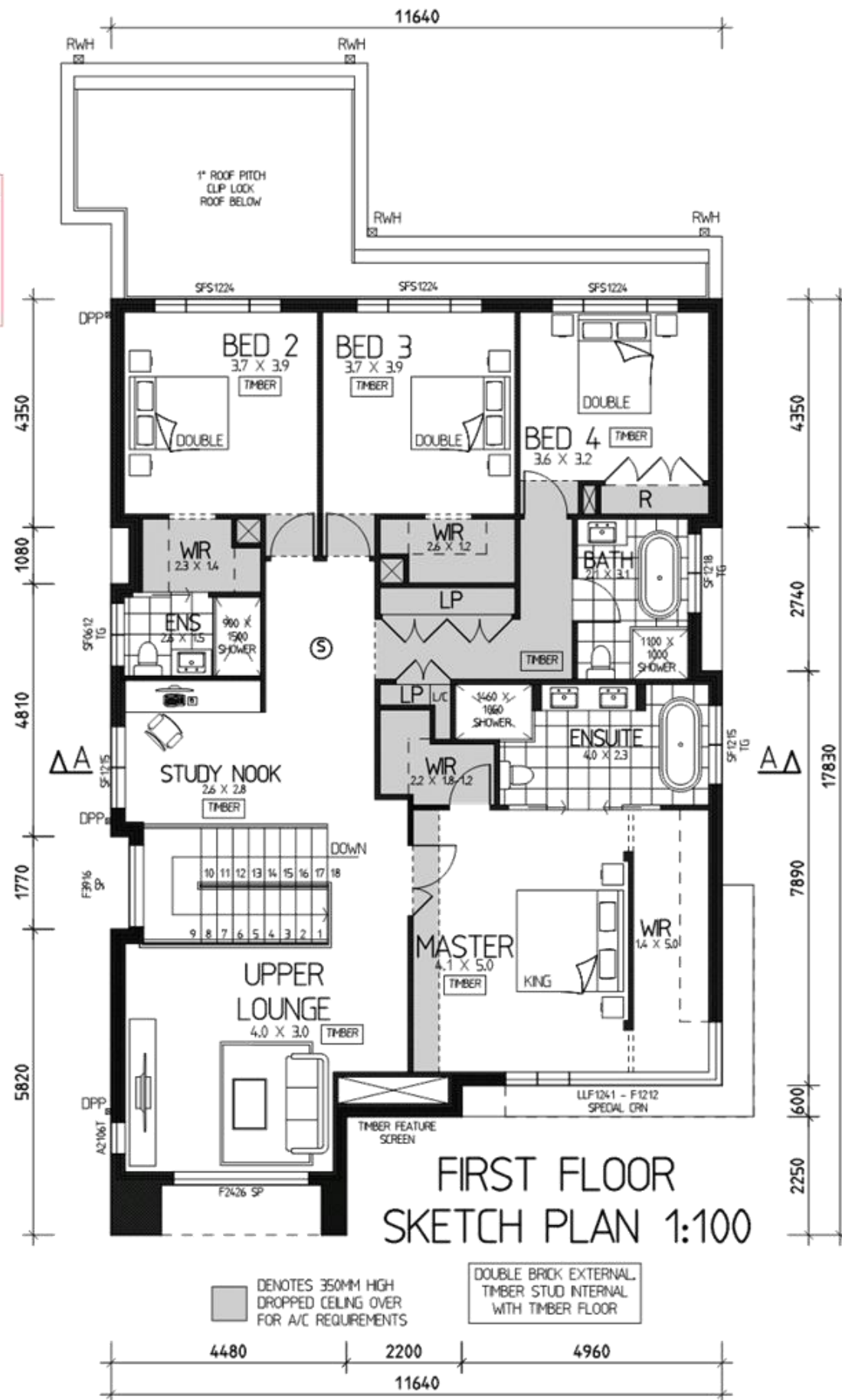
- THE KITCHEN RANGE HOOD EXHAUST SYSTEM MUST NOT BE CONNECTED TO THE LAUNDRY & OR THE SHOWER EXHAUST SYSTEM.

REFER TO HYDRAULICS ENGINEERS PLAN FOR FULL DETAILS. SITE PLAN TO BE CROSSED REFERENCED WITH HYDRAULIC PLANS. ANY DISCREPANCIES ARE TO BE VARIFIED BEFORE PROCEEDING

Ⓢ DENOTES LOCATION OF INTERCONNECTED HARDWIRED SMOKE DETECTOR

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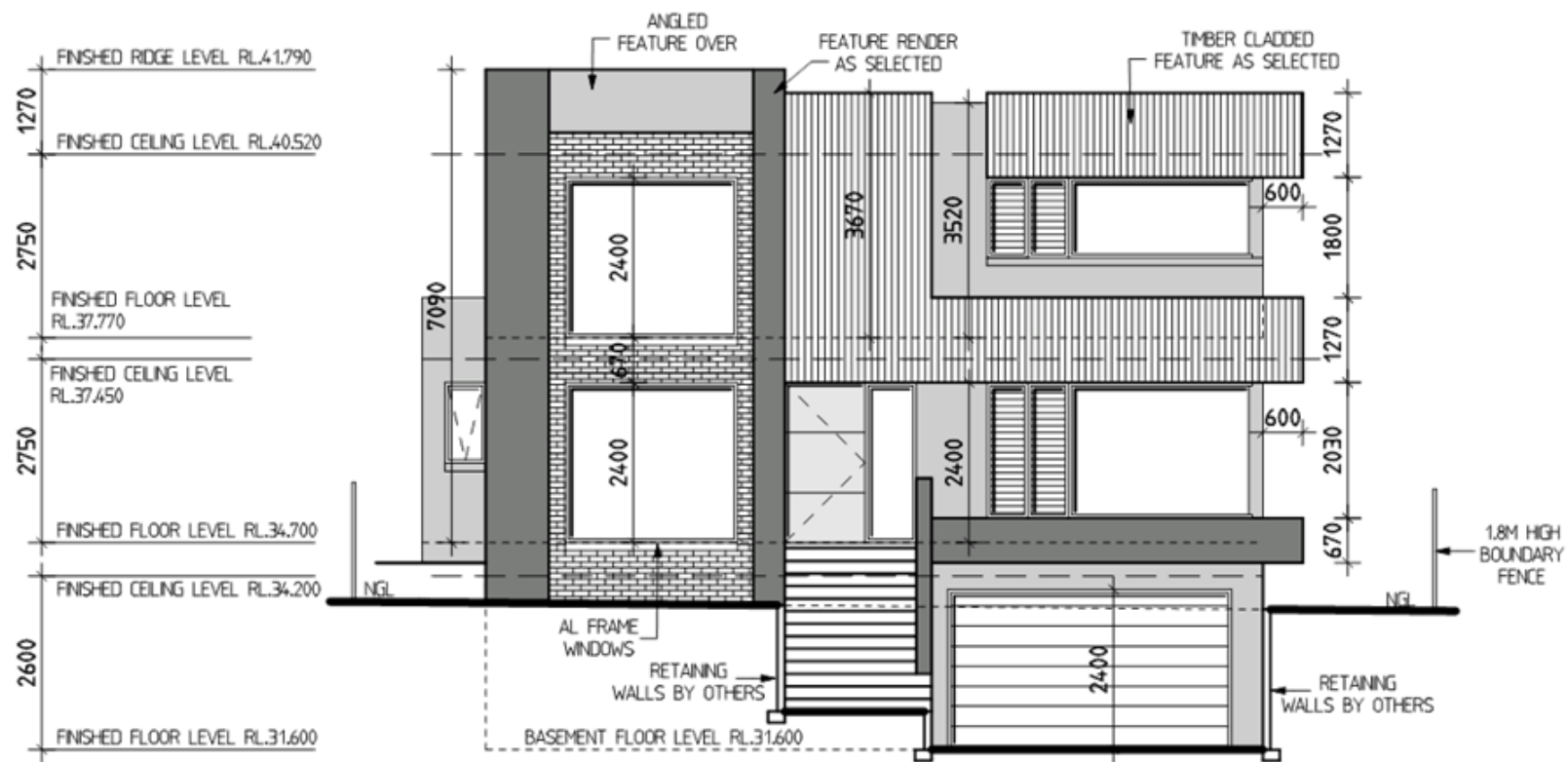
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 PHONE: 0408 475 023 | (02) 8824 3175  
 EMAIL: SALES@MORRISONHOMES.COM.AU

FOR	MR & MRS DHANAPALAN	PAGE SIZE	A3	DWG NO.	J1270	PAGE NO.	5 OF 9
AT	LOT 146, N°47 BARKER ROAD, STRATHFIELD	DP NO.	12405	ISSUE	DATE	REVISION	DRAWN
				B	21-02-18	AMEND DA PLANS	RK
				C	26-02-18	AMEND DA PLANS	RK
				D	06-03-18	AMEND DA PLANS	RK

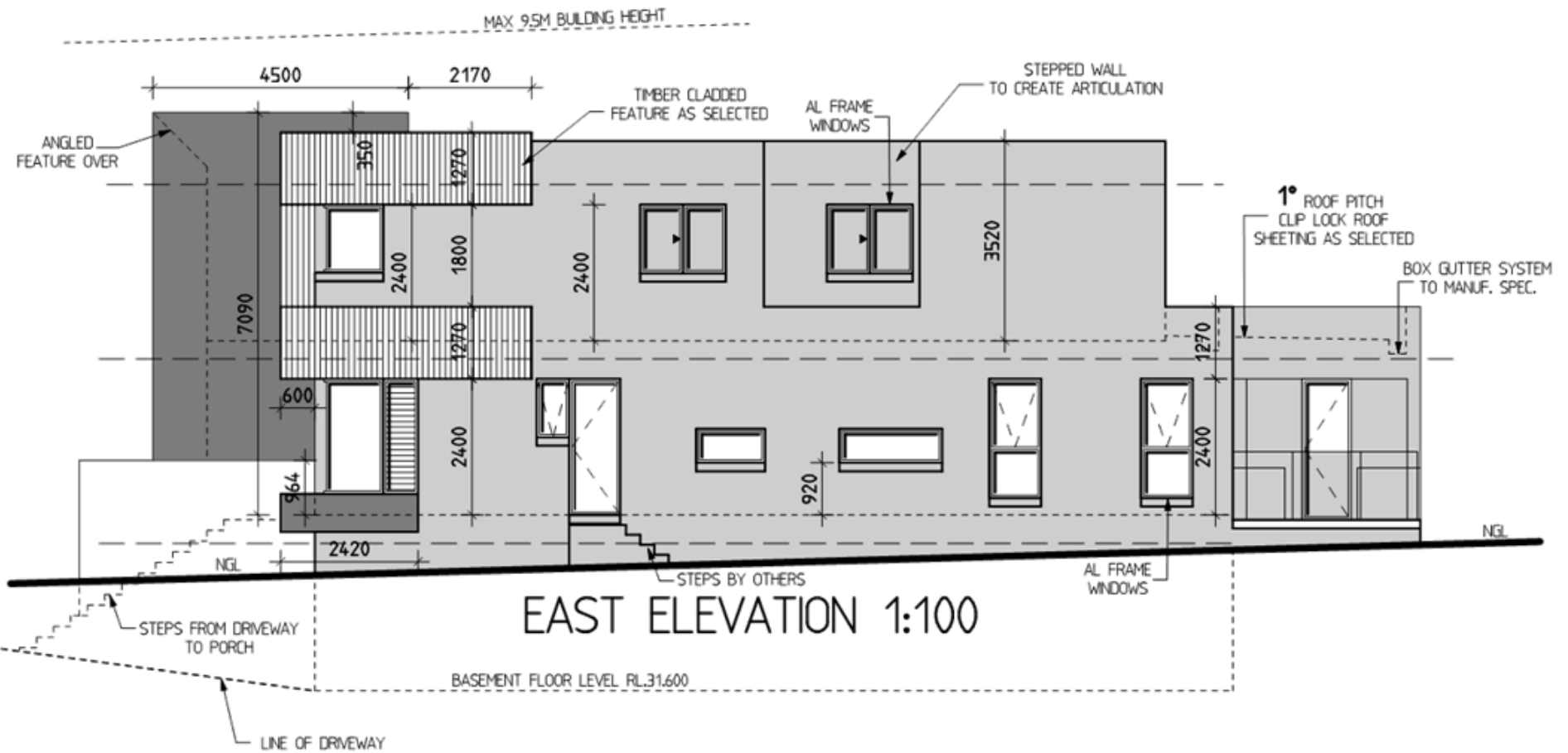


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SOUTH ELEVATION 1:100



EAST ELEVATION 1:100

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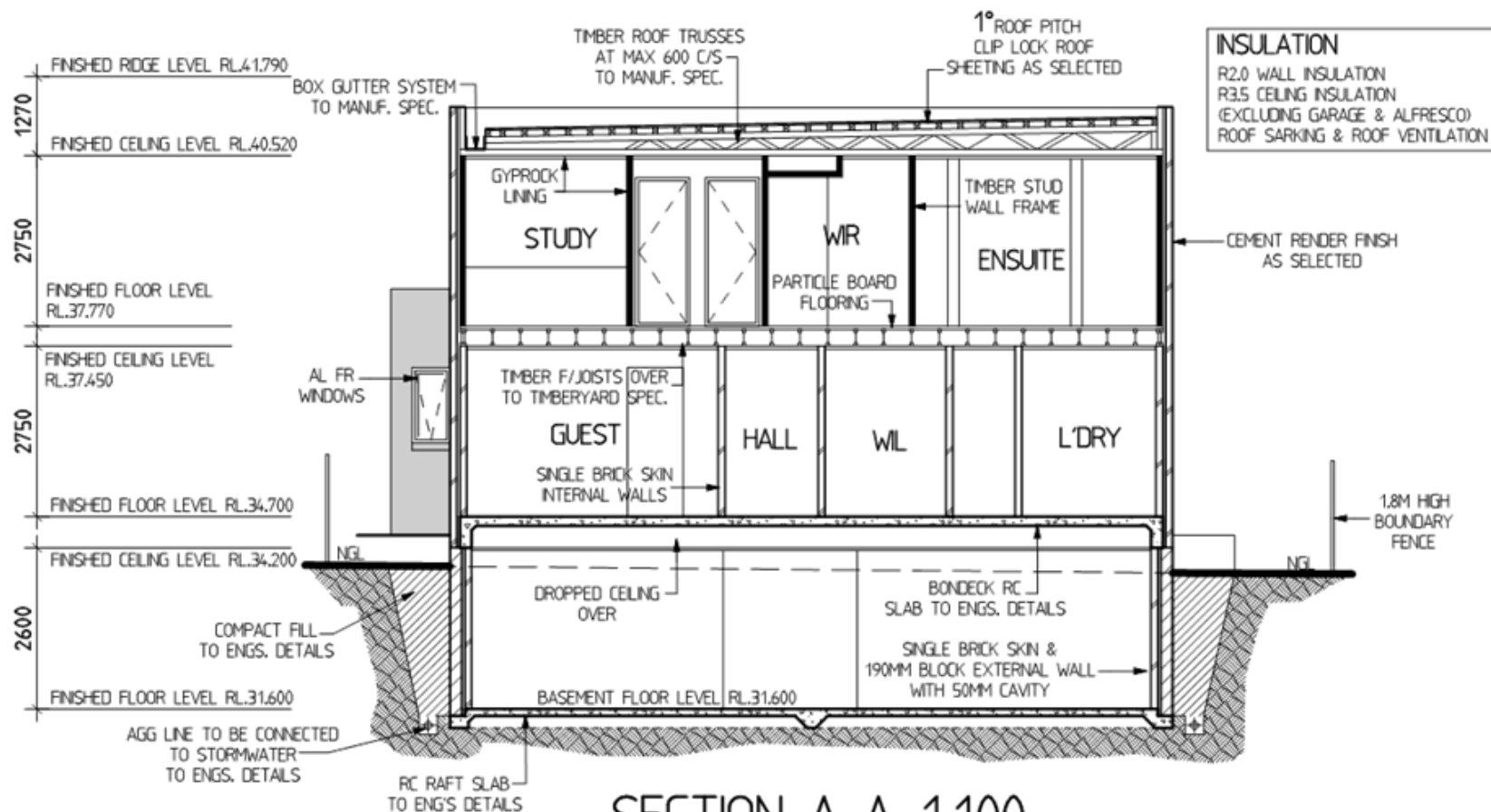
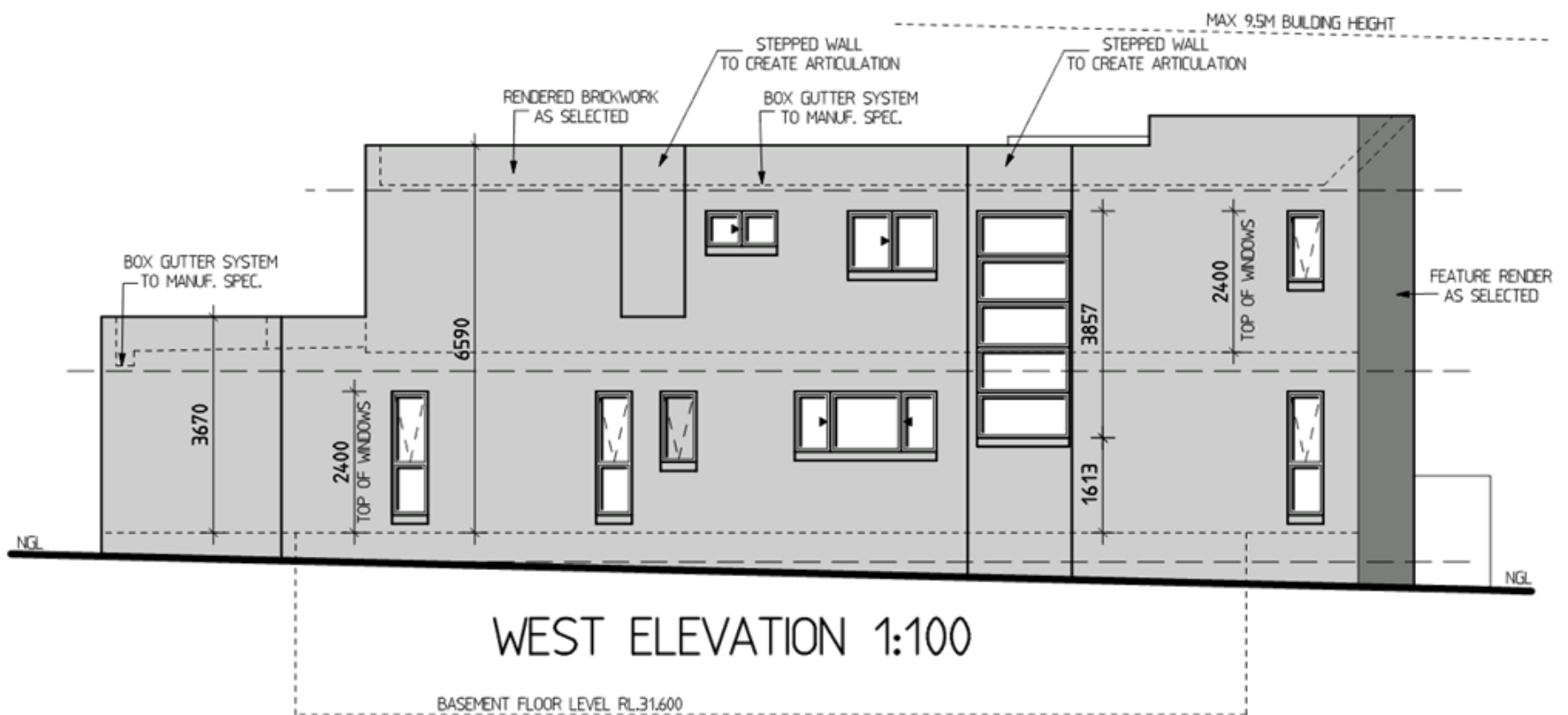
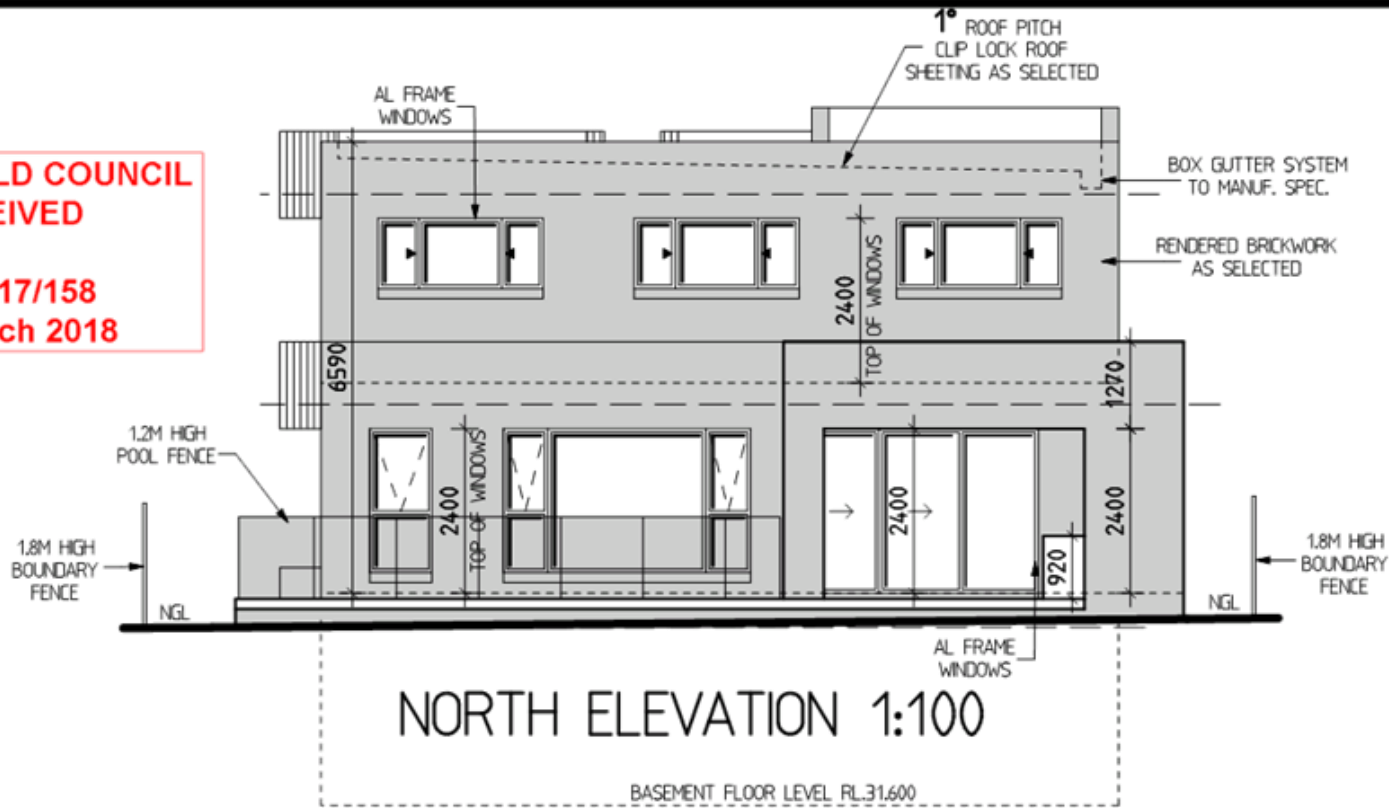
FOR	MR & MRS DHANAPALAN	PAGE SIZE	A3	DWG NO.	J1270	PAGE NO.	6 OF 9
AT	LOT 146, N°47 BARKER ROAD, STRATHFIELD	DP NO.	12405	ISSUE	DATE	REVISION	DRAWN
				B	21-02-18	AMEND DA PLANS	RK
				C	26-02-18	AMEND DA PLANS	RK
				D	06-03-18	AMEND DA PLANS	RK



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FOR MR & MRS DHANAPALAN  
AT LOT 146, N°47 BARKER ROAD, STRATHFIELD

PAGE NO. 7 OF 9  
DWG NO. J1270  
DP NO. 12405

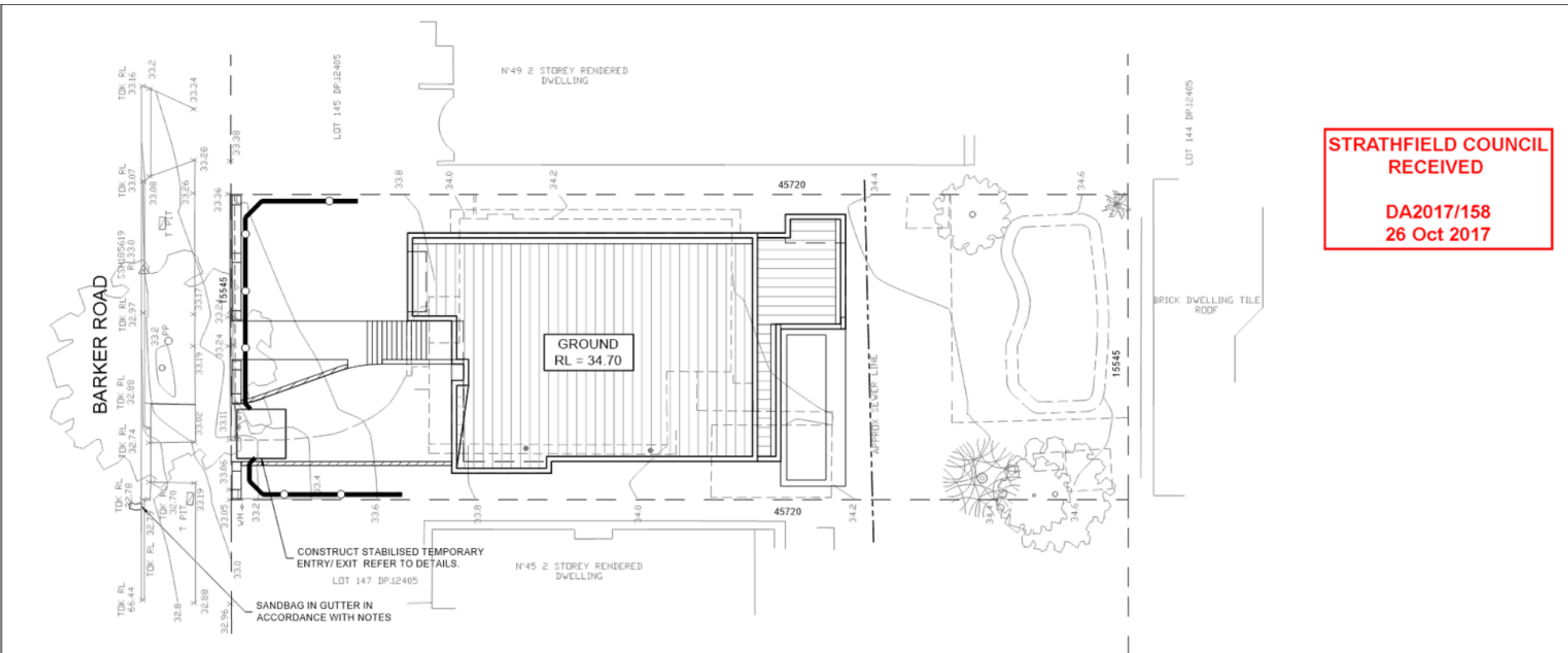
ISSUE	DATE	REVISION	DRAWN
B	21-02-18	AMEND DA PLANS	RK
C	26-02-18	AMEND DA PLANS	RK
D	06-03-18	AMEND DA PLANS	RK



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**SEDIMENT & EROSION CONTROL PLAN**  
1:200

—○— - DENOTES SEDIMENT FENCE

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE.

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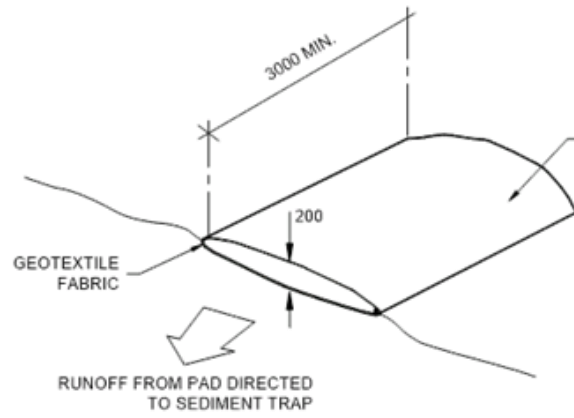
**PROPOSED RESIDENCE**  
AT 47 BARKER ROAD, STRATHFIELD  
FOR MORRISON HOMES

**SEDIMENT & EROSION CONTROL PLAN**

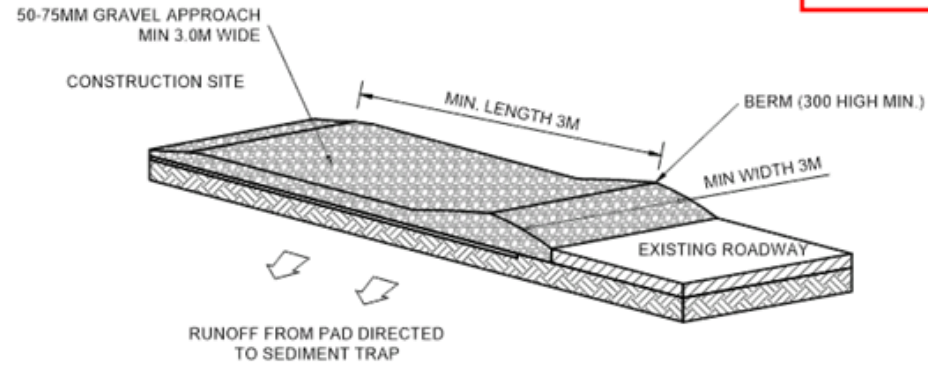
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17810	C01.01	A3
DESIGNED BY:	DATE:	
B.C.	OCTOBER 2017	
DRAWN BY:	SCALE:	
F.J.	1:200 U.N.O	

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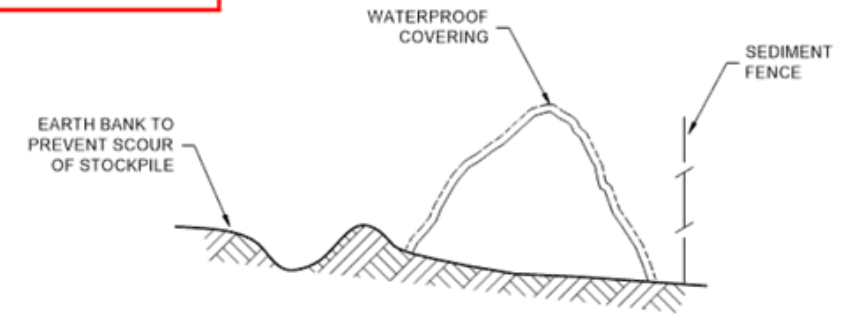
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OPTION 1 - EXISTING DRIVEWAY TO REMAIN



OPTION 2 - DRIVEWAY TO BE RENEWED

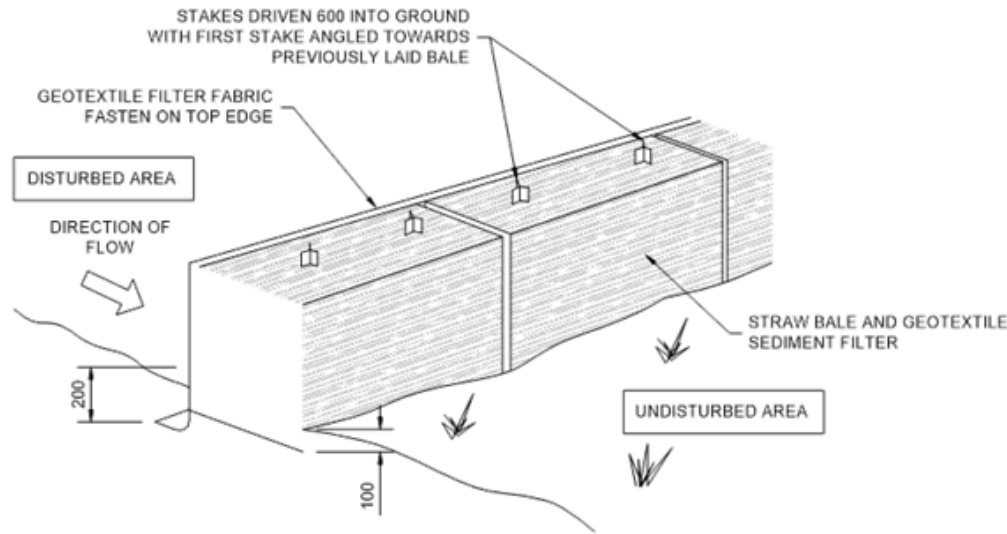


**BUILDING MATERIAL STOCKPILES**

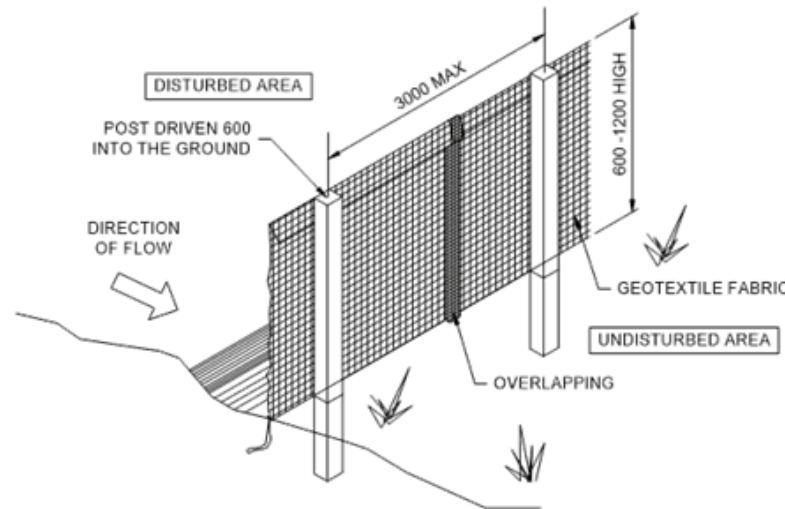
N.T.S  
ALL STOCKPILES OF BUILDING MATERIAL SUCH AS SAND AND SOIL MUST BE PROTECTED TO PREVENT SCOUR AND EROSION.  
THEY SHOULD NEVER BE PLACED IN THE STREET GUTTER WHERE THEY WILL WASH AWAY WITH THE FIRST RAINSTORM.

**VEHICLE ACCESS TO SITE**

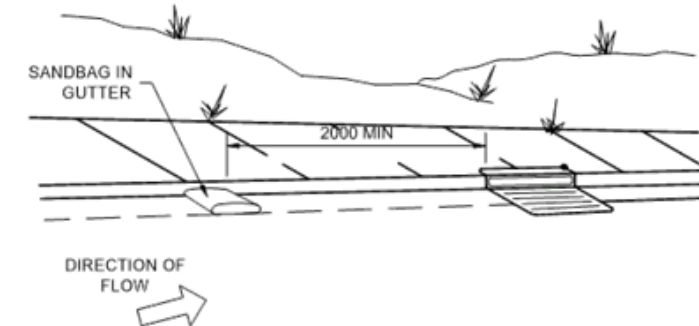
N.T.S  
VEHICLE ACCESS TO THE BUILDING SITE SHOULD BE RESTRICTED TO A SINGLE POINT SO AS TO REDUCE THE AMOUNT OF SOIL DEPOSITED ON THE STREET PAVEMENT.



**STRAW BALE DETAIL**  
N.T.S



**SEDIMENT AND EROSION FENCE DETAIL**  
N.T.S



**SANDBAG KERB SEDIMENT TRAP**  
N.T.S  
IN CERTAIN CIRCUMSTANCES EXTRA SEDIMENT TRAPPING MAY BE NEEDED IN THE STREET GUTTER.

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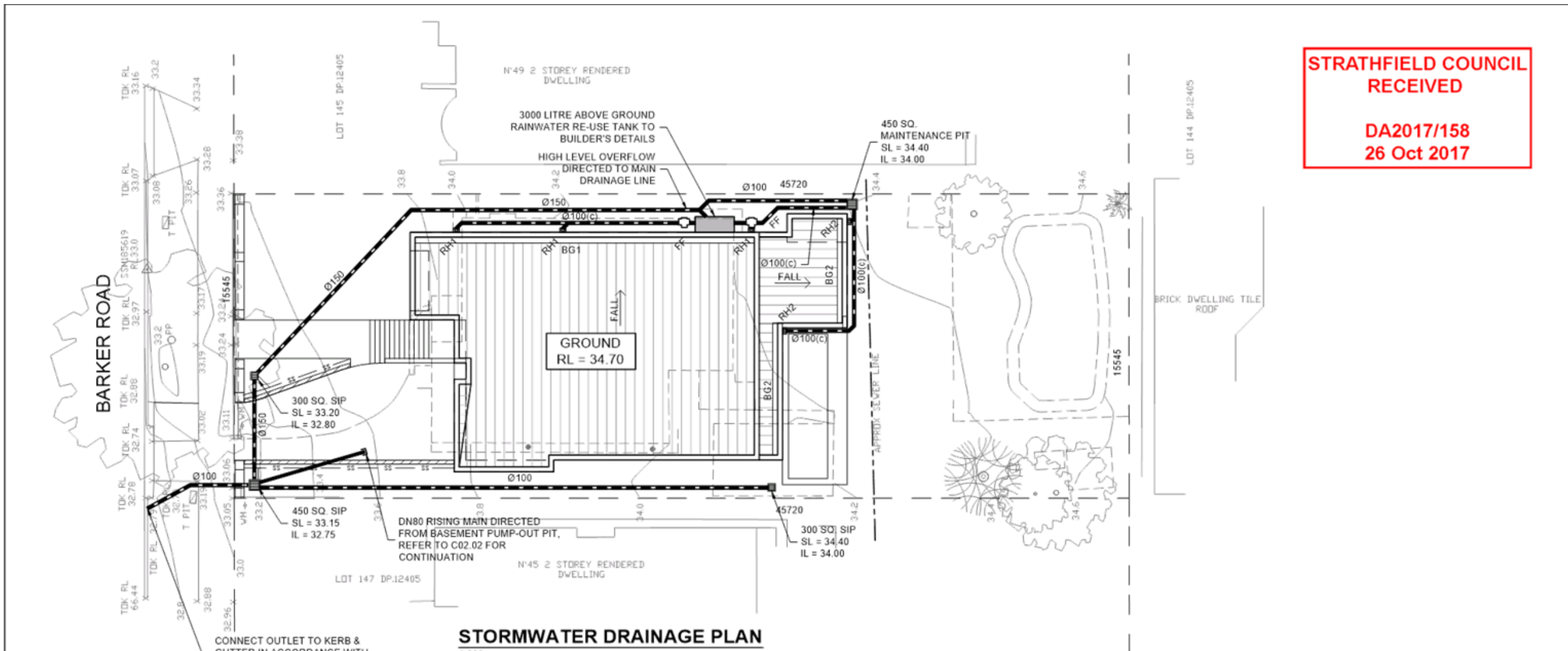


**PROPOSED RESIDENCE**  
AT 47 BARKER ROAD, STRATHFIELD  
FOR MORRISON HOMES

**SEDIMENT & EROSION CONTROL DETAILS**

JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
17810	C01.02	A3
DESIGNED BY:	DATE:	
B.C.	OCTOBER 2017	
DRAWN BY:	SCALE:	
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**STORMWATER DRAINAGE PLAN**  
1:200

**STORMWATER DESIGN SUMMARY**

COUNCIL: STRATHFIELD MUNICIPAL COUNCIL	
100 YEAR, 5 MIN STORM	= 209 mm/hr
20 YEAR, 5 MIN STORM	= 166 mm/hr
TOTAL SITE AREA = 708.2 m <sup>2</sup>	
PROPOSED ROOF AREA	= 226.8 m <sup>2</sup>
IMPERVIOUS PATHS & DRIVEWAYS	= 98.7 m <sup>2</sup>
TOTAL IMPERVIOUS SITE AREA	= 325.5 m <sup>2</sup>
IMPERVIOUS SITE PERCENTAGE	= 45.9%

IMPERVIOUS AREA PERCENTAGE < 65%, THEREFORE NO OSD REQUIRED.

100% PROPOSED ROOF AREA DIRECTED TOWARDS 3000 LITRE RAINWATER RE-USE TANK. HIGH LEVEL OVERFLOW DIRECTED TOWARDS KERB & GUTTER VIA GRAVITY DRAINAGE.

**STORMWATER DRAINAGE NOTES**

- ALL DRAINAGE LINES SHALL BE uPVC (CLASS SH) STORMWATER DRAINAGE PIPE, U.N.O.
- ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN. U.N.O.
- FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL, TYPICAL
- MINIMUM EFFECTIVE BOX GUTTER SLOPE = 1:200 U.N.O.

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE.

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**STORMWATER DRAINAGE PLAN**

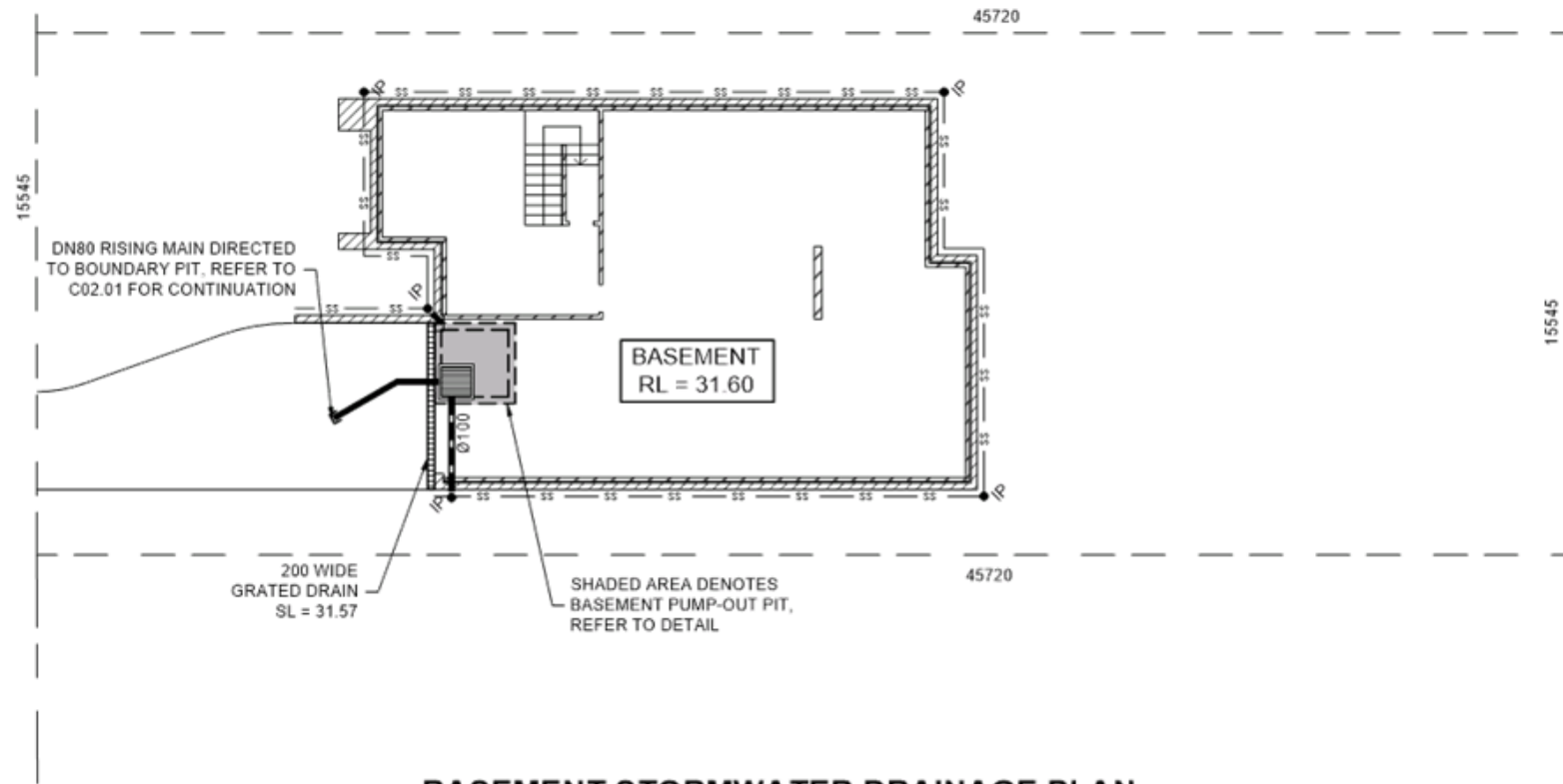
JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
17810	C02.01	A3
DESIGNED BY: B.C.	DATE: OCTOBER 2017	
DRAWN BY: F.J.	SCALE: 1:200 U.N.O.	

**LEGEND**

	INSPECTION POINT
	FIRST FLUSH RAINWATER DEVICE TO BUILDER'S DETAIL
(c)	CHARGED PIPE
	PROPOSED BELOW GROUND PIPELINE
	SUBSOIL DRAINAGE LINE
	PROPOSED SURFACE INLET PIT
BG1	300W x 120D BOX GUTTER
BG2	200W x 100D BOX GUTTER
RH1	300W x 130D x 110L RAINWATER HEAD FITTED WITH Ø90 DOWN PIPE
RH2	200W x 115D x 110L RAINWATER HEAD FITTED WITH Ø90 DOWN PIPE

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BARKER ROAD



**BASEMENT STORMWATER DRAINAGE PLAN**  
1:200

**STORMWATER DRAINAGE NOTES**

- ALL DRAINAGE LINES SHALL BE uPVC (CLASS SH) STORMWATER DRAINAGE PIPE, U.N.O.
- ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN, U.N.O.

**LEGEND**

- INSPECTION POINT
- PROPOSED BELOW GROUND PIPELINE
- SUBSOIL DRAINAGE LINE
- PROPOSED SURFACE INLET PIT

NOTE: DO NOT SCALE OFF DRAWINGS. REFER TO ARCHITECTURAL PLANS. VERIFY DIMENSIONS ON SITE.

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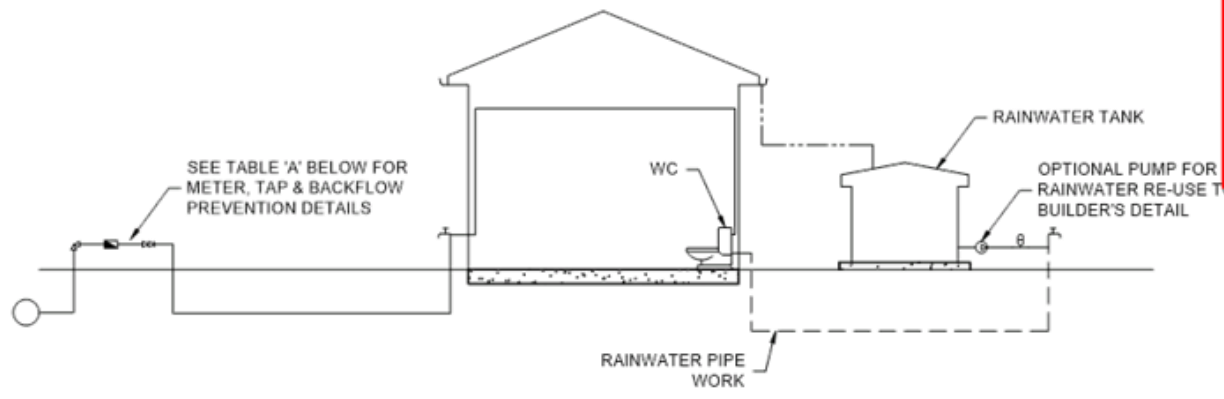
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**BASEMENT STORMWATER DRAINAGE PLAN**

JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
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DESIGNED BY:	DATE:	
B.C.	OCTOBER 2017	
DRAWN BY:	SCALE:	
F.J.	1:200 U.N.O.	

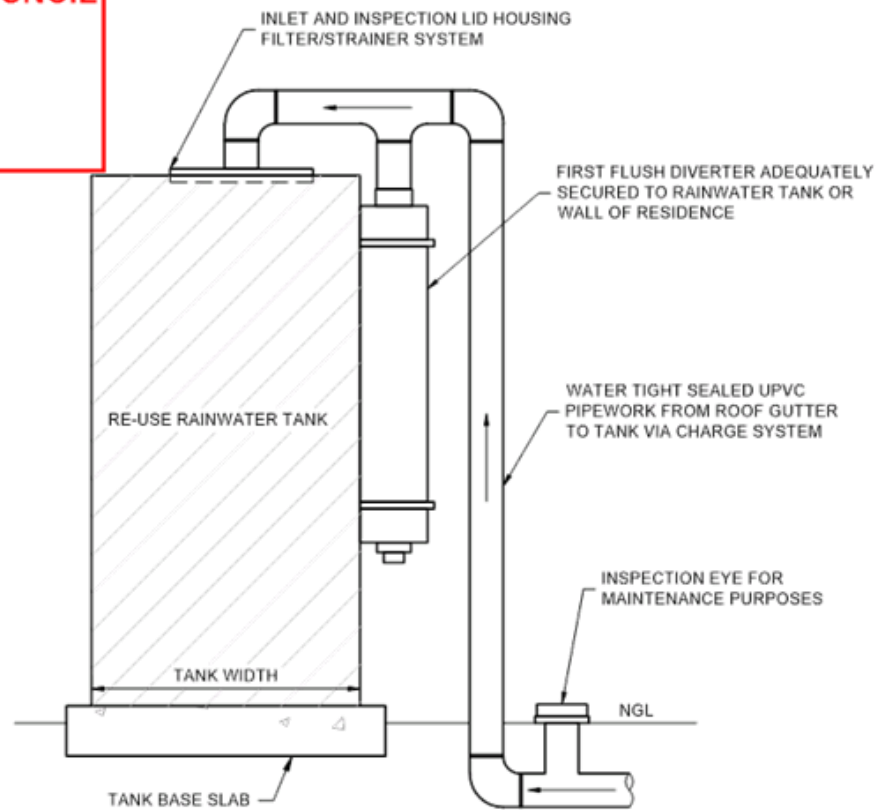
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RAINWATER TANK LOCATION	METER SIZE (mm)	TYPE OF TAP	TYPE OF BACKFLOW PREVENTION
ABOVE GROUND	20	BALL VALVE	DUAL CHECK VALVE (COMBINED WITH METER)
	25	BALL VALVE	DUAL CHECK VALVE
	≥ 32	BALL VALVE	DUAL CHECK VALVE
BELOW GROUND	20	BALL VALVE	TESTABLE DOUBLE CHECK VALVE
	25	BALL VALVE	TESTABLE DOUBLE CHECK VALVE
	≥ 32	BALL VALVE	TESTABLE DOUBLE CHECK VALVE

	PRESSURE VESSEL
	METER
	BALL VALVE RIGHT ANGLE TYPE
	DUAL CHECK VALVE
	PUMP
	GARDEN TAP
	DRINKING WATER SUPPLY PIPES
	RAINWATER SUPPLY PIPES
	DOWN PIPES

- DIAGRAM NOTES:
- DRAWING TO BE READ IN CONJUNCTION WITH SYDNEY WATER PLUMBING REQUIREMENTS
  - FOR TANKS 10,000 LITRES OR LESS, COUNCIL DEVELOPMENT CONSENT IS NOT REQUIRED, IF THEIR CONDITIONS FOR INSTALLATION ARE FOLLOWED.
  - FOR TANKS GREATER THAN 10,000 LITRES COUNCIL DEVELOPMENT CONSENT IS GENERALLY REQUIRED.
  - FOR TANKS MORE THAN 10,000 LITRES APPROVAL IS REQUIRED FOR BUILDING OVER SEWERS.
  - SYDNEY WATER'S APPROVAL IS REQUIRED FOR ANY TOP UP FROM DRINKING WATER SUPPLY, REGARDLESS OF TANK SIZE. NO DIRECT CONNECTION IS ALLOWED BETWEEN THE DRINKING WATER SUPPLY AND THE RAINWATER TANK SUPPLY.
  - RAINWATER PIPEWORK IS SHOWN ON THE DIAGRAM AS SUPPLYING INTERNAL AND EXTERNAL RAINWATER USES. CUSTOMERS MAY WANT ONE OR THE OTHER.
  - ANY DESIGNED ACCESS LID INTO RAINWATER RE-USE TANK IS TO HAVE A LOCKABLE LID. IF THE LID IS DESIGNED TO BE ACCESSED BY A MAINTENANCE PERSON, IT MUST BE AT LEAST 600 mm x 900 mm IN SIZE.

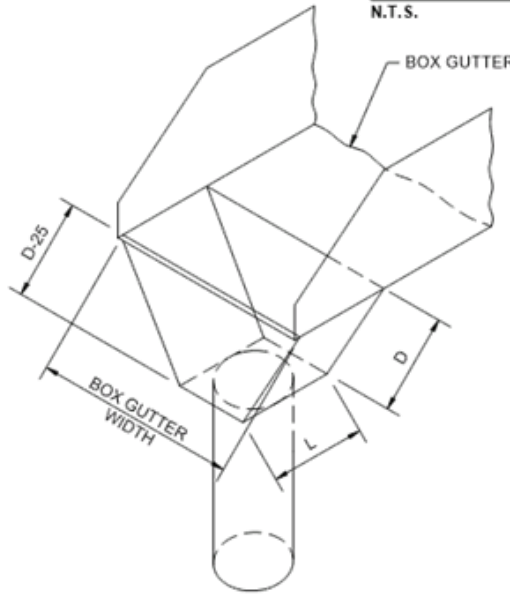


**DUAL DRINKING WATER & RAINWATER SUPPLY DIAGRAM**

N.T.S.

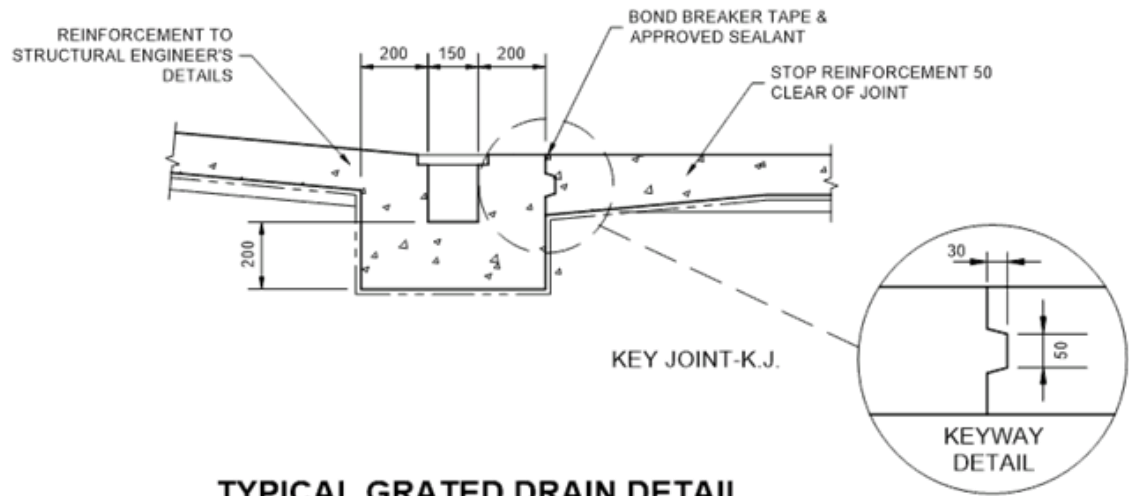
**TYPICAL FIRST FLUSH DETAIL**

N.T.S.



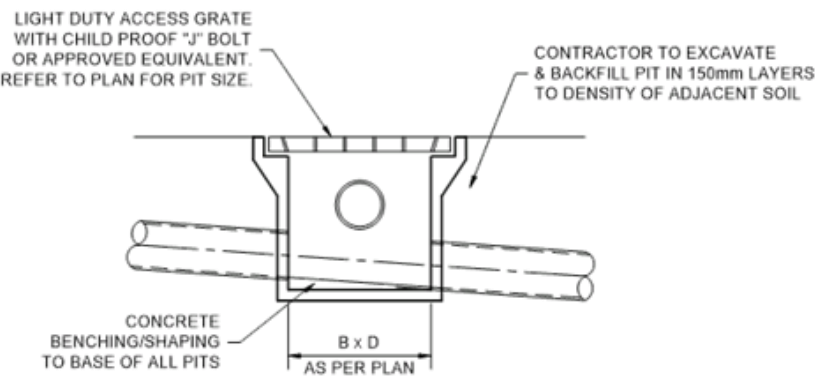
**RAINWATER HEAD SECTION**

N.T.S.



**TYPICAL GRATED DRAIN DETAIL**

1:20



**TYPICAL SURFACE INLET PIT DETAIL**

1:20

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**STORMWATER DETAILS SHEET 1**

JOB NUMBER:	DWG NUMBER:	ORIGINAL SIZE:
17810	C02.03	A3
DESIGNED BY:	DATE:	
B.C.	OCTOBER 2017	
DRAWN BY:	SCALE:	
F.I.	1:20 U.N.O	

**STANDARD PUMP OUT DESIGN NOTES**  
 THE PUMP OUT SYSTEM SHALL BE DESIGNED TO BE OPERATED IN THE FOLLOWING MANNER:-

- > THE PUMPS SHALL BE PROGRAMMED TO WORK ALTERNATIVELY SO AS TO ALLOW BOTH PUMPS TO HAVE AN EQUAL OPERATION LOAD AND PUMP LIFE.
- > A LOW LEVEL FLOAT SHALL BE PROVIDED TO ENSURE THAT THE MINIMUM REQUIRED WATER LEVEL IS MAINTAINED WITHIN THE SUMP AREA OF THE BELOW GROUND TANK. IN THIS REGARD THIS FLOAT WILL FUNCTION AS AN OFF SWITCH FOR THE PUMPS.
- > A SECOND FLOAT SHALL BE PROVIDED AT A HIGHER LEVEL, APPROXIMATELY 300mm ABOVE THE MINIMUM WATER LEVEL, WHEREBY ONE OF THE PUMPS WILL OPERATE AND DRAIN THE TANK TO THE LEVEL OF THE LOW-LEVEL FLOAT.
- > A THIRD FLOAT SHALL BE PROVIDED AT A HIGH LEVEL, WHICH IS APPROXIMATELY THE ROOF LEVEL OF THE BELOW GROUND TANK. THIS FLOAT SHOULD START THE OTHER PUMP THAT IS NOT OPERATING AND ACTIVATE THE ALARM.

**PUMP DESIGN SUMMARY**

CATCHMENT AREA  
 DRIVEWAY = 51.1 m<sup>2</sup>

1:100 ARI 2 HOUR STORM = 38.0 mm/h  
 MINIMUM PUMP TANK STORAGE REQUIRED = 38.0\*2\*51.1 = 3883.6 l

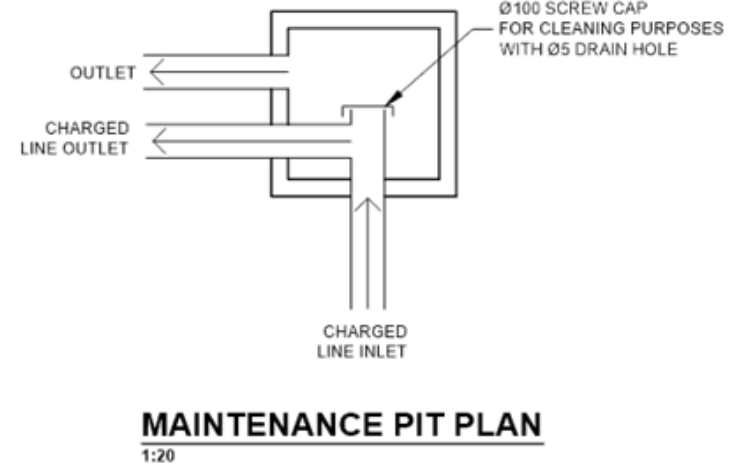
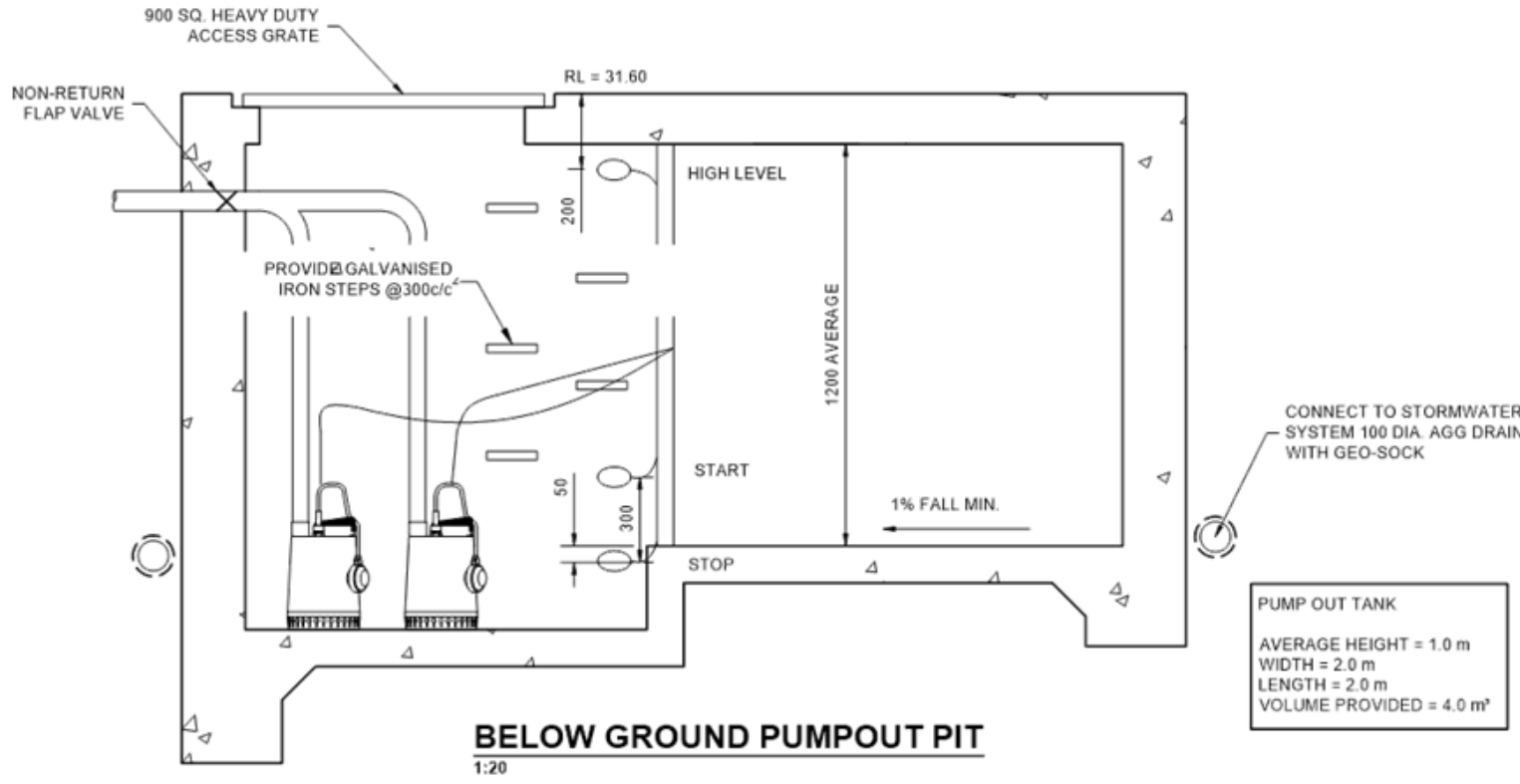
PUMP OUT TANK STORAGE PROVIDED = 4000 l

1:100 ARI 5 MIN STORM = 209 mm/h  
 MINIMUM PUMP OUT RATE = 209/3600 x 51 = 2.97 l/s  
 MINIMUM PUMP HEAD REQUIRED = 2.5m

2-DAVEY D75 SUBMERSIBLE SUMP PUMPS OR APPROVED EQUIVALENT

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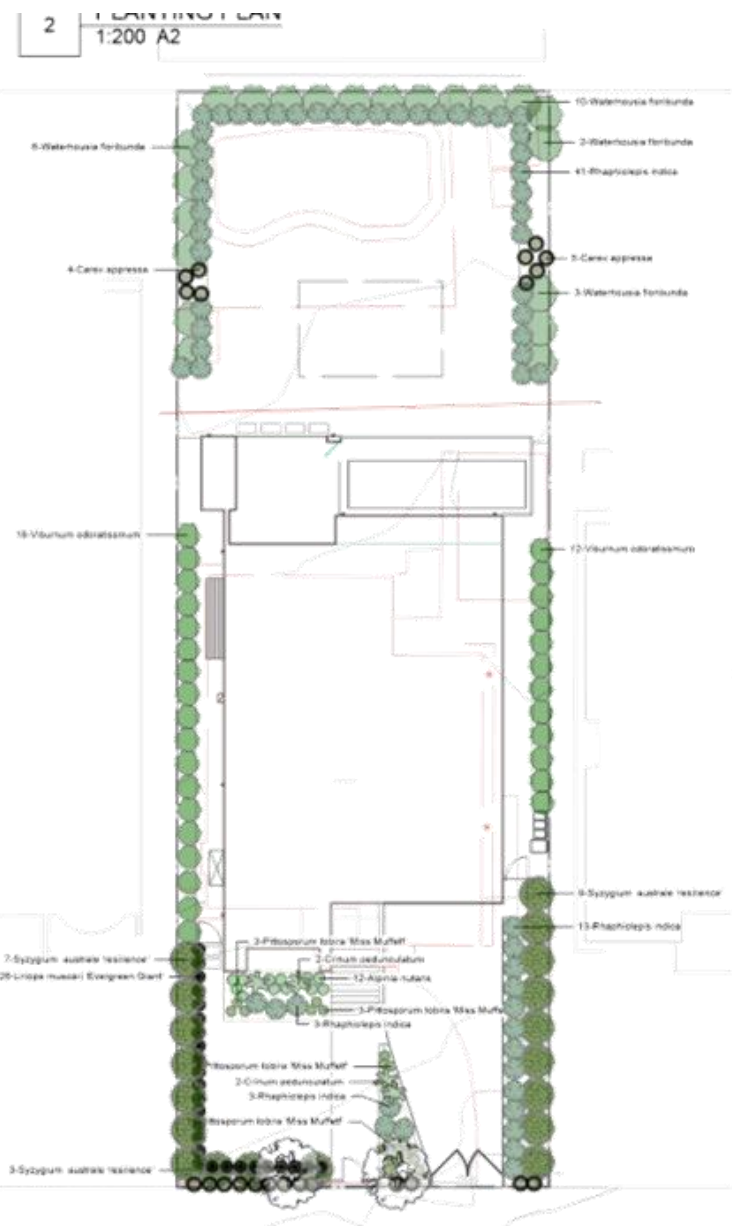
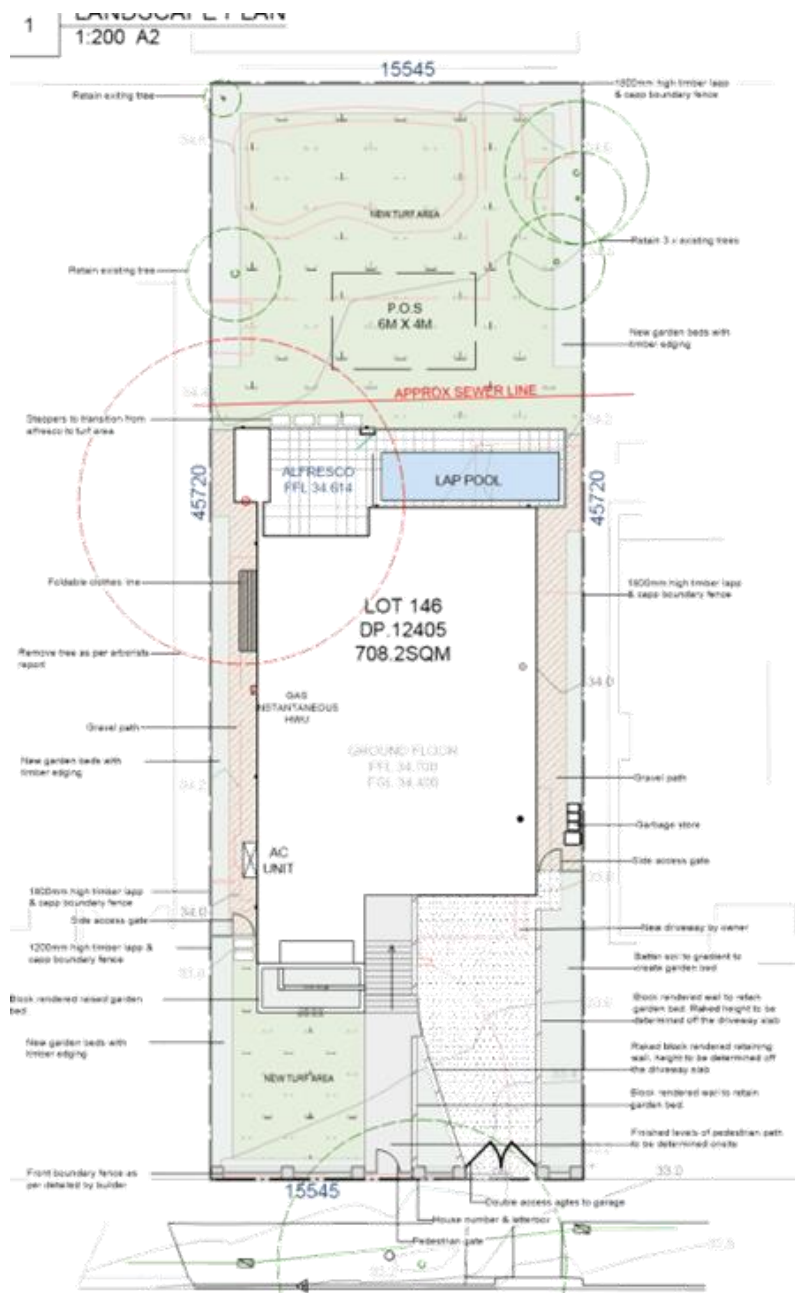
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**STORMWATER DETAILS SHEET 2**

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17810	C02.04	A3
DESIGNED BY: B.C.	DATE: OCTOBER 2017	
DRAWN BY: F.J.	SCALE: 1:20 U.N.O	





**3 SITE NOTES**

**SITE PREPARATION**  
Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed. Any newly sited works should be carried out carefully using hand tools. Trees shall not be removed or topped unless specifically written approval to do so is given in writing on plan. Storage of materials, rising of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling, site office and sheds shall not occur within three (3) metres of any existing or new trees. Do not accumulate soil, rubble or other debris cleared from the site, or building materials within the drop line of existing or new trees.

**SERVICE**  
Services and utilities shown have been located by physical evidence and/or by reference to surveys provided. They may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

**SOIL PREPARATION**  
All proposed planting areas to be deep ripped to 300mm. Clay soils to be combined with 50-100mm of A.N.L. Organic Clay Liner. 75mm depth of A.N.L. Organic Garden Mix to be imported and combined with 25mm depth Green life compost or approved equivalent. Care to be taken to hand outside in any area where existing tree roots exist to preserve health of trees.

**NEW PLANTINGS**  
Newly planted super advanced trees are to be secured with 3 @ 1.8m x 22mm x 22mm hardwood stakes with tension tape to prevent excessive movement. Planting holes for plants are to be large enough to take the root ball with additional space for back soil not presented as MULCHING.

**MULCHING**  
All planting areas, unless otherwise specified to be mulched with A.N.L. or equivalent forest floor. Mulch depth to be 50mm deep with catchment dish to be left around base of plants.

**FERTILISER**  
On completion of work all planting areas are to be fertilised with organic life slow release fertiliser (Compostic 5-5-5) which is to be sufficiently watered in.

**GARDEN EDGING**  
All planter beds adjacent to lawn areas to have flush timber edging of hardwood or H4 grade treated pine or 50mm galvanneal steel.

**IRRIGATION**  
Automatic watering system to be selected and installed to extend to all landscaped areas included in works including lawn areas. The Landscape Contractor is to liaise with Council as necessary to ensure that the irrigation system conforms with all Water Board, Council & Australian Standards and Regulations.

**PAVING**  
All paving to be selected by client. All steps made and pool coping to be finished. All paving to be laid to manufacturer's recommendations. All paving adjacent to houses to have a minimum fall of 1:100 directed away from residence. Sealing of all paving should be a consideration with the supplier on this is to be sought by the client.

**DRAINAGE**  
To prevent runover at the bottom of the fall, install a grated surface drain at the edge of the paving. If draining a large area or you are likely to get a lot of silt in the runoff captured by the drain, install a sump or clean out section between the drain and the stormwater pipe to collect silt and sand. Clean it out periodically.

**POOL ENCLOSURE**  
Pool fencing installed to comply Australian Standards for Pool enclosure requirements regarding height and gate features. A3-150.

**TURF**  
Turf to be as specified. Turf to be laid on 50mm gravel over 200mm deep stone base prepared area. Turf areas to be evenly graded. Adequate drainage to be provided under lawn area.

**RETAINING WALLS**  
All retaining walls over 100mm to be to Engineers specifications.

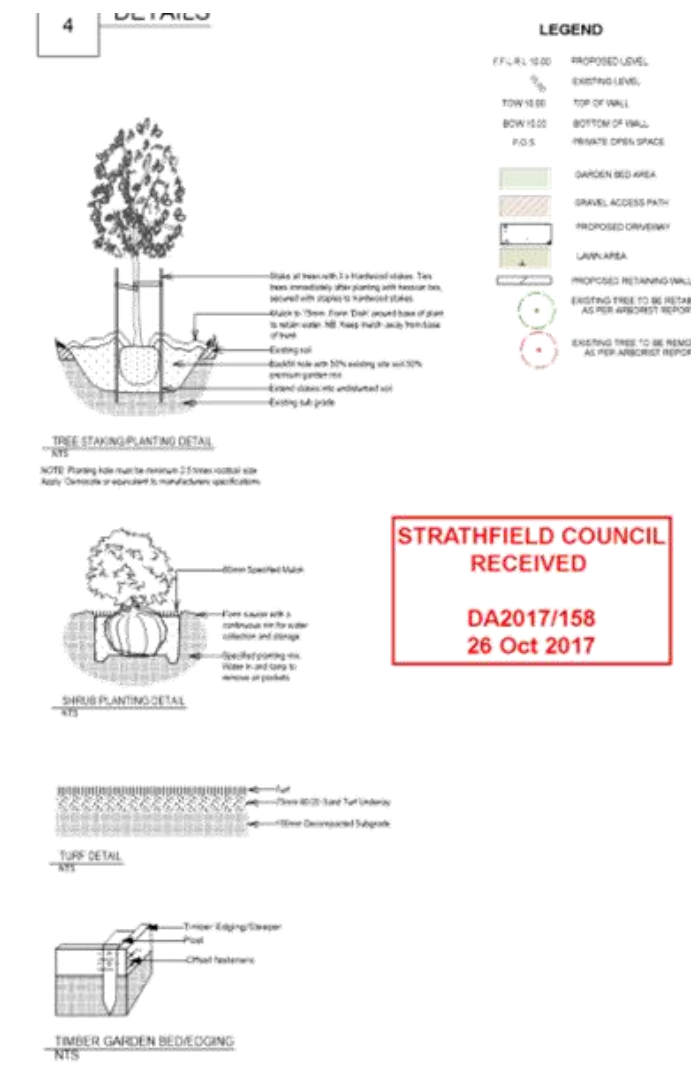
**WALL CONSTRUCTION**  
All civil, structural and hydraulic work associated with this project shall be to consulting Engineers details. All external walls to be constructed in accordance with Clause D2.73 of the Building Code of Australia.

**WATER FEATURES**  
All water features to be fenced and/or waterproof membranes to be installed. All work to be completely checked for waterproofness before final finishes or claddings are applied.

**PLANTING**  
Unless specified, installed and maintained by Sticks & Stones Landscape Design takes no responsibility taken for the vigour, condition or life span of any plant materials.

**EXTRAS**  
30mm x 200mm conduit required under all paving and paths for cable access.

**TREE REMOVAL**  
Where trees are recommended for removal, owner should seek council approval to do so.



**STRATHFIELD COUNCIL RECEIVED**  
DA2017/158  
26 Oct 2017

**5 PLANT SCHEDULE**

ID	Qty	Latin Name	Common Name	Scheduled Size	Mature Height / Spread
An	12	Alpina nutans	Dwarf Cardamon	140mm	1000mm/1000mm
Cpm	4	Crinum pedunculatum	Swamp Lily	140mm	500mm/500mm
Css	22	Carex appressa	Green Sedge	140mm	500mm/500mm
Li	2	Lagerstroemia indica	Crepe Myrtle	45L	3M/2M
Lm	26	Liriope muscari 'Evergreen Giant'	Evergreen Giant Layturf	140mm	600mm/600mm
PtMM	20	Ptilosporum tobira 'Miss Muffet'	Miss Muffet	200mm	300mm/300mm
Ri	60	Rhipidolepis indica	Indian Hawthorn	200mm	2M/1M (hedge to 1M/1M)
Spm-1	19	Syzygium australe 'resilience'	Syzygium resilience	300mm	3M/1.5M (hedge to 2M)
Wf	21	Waterhousea floribunda	Weeping Lilly Pilly	45L	6M/2M (hedge to 2.5M/1M)
Wo	30	Viburnum odoratissimum	Viburnum	300mm	5M/2M (hedge to 2.5M/1M)

**6 PLANT IMAGES**



**STICKS & STONES**

NOTES:  
1. See schedule for details of plants to be installed.  
2. All plants to be installed in accordance with the Australian Standard AS 4185-2010.  
3. All plants to be installed in accordance with the Australian Standard AS 4185-2010.  
4. All plants to be installed in accordance with the Australian Standard AS 4185-2010.

**DRAWING NAME**  
Landscape Plan

**CLIENT**  
c/o MORRISON HOMES

**ADDRESS**  
47 Barker Road STRATHFIELD

**PROJECT NO.**  
Project No.

**DRAWING NO.**

**SCALE**  
0 2 4 8 16

**DATE DRAWN**  
7.10.20

**DRAWN BY**  
FE



**TO:** Strathfield Local Planning Panel Meeting - 5 April 2018  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA2017/109: 30-32 POMEROY STREET, HOMEBUSH  
LOT 1 IN DP 809799  
**DA NO.** 2017/109

## SUMMARY

**Proposal:** Demolition of existing structures and construction of a part five (5), part four (4) residential flat building comprised of (38) units with one(1) commercial tenancy over three (3) levels of basement parking

**Applicant:** Paul & Giuseppa Valente

**Owner:** Paul Valente

**Date of lodgement:** 21 July 2017

**Notification period:** 8 August 2017 – 29 August 2017

**Submissions received:** Two (2) written submissions were received

**Assessment officer:** LM

**Estimated cost of works:** \$13,202,540.00

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

**Heritage:** n/a

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** Yes – Building Height

**Extent of the variation?** 3.13%(500mm) to 16m building height and 7.69%(1m) to 13m building height

**RECOMMENDATION OF OFFICER:** Approval

## EXECUTIVE SUMMARY

Approval is sought for the demolition of existing structures and construction of a part five (5), part four (4) residential flat building comprised of (38) units with a ground floor commercial tenancy over three levels of basement parking. It is noted that the application originally sought a part six (6) and part five (5) storey residential flat building comprised of (42) units, however the development has been modified during the assessment process to achieve better a better planning outcome.

The application is identified as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979 (as amended)* as the application is deemed an aquifer interference activity requiring authorisation under the *Water Management Act 2000*. The General Terms of Approval (GTA) from Water NSW were submitted to Council 30 August 2017 and have been included as conditions of consent.

The proposal seeks an overall building height of 16.50m and 7.69m, resulting in a maximum 3.13% (500mm) and 7.69% (1m) height breach, respectively to Clause 4.3A of the *Strathfield Local Environmental Plan 2012 (SLEP 2012)*. The additional building height consists of a small portion of the upper level of the building which is sited over both the 16m height limit fronting Pomeroy Street and the 13m height limit to the rear. A Clause 4.6 variation request has been submitted as part of

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

the application to vary the height of the building development standard. On balance, the variation is considered to be well founded given that the breach is relatively minor and results in minimal adverse impacts to adjoining properties.

The application was notified for a period of 21 days under the provisions of Part L of the SCDP 2005 with a total of two (2) submissions received during this time. Objectors raised concern for visual privacy; solar access; building height; off-street parking; traffic; and acoustic amenity. This has been discussed further throughout this report.

Overall, the proposal is responsive to the streetscape through providing an active frontage which includes a ground floor commercial tenancy and articulation throughout, so as to reduce the bulk and scale of the built form. The proposal provides a high level of amenity for future residents including provision of well-planned communal areas with landscaped spaces. The proposed development seeks to provide a high quality finish including facebrick, coloured render and off-form concrete accents which will integrate nicely with the transitioning nature of the streetscape.

**BACKGROUND**

- 11 December 1990: A Development Application was approved for the construction and use as a plumbing and tile shop under delegated authority.
- 22 February 2000: A Development Application for alterations to the existing building for use as a training centre for traineeship and apprenticeship development was approved under delegated authority.
- 18 August 2014: A Strategic Planning Pre-DA discussion for the proposal was undertaken at Council offices. Council raised no strategic planning objections to the application with the exception of considering improving the housing mix in pursuit of greater housing choice and affordability.
- 15 July 2016: A Pre-DA meeting was held at Council offices to discuss the implications of the proposal. Matters raised included:
- Compliance with the relevant statutory controls;
  - Common open space;
  - Unit sizes;
  - Building Separation;
  - Unit mix;
  - Parking;
  - Tree removal;
  - Waste; and
  - Stormwater matters.

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 1 in DP 809799 and is commonly known as 30-32 Pomeroy Street, Homebush. The site is a corner allotment with a frontage to Pomeroy Street to the north and Underwood Road to the east. The site is a regular shaped allotment providing a frontage width of 40.24m to Underwood Road and 35.06m to Pomeroy Street (shown in Figure 1). The site provides a total site area of 1,410m<sup>2</sup>.

The site is currently comprised of a two (2) storey brick commercial buildings providing an outdoor carparking area in the front setback of the site (shown in Figure 2). Adjoining the site to the west and south are three (3) storey residential flat buildings whilst immediately east of the site is a residential flat building which is under construction (shown in Figure 3). The streetscape is in a

**DA2017/109: 30-32 Pomeroy Street, Homebush  
 Lot 1 in DP 809799 (Cont'd)**

state of transition from predominantly low and medium density development to higher density development which is centered upon the Pomeroy Street and Underwood Road intersection.



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



**Figure 2:** View of existing development from Pomeroy Street.

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 Lot 1 in DP 809799 (Cont'd)



**Figure 3:** View of mixed use development under construction at 32-36 Underwood Road.



**Figure 4:** View of existing dwellings on Pomeroy Street.

**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**

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

The application seeks Council approval for demolition of existing structures and construction of a part five (5), part four (4) residential flat building comprised of (38) units with a single commercial tenancy over a three (3) levels of basement parking.

The elements of the proposal are:

- Excavation to accommodate three (3) levels of basement parking containing (61) parking spaces;
- Construction of a part five (5), part four (4) residential flat building comprised of:
  - (12) x 1 bedroom;
  - (21) x 2 bedroom; and
  - (5) x 3 bedroom units.
- A single commercial tenancy on the ground floor (118m<sup>2</sup>); and
- Associated landscaping and drainage works.

A photomontage of the building is provided below:



## **REFERRALS**

### **INTERNAL REFERRALS**

#### **Engineering Comments**

Council's Engineer has commented on the proposal as follows:

"I have reviewed the stormwater drainage concept plan prepared by Quantum Engineers rev B drawing no. D1-D7 no. in set 1-7 of 7 job no. 170112 dated 14.06.2017 and can advise the following:

- The basement holding tank within the basement needs to have a minimum capacity capable of handling 4 hours of 1 in 100 ARI storm event.
- The pressure pipe from pump storage tank within the Basement 2 is discharging directly to the kerb and in accordance with Section 4.9 of Council's Stormwater Management Code all other

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Lot 1 in DP 809799 (Cont'd)**

developments/building works except single residential dwelling are required to connect directly to Council's drainage system or channel system.

- Based on the issues highlighted above, the concept plan is not feasible and cannot be supported in its current format.

Amended plans were submitted to Council during the assessment process resolving the above outstanding matters. Consequently Council's Engineer 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:

- "A Waste Management Plan for the above development was not submitted for day to day waste management. This must be submitted so that Council can review it so that it conforms to Council and legislative guidelines.
- There are not enough 660L commercial bins (8 are required 7 indicated on the plan). To accommodate the extra bin the residential waste room area must also be increased to accommodate this according to specifications.
- The bulk storage room is undersized by 0.25m<sup>2</sup>
- The floor at the entrance of the residential waste room appears to be not level providing problems in bin movement and safety.
- Evidence must be provided to Council detailing how a waste truck can enter and leave in a forward direction with sufficient head clearance and have a turning circle of sufficient size and complies with roads and traffic specifications.
- The truck turning area is insufficient and also needs to be shown on the plans.
- The bin loading area must be shown on the plan. If the bin loading area is just outside the wastes rooms it does not comply with requirements as it must be flat so that bins can be picked up. The truck needs a loading area which is sufficient and not on a slope or on the ramp. A flat loading area must be sufficient to allow bin loading to the rear of truck. It must be at least 12m long, 3.6m wide and a minimum 4.4m height.
- Truck when parked in the loading area not to obstruct vehicular access to remainder of the development (car park or loading dock).
- The basement ceiling height is insufficient to accommodate the truck. Truck height is 4.2m.
- The waste rooms must be provided with impervious linings and coving (floor to floor and wall to wall with a separate A/C system) and fitted with hot and cold water and waste drainage that is compliant with water authorities. The garbage room to be capable of being locked."

Amended plans were submitted during the assessment process. The following concerns were still raised:

- The development must include a designated waste/recycling storage area or rooms designed in accordance with Appendix D;



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Lot 1 in DP 809799 (Cont'd)**

- Evidence must be provided to Council detailing how a waste truck can enter and leave in a forward direction with sufficient head clearance and have a turning circle of sufficient size and complies with roads and traffic specifications;
- The truck turning area is insufficient, truck turning circle needs to be shown on plans as per DCP Appendix F;
- Truck when moving on site cannot obstruct vehicular access to remainder of the development (car park or loading dock);
- The size and layout of the commercial waste/ recycling storage room/area should be capable of accommodating reasonable future changes in use of the development.

The Applicant submitted amended documentation and plans so as to demonstrate compliance with above. No further objections have been raised subject to the imposition of conditions of consent.

### **Traffic Comments**

Council's Traffic Engineer has commented on the proposal as follows:

"I have no concerns other than the fact that the car park is devoid of a Turning Bay."

Whilst amended plans were submitted during the assessment process, the basement plans have not been amended to include turning bays at either ends of the basement. A condition of consent is recommended to ensure a number of select parking spaces are reallocated as turning bays so as to allow cars to maneuver in a forward direction in the basement.

### **Tree Coordinator Comments**

Based on the comments provided by Council's Tree Coordinator at the Pre-Lodgement meeting held 15 July 2016 and further confirmation provided by the Tree Coordinator during the assessment of the subject application, the removal of all trees within the boundaries of the site is supported. Notwithstanding, the retention and ongoing maintenance of Council's street trees surrounding the site are required. Standard conditions of consent have therefore been imposed to ensure the street trees are maintained.

### **EXTERNAL REFERRALS**

#### **Water NSW**

The application was referred to Water NSW. The General Terms of Approval were received by Council 30 August 2017 and have been included as 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**

The following Environmental Planning Instruments (EPI's) are applicable to the assessment of the subject application:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004;

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Strathfield Local Environmental Plan 2012;
- Strathfield Development Contributions Plan 2010-2030; and
- Strathfield Development Control Plan 2005:
  - Part C – Multi-Unit Development
  - Part H – Waste Management
  - Part L – Notification

An assessment of the proposal against the relevant provisions of each of these EPI's is provided below.

**State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purposes for which development consent is being sought.

A historical report was prepared by the Applicant providing written evidence that the premise has been utilised as a commercial training facility which was previously used as a ceramic tile and plumbing shop. This has been confirmed following a search of Council's records of the site. No evidence or concerns for contamination of the land has been raised. Prior to these uses, residential dwellings occupied the allotments and potential for contamination on the site is therefore minimal. This has therefore satisfied the requirements of SEPP 55.

As a further precaution however, a condition of consent is recommended to ensure that in the event potentially contaminated land is uncovered, appropriate remediation is undertaken.

**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.

In this instance, standard conditions of consent have been imposed to ensure the numerous Council street trees surrounding the site are protected throughout demolition and construction works on site.

**State Environmental Planning Policy (Building and Sustainability Index - BASIX) 2004**

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

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

**State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)**

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential apartment development

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**Lot 1 in DP 809799 (Cont'd)**

in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

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

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>Context and neighbourhood character</b>	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The future context of the site as envisaged by the LEP controls includes a built wall up to five (5) storeys with a stepped four (4) storey structure which tapers down away from the Underwood Road/Pomeroy Street intersection.</p> <p>The proposed design considers the local context and is generally consistent with the desired future character of the area.</p>
<b>Built form and scale</b>	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The street is currently in a state of transition from low and medium density development to medium and higher density development with the introduction of new local centre land zonings which permits commercial uses.</p> <p>The development provides a ground floor commercial unit which fronts the intersection of Pomeroy Street and Underwood Road. This is considered appropriate for the site and will activate the development at the ground level.</p> <p>Whilst a nil setback is provided to the north-eastern corner so as to define the corner nature of the site, the western and southern side boundaries of the site achieve an appropriate degree of building separation so as to allow opportunities for solar access and protect the visual privacy of adjoining neighbours.</p> <p>Ground floor units fronting both Pomeroy Street and Underwood Road are provided with private gardens and separate direct street entrances to provide a pedestrian scale.</p>
<b>Density</b>	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposal complies with the density requirements of the ARHSEPP. The proposal is located within close proximity to public transport and employment opportunities along Parramatta Road, which will support the proposed residential density and unit mix.</p>

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 Lot 1 in DP 809799 (Cont'd)

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>Sustainability</b>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	The proposal complies with BASIX achieving good solar access and natural ventilation to heat and cool the building.
<b>Landscape</b>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	The subject application is accompanied by a landscape plan. The site provides adequate landscaped areas which are integrated with the communal open space areas provided on the roof top. A deep soil landscape buffer with a row of screening trees is proposed along the rear southern boundary of the site. This will provide a suitable screening buffer between properties.
<b>Amenity</b>	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	The development has been designed having consideration for allowing adequate natural light and ventilation through to rooms. Further, the rooms have been provided with compliant ceiling heights and the roof top communal open space area has been well designed so as to provide a high level of amenity for future residents.
<b>Safety</b>	<i>Good design optimises safety and</i>	The proposed building has a secure and

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**Lot 1 in DP 809799 (Cont'd)**

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
	<p><i>security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>readily identifiable entry. Balconies are orientated to overlook the public domain and rear yard to optimise safety and security within the development. The roof top communal open space area of the development provides ample opportunities for passive surveillance which promotes safety.</p>
<b>Housing diversity and social interaction</b>	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides an acceptable mixture of unit types including (12) x 1 bedroom; (21) x 2 bedroom; and (5) x 3 bedroom units.</p> <p>As previously mentioned, the communal open space area located upon the 4th floor provides ample opportunities for passive surveillance and access through to the space. This space is considered suitable for the site.</p>
<b>Aesthetics</b>	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The building is well articulated and avoids large expanses of unbroken wall with balconies orientated to both street frontages.</p> <p>The proposal incorporates a mixture of brick, render and glazing to improve the longevity of the external finishes.</p> <p>The schedule of external finishes is understated and will integrate well with to colours and finishes of more recently approved development in the immediate vicinity of the site.</p>

**Apartment Design Guide Quality Design of Residential flat buildings**

<b>Design Criteria</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
2E - Building Depth	12m – 18m	Building depth is 37m.	No, however achieves solar access and cross ventilation requirements which achieves the

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

			objectives of this control.
3B – Orientation	<p>Responsive to streetscape and site Designed to optimise solar access and minimise overlooking</p> <p>Shall not further reduce solar access by more than 20%</p>	<p>The proposal is responsive to the streetscape and is designed to optimise solar access whilst minimising the potential for overlooking.</p> <p>The proposal results in a degree of unavoidable overshadowing to southern adjoining dwellings as a result of its east-west orientation.</p> <p>At 9am the proposal casts a shadow to the south west, overshadowing all eastern orientated windows to the western adjoining properties and some northern orientated windows to the southern adjoining residential units.</p> <p>By noon, this shadow has moved south-east however continues to overshadow eastern and northern orientated windows to adjoining properties to the west and south of the site.</p> <p>By 3pm, the shadow has moved considerably to the southeast and now overshadows a small portion of Underwood Road as well as to the southern adjoining residential building. Direct solar access is provided to western adjoining properties.</p>	<p>Yes.</p> <p>No, refer to discussion.</p>
3C – Public Domain Interface	<p>Direct street entry to ground floor apartments</p> <p>Balconies/windows orientated to overlook the public domain</p> <p>Front fence design is permeable Opportunities for concealment minimised</p>	<p>Direct street entry is provided for ground floor apartments fronting both Pomeroy Street and Underwood Road.</p> <p>Balconies and windows are orientated to overlook the public domain and rear area of private open space.</p> <p>The front fence to Pomeroy Street is provided with obscure glazing to minimise opportunities for</p>	<p>Yes.</p>

**DA2017/109: 30-32 Pomeroy Street, Homebush**  
**Lot 1 in DP 809799 (Cont'd)**

	<p>Services concealed</p> <p>Access ramps minimised</p>	<p>concealment yet maintain privacy for residents. The fencing to Underwood Road is solid however this is acceptable given that Underwood Road is a high use Road in which residents require some degree of privacy.</p> <p>Services and access ramp concealed and access ramps minimised.</p>	
3D – Communal Open Space	<p>Min. 25% (352.5m<sup>2</sup>)</p> <p>Min 2h to 50% communal open space at mid-winter Consolidated area Min dimension of 3m Equitable access</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> <li>- Provide communal open space elsewhere such as a landscape rooftop terrace;</li> <li>- Provide larger balconies or increased private open space'</li> <li>- Demonstrate good proximity to public open space and facilities.</li> </ul>	<p>392.1m<sup>2</sup> (27.62%) of the site is dedicated as communal open space area.</p> <p>The area of communal open space upon the roof top is consolidated, well landscaped, accessible and provided with shade from the top level of the building.</p>	<p>Yes.</p> <p>Yes.</p>
3E – Deep Soil Zones	<p>Min. 7% (98.7m<sup>2</sup>) Less than 1,500m<sup>2</sup> 3m min. dimension</p>	<p>The proposal provides a 110m<sup>2</sup> (7.75%) deep soil landscaped area along the rear western boundary of the site.</p> <p>The deep soil zone is provided with a continuous row of tree plantings which will form a screening buffer between properties.</p>	<p>Yes.</p>
3F – Visual Privacy	<p>Separation is required to be increased by an additional 3m as it immediately adjoins lower density development to south and west:</p>	<p>The development provides a nil setback to Underwood Road and Pomeroy Street to address the corner nature of the site. The remaining two (2) boundaries however are provided with building separation. It is noted that the additional 3m separation is required as the adjoining allotments are classed as a lower density</p>	<p>No, refer to discussion.</p>

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	<p>Up to 4 storeys: 0-12m</p> <ul style="list-style-type: none"> <li>• 9m between habitable rooms/balconies and the boundary</li> <li>• 6m between habitable and non-habitable rooms and the boundary.</li> </ul> <p>Up to 25m (5-8 storeys)</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies; and</li> <li>• 7.5m between habitable and non-habitable rooms and the boundary.</li> </ul>	<p>zoning.</p> <p><u>Up to 4 storeys:</u>  The window to bedroom 1 of Unit 1 provides only 3m separation from the rear southern boundary. All remaining balconies and windows adjoining units orientated to the rear provide a minimum 6m setback to the site's rear southern boundary between ground and level 4. An additional 3m separation is provided from the southern adjoining residential building beyond the southern boundary. Notwithstanding, the southern-orientated windows achieve only 3m separation which is contrary to this control.</p> <p><u>5-6 storeys:</u>  Balconies are orientated to the street frontages and present no privacy issues to western and southern adjoining properties. A minimum 13m separation is provided from the property boundaries which achieves compliance with this control. Further, the rooftop terrace space is provided with a continuous row of planters around the peripheries to provide further screening to adjoining properties.</p>	
3G – Pedestrian Access and Entries	<p>Entry addresses public domain  Clearly identifiable  Steps and ramps integrated into building design</p>	<p>The entry addresses the public domain and is clearly identifiable.</p> <p>Both the vehicle and pedestrian ramps are integrated into the building.</p>	Yes.
3H – Vehicle Access	<p>Integrated into façade  Visual impact minimised  Entry behind the building line or from secondary frontage  Clear sight lines  Garbage collection screened  Pedestrian and vehicle access separated</p>	<p>Vehicle access is integrated into the façade and provides clear sightlines.</p> <p>Garbage collection is provided within the basement.</p> <p>Pedestrian and vehicle</p>	Yes.



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		access is separated.	
3J – Bicycle and Car Parking	<p>The car parking needs for the development must be provided off street.</p> <p>Parking facilities for motorbikes and bicycles</p> <p>As per RMS rates:</p> <p><b>0.6 spaces x 1 bedroom unit.</b> 0.6 x 12 = 7.2 spaces</p> <p><b>0.9 spaces x 2 bedroom unit.</b> 0.9 x 21 = 18.9 spaces</p> <p><b>1.40 spaces x 3 bedroom unit.</b> 1.4 x 5 = 7 spaces</p> <p><b>1 space x 5 units (visitor parking)</b> = 7.6 spaces</p> <p><b>As per Part I of the SCDCP 2005 for the Commercial premises on the site:</b></p> <p><b>1 space per 30m<sup>2</sup> floor area</b> =4 spaces</p> <p><b>TOTAL: 45 spaces required for the site</b></p>	<p>The basement design follows a logical double-sided aisle format.</p> <p>The fire stairs and internal lift are clearly identifiable.</p> <p>A total of (59) off-street parking spaces are proposed within the basement of the development which will adequately provide for the parking needs for residents of the site.</p> <p>The plans submitted with the application suggest that a total of two (2) spaces will be provided to service the commercial tenancy. A condition of consent is recommended to ensure a minimum of four (4) spaces are provided.</p>	<p>Yes.</p> <p>Yes – subject to condition.</p>
4A – Solar and Daylight Access	<p>Min. 70% (30 units) receive 2 hours solar access.</p> <p>Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.</p>	<p>71% (27) units receive a minimum 2 hours direct solar access.</p> <p>All units receive some solar access</p>	<p>Yes.</p> <p>Yes.</p>
4B – Natural Ventilation	<p>Min. 60% units are cross ventilated</p> <p>Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.</p>	<p>73.40% (28) units are cross ventilated.</p>	<p>Yes.</p>
4C – Ceiling Heights	<p>Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor.</p>	<p>Minimum 2.7m ceiling heights to habitable rooms.</p>	<p>Yes.</p>
4D – Apartment Size	<p>1 bed: 50m<sup>2</sup></p>	<p>Each unit is provided with</p>	<p>Yes</p>

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and Layout	<p>2 bed: 70m<sup>2</sup>  3 bed: 90m<sup>2</sup>  Additional bathrooms +5m<sup>2</sup>  Each habitable room must have a window &gt; 10% floor area of the room.  If open plan layout =max 8m from a window  Master bed: min 10m<sup>2</sup>  Other bedroom: min 9m<sup>2</sup>  Living room min. width:  Studio and 1 bed: 3.6m  2 and 3 bed: 4m  Crossover/through: min 4m</p>	the minimum unit size requirements.	
4E – Private Open Space and Balconies	<p>Studio: 4m<sup>2</sup>  1 bed: 8m<sup>2</sup>, min depth 2m  2 bed: 10m<sup>2</sup>, min depth 2m  3 bed: 12m<sup>2</sup>, min depth 2.4m</p>	All units are provided with an area of private open space with a minimum dimension of 2m which meets the minimum area requirements.	Yes
4F – Common Circulation and Spaces	Max 8 apartments off a single core	A maximum of nine (9) apartments are accessed off a single core however this is considered acceptable as the lift core is provided with a glass void space which will provide solar access into common areas through the central portion of the building.	No – however acceptable on merit
4G – Storage	<p>Studio: 4m<sup>3</sup>  1 bed: 6m<sup>3</sup>  2 bed: 8m<sup>3</sup>  3 bed: 10m<sup>3</sup>  At least 50% within the basement</p>	Whilst some storage space is provided within the basement levels, that is not sufficient space to accommodate all of the units.	No – refer conditions of consent.
4H – Acoustic Privacy	<p>Orientate building away from noise sources  Party walls limited or insulated, like rooms together  Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms</p>	<p>The subject site is on Underwood Road which is a high use road and presents as a potential noise source.</p> <p>An Acoustic Report prepared by Acoustic Logic accompanied the application. The Acoustic report provides recommendations on the acoustic treatment of the building has been included as conditions of consent.</p>	Acceptable.
4J – Noise and Pollution	<p>Site building to maximise noise insulation  Noise attenuation utilised where necessary</p>	As above, the building will be constructed in accordance with the relevant Australian Standards.	Yes.

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4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal provides the following housing mix; <ul style="list-style-type: none"> <li>• 1 bedroom x (12)</li> <li>• 2 bedroom x (21)</li> <li>• 3 bedroom x (5)</li> </ul>	Yes.
4M – Facades	Composition of building elements.  Defined base, middle and top Building services integrated into the façade	The composition of the building façade has a defined base and top which has integrated a mixture of external finishes to provide interest to the appearance of the building and allow it to positively contribute toward the presentation of development in the streetscape.  The north-eastern corner of the development is enhanced with facebrick finishes to define the corner nature of the site.	Yes.
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	A flat roof design is proposed which includes a roof top common open space area and is suitable for the scale of development.	Yes.
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The landscape scheme provides opportunities along the rear southern boundary of the site. The landscape plan also proposes a roof top terrace which will also be provided with tree plantings throughout.	Yes.
4Q – Universal Design	Variety of adaptable apartments (20%) achieving Livable Housing Guideline's silver level universal design features	31.58% (12) adaptable units throughout the building.	Yes.
4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation Screened areas for clothes drying Shading on northern and western elevations	The proposal achieves compliant cross ventilation outcomes which suggests that the units throughout the development can rely on natural means of ventilation for cooling.	Yes.
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The waste collection is in the basement of the site	Refer to part H discussion of

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			report.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	<p>The proposed schedule of external finishes is understated and refined to ensure the development will evolve nicely with both the approved as well as future development in the street.</p> <p>The proposed schedule of external finishes will include a mixture of facebrick, render, glass and aluminium louvers.</p> <p>The selected materials are suitable for the scale of the development and are relatively durable to reduce the ongoing maintenance costs of the building.</p>	Yes.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

### Permissibility

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

The proposed development is a mixed use development which is best defined as a residential flat building and a commercial premise. Residential Flat buildings & commercial is permissible within the B2 Zone with consent and is defined under SLEP 2012 as follows:

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

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**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

The proposed development for the purpose of a mixed use development comprised of a residential flat building and commercial premise is consistent with the definitions above and is permissible within the B2 Zone with consent.

### Zone Objectives

An assessment of the proposal against the objectives of the B2 Zone is included below:

Objectives	Complies
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.	Yes
• To encourage employment opportunities in accessible locations.	Yes
• To maximise public transport patronage and encourage walking and cycling.	Yes

### Part 4: Principal development standards

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

#### Minimum lot size

Cl.	Standard	Controls	Proposed	Complies
4.1A	Minimum lot size for residential flat buildings	1000m <sup>2</sup>	1,410m <sup>2</sup>	Yes

#### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	16m, 13m	16.5m and 14m respectively	No

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

**Comments:** Refer to discussion below

#### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	3:1 (4,230m <sup>2</sup> )	2.44:1 (3,456m <sup>2</sup> )	Yes

Objectives	Complies
(a) To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b) To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c) To minimise the impact of new development on the amenity of adjoining	Yes

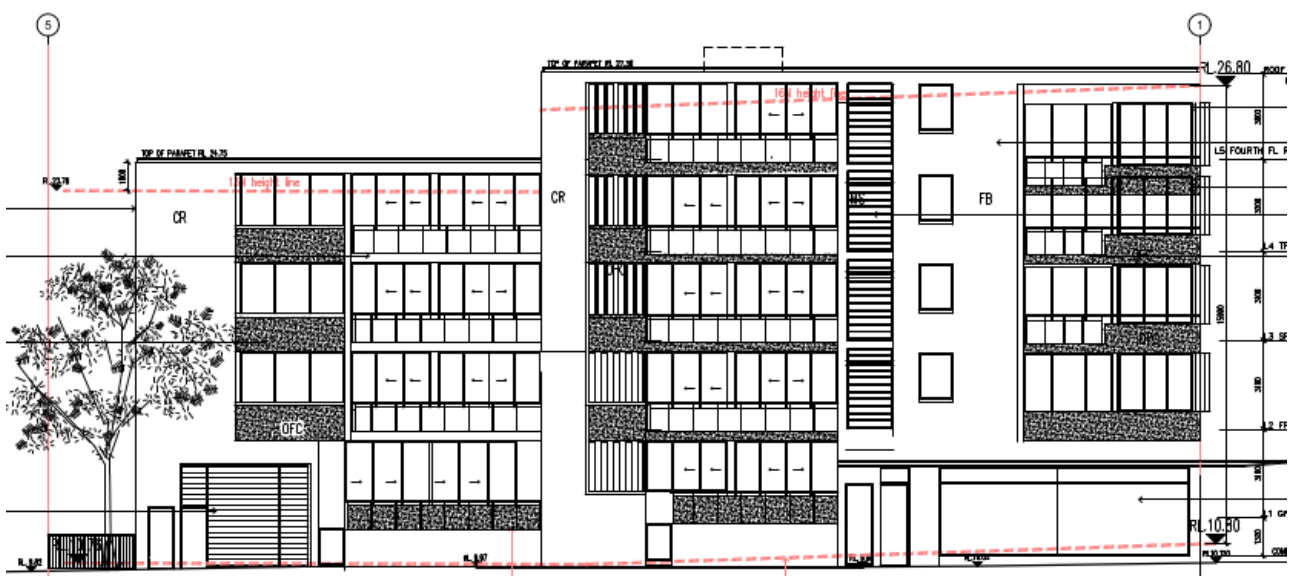
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<i>properties</i>		
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	<b>Yes</b>

**Clause 4.6 Exceptions to Development Standards**

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

As demonstrated in the table above, the proposed development fails to comply with the maximum 16m and 13m building height development standards permitted under Clause 4.4 of the SLEP 2012. The areas of non-compliance relate to the small upper portion of level 5 to the northern wing of the building fronting Pomeroy Street and the small upper portion of level 4 contained to the southern wing of the building (refer Figure 5 below). As such, the proposed development results in two (2) height breaches as it extends 500mm and 1m above the maximum permissible building heights of 16m and 13m respectively thus resulting in a departure of 3.13% and 7.69%.



**Figure 5:** View of the north-east elevation (Underwood Road) of the proposed development illustrating the extent of the building height variations.

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

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

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

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

- The proposed development is consistent with the above objectives in that the proposal will introduce two (2) compatible permissible uses within the zoning (commercial and residential)

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which can co-exist together to define and enhance the streetscape at an important local intersection.

- The scale of the building that is proposed will appropriately reinforce the corner qualities of the site, better define the streetscape and positively contribute to the image of the precinct commensurate with Council's intention to achieve a Local Centre for the area.
- The proposal will provide additional residential apartments in an accessible location close to public transport and within walking distance to a mixed use urban village. It is located in close proximity to George Street providing access to services that encourage community interaction.
- The proposed development adopts essentially the same built form envisaged by the LEP except that the building is marginally higher along the two (2) street frontages and at the corner of the site.
- The site is located within the designated Homebush precinct as identified in the Parramatta Urban Renewal Urban Design Guidelines which have been prepared to establish a new vision and to provide new built form controls for Homebush to guide new larger scale mixed-use development envisaged in the future.

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

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

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)*

The applicant's written request to justify the contravention of the building height development 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 information on the environmental planning grounds relating to solar access, streetscape, form and scale.

*(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.*

The proposal is considered to be consistent with the objectives of the development standard in that:

- The proposed development is compatible in height, form and scale to the property immediately east at 32-36 Underwood Road, Homebush. The property immediately east of the site was granted a Clause 4.6 height variation to construct to a maximum of 17.4m-16m from the maximum prescribed 16m and 13m building heights respectively. Both properties share the T-intersection at Pomeroy St and Underwood Road.

The site is Zoned B2 – Local Centre under SLEP 2012 wherein development for the purposes of a commercial premise and residential flat building is permissible with consent. The proposal is generally consistent with the objectives of the B2 – Local Centre Zone in that:

- The development would provide a retail space which serves the needs of people who live in, work in and visit the local area; and

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- The development would encourage employment opportunities in accessible locations.

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

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

The applicant's written request to justify the contravention of the building height standard contained within Clause 4.3 of the SLEP 2012 is considered to be adequate in that it has successfully demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

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

The subject site is identified as having Class 5 soils and is located within 500m of Class 2 & 3 soils. As the proposed works involves excavation to below 5 AHD, the proposed development was required to be accompanied by an Acid Sulfate Soils Management Plan. The findings presented in the Acid Sulfate Soil Assessment indicate that there may be sulfate soil materials on the site however it is unlikely. Conditions of consent have been recommended to ensure compliance with the management strategy devised within the report. Accordingly, the proposed development has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

#### **6.2 Earthworks**

Appropriate conditions of consent are recommended so as to ensure compliance with the sediment erosion control plan.

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

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

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

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

#### **Part C – ‘Multiple Unit Housing’ of the Strathfield Consolidated Development Control Plan (DCP) 2005**

SCDCP Part C is of relevance to the assessment of an application for a residential flat building and as such applies to the subject application.

Clause 6A of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,



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- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage.

These matters, as of relevance to the Application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory.

The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Standard	Required	Proposal	Compliance
2.2	Site Requirements	Minimum site area of 1000m <sup>2</sup> and a minimum street frontage of 30m.	1,410m <sup>2</sup>	Yes
	Building Street Setback	9m or predominant	Nil setback to Pomeroy Street and Underwood Road with minor recess walls to a maximum of 3m.	No, refer to discussion
	Building Envelope	3.5m vertically at boundary & project inwards at 45°.	ADG prevails	N/A
	Side setback	4m.	ADG prevails	
2.3	Dwelling Unit and Building Design	15% of the development is required to be designed as adaptable housing for older people or people with disabilities.	31.58% (12) adaptable units throughout the building.	Yes
	Dwelling Unit and Building Design for residential flat buildings	At least one main convenient entry is to have barrier free access to ground floor units (for people with disabilities)	Barrier free access is provided from Pomeroy Street to the lobby	Yes
	Dwelling Unit and Building Design	No single building should have a continuous wall length of more than 30m without separation.	The building is well articulated.	Yes.
	Dwelling Unit and Building Design	Walls greater than 10m in length to be broken down or staggered.	As above.	Yes.
	Dwelling Unit and Building Design	Parking for people with disabilities.	Accessible parking spaces are provided within the basement.	Yes
	Dwelling Unit and Building Design	Building materials and finishes are to be sympathetic to with the adjoining buildings and the streetscape.	Material selection comprises face brick, render and glazing which is compatible with the transitioning nature of the streetscape	Yes
	Unit Sizes and Lot Layout	1 bed = 70m <sup>2</sup> 2 bed = 85m <sup>2</sup> 3 bed = 100m <sup>2</sup> more than 3 bed = 110m <sup>2</sup> 2 bed townhouse = 100m <sup>2</sup> 3 bed townhouse = 110m <sup>2</sup>	ADG prevails	N/A

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		< than 3 bed t/house = 120m <sup>2</sup>		
2.4	Energy Efficiency	Application is required to provide a NatHERS certificate. Each dwelling must achieve 3.5 star NatHERS rating.	BASIX certificate provided. Refer to BASIX SEPP discussion.	Yes.
2.4.2.2	Solar Access	50% of the principle private open space achieves a minimum of 3 hours sunlight during the winter solstice.	Solar access in ADG prevails.	N/A
	Solar Access	Solar access to habitable rooms and private open space of adjoining properties be provided for a minimum of 3 hours during the winter solstice.	Solar access in ADG prevails.	N/A
2.4.3	Natural Space Heating and Cooling	Reduce the need to artificially heat and cool dwellings.	The application achieves the minimum cross ventilation and solar access requirements as per the ADG which implies the development will be efficient in naturally cooling and heating spaces throughout the building	Yes.
2.4.4	Natural Lighting	Reduce reliance on artificial lighting	As above.	No, refer to discussion.
2.4.6	Water Management	Mandatory water storage 10 dwell= 500lt / dwell each dwell thereafter = 250 lt/ dwell	BASIX commitments prevail.	Yes.
	Water Management	Tanks to be located underground or at least behind the front building line. Located 900mm from front boundary	OSD concealed underground	Yes.
2.5	Streetscape orientation	Compatible with the existing character and address the street frontage.	The proposed design considers the local context and is consistent with the desired future character of the area.	Yes.
	Streetscape orientation	Dwellings facing the street will have frontage and apparent access.	All ground floor units provided with direct access from the street	Yes.
2.7	Open space and landscaping	RFBs – Landscaped area does not include any area for driveways, parking, side setback less than 1.2m in width, pools, outbuildings.	ADG prevails	N/A

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		At least 60% of the landscaped area must remain as unpaved 'soft' landscaping.		
		35% of the landscaped area is to be provided as deep soil landscaping this excludes basement underneath areas.	ADG prevails.	N/A.
		10% of the site area is to be provided as communal open space, with a minimum dimension of 7m.	ADG prevails.	N/A
		RFBs – where dwellings do not have access to ground level open space at least one main balcony is to have a size of 12 <sup>2</sup> (up to 2 bed) and 15m <sup>2</sup> (3 or more bed). Balconies must have a depth of 2m.	ADG prevails.	N/A.
2.8	Privacy and Security	Windows are not to be located less than 9m apart from other dwellings.	ADG prevails.	N/A
		Windows to be offset from adjoining dwelling by 0.5m; Have a sill height of 1.7m or have obscure glazing to a height of 1.7m.	ADG prevails.	N/A.
		Bedrooms not to adjoin living rooms/ garages of adjoining dwellings.	ADG prevails.	N/A.
		A balcony on the second storey of a townhouse must not overlook and adjoining property.	ADG prevails.	N/A.
		Locked Shared pedestrian entries.	ADG prevails.	N/A.
		Casual surveillance of street and public areas.	ADG Prevails.	N/A.

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

The proposal provides for the underground collection of waste in accordance with Section 3.3 of Part H of the Strathfield Development Control Plan 2005. The proposal is supported with plans that demonstrate a minimum 3.6m head clearance to the basement, a turning circle for a medium-ridged vehicle and a driveway ramp with a gradient no greater than 20% in accordance with Appendix F of Part H of the DCP.

In accordance with Part H of the SCDCP 2005, a total of (24) x 240L recycling bins and (7) x 660L general waste bins are provided within the basement waste room. The proposed development includes a bin collection bay within the basement of the site which includes a bulk storage space as well as sufficient storage space for bins to service the residential component of the site. A separate commercial waste room has also been provided which will satisfy the operational needs of the commercial tenancy located to the ground floor.

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The basement allows for a loading bay for waste collection and will also allow the collection truck to enter and exit the site in a forward motion.

The proposed development was accompanied by a Waste Management Plan including all relevant details regarding the storage, types and quantities of waste and the storage and disposal of the waste. A condition of consent is recommended to be imposed to ensure ongoing compliance with the waste minimisation strategies provided.

**4.15(1)(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*.

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

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

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

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

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

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

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

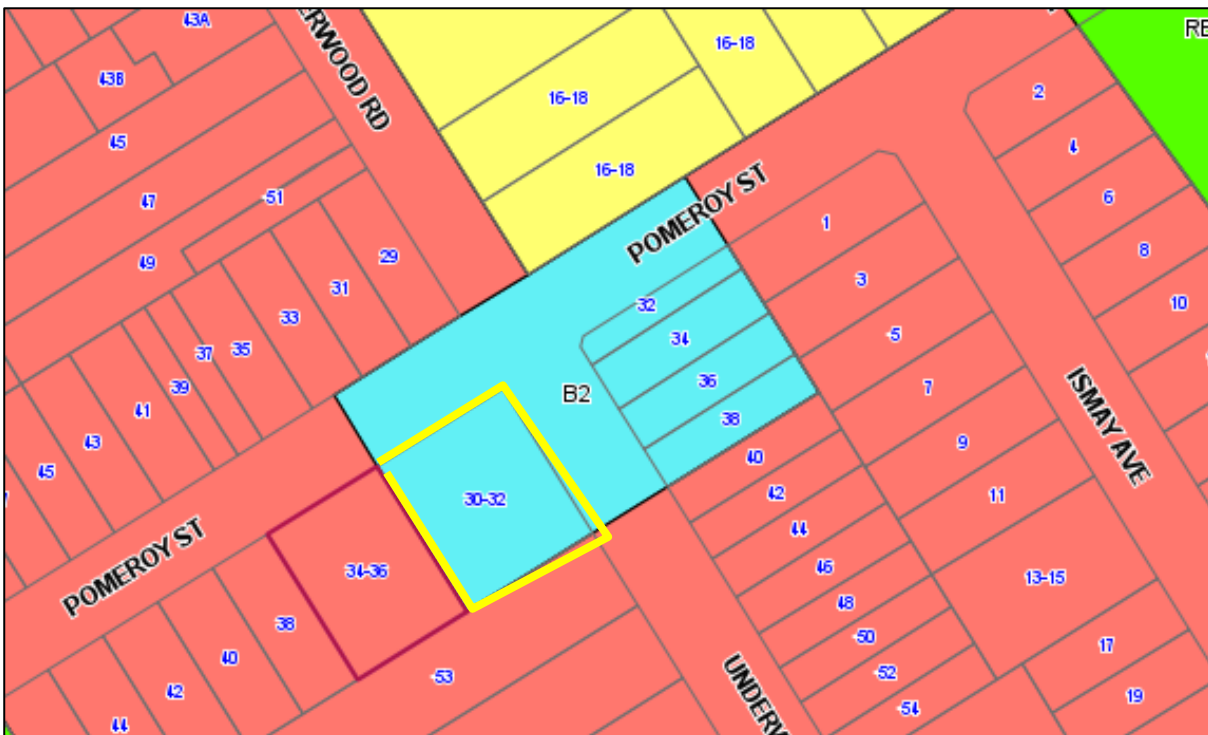
**4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Building Separation/Visual Privacy

As discussed in the SLEP 2012 assessment above, the subject site has a split height standard (part 16m, part 13m). The site's B2 – Local Centre zoning also differs to land immediately adjoining the site to the west, south and north as they are zoned R3 – Medium Density. (Refer Figure 6 below). Development immediately west and south of the site are comprised of medium density residential developments and as such, the siting of the proposed development requires careful consideration.

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In accordance with Section 3F – Visual Privacy of the ADG, a minimum 9m building separation is required to both the southern rear and western side boundaries of the site as the properties adjoining the site are of a lower density zoning. The design has resolved to achieve this requirement through locating bedrooms and bathrooms to the outer peripheries of the building with habitable rooms located away from the side boundaries of the site. A minimum 12m building separation is therefore provided from the building wall to building walls of the adjoining properties (which ones, where orientated) which achieves compliance with this requirement. It is noted however, that the southern-orientated windows to Bedroom 1 and Bathroom of Unit 1 (U1) located to the ground floor achieve only 3m separation from the rear southern boundary line. Whilst these windows overlook a row of screening plants and the open space area to the adjoining units beyond, a condition is recommended to ensure privacy screening and/or obscure glazing is provided to these windows so as to ensure privacy is maintained for any future resident of the unit.



**Figure 6:** Land zonings of the site and allotments immediately surrounding the site as per the SLEP 2012. Red = R3 Medium Density Residential. Blue = B2 Local Centre. Yellow = SP2 Electricity Supply.

### Orientation

In accordance with Section 3B – Orientation of the ADG, overshadowing to the western and the southern adjoining properties is inevitable due to the height, siting and orientation of the building. It is noted that the existing building on the site already casts a shadow to the southern and western adjoining properties. A number of modifications have been made throughout the assessment process to improve solar access to adjoining properties through increasing the building separation as well as reducing the overall height of the structure. This has allowed adjoining properties to receive improved solar access during the winter solstice.

Specifically, at 9am the proposal casts a shadow to the south-west, overshadowing all eastern orientated windows to the western adjoining properties and some northern orientated windows to the southern adjoining residential units. By noon, this shadow has moved south-east however continues to overshadow eastern orientated and northern orientated windows to adjoining properties to the west and south. By 3pm, the shadow has moved considerably to the southeast and now overshadows a small portion of Underwood Road as well as to the southern adjoining residential building. Direct solar access is provided to the western adjoining properties.

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It is appreciated that the shadow diagrams submitted are indicative of a worst case scenario being the winter solstice. Overshadowing to these properties would therefore be of lesser impact during other times of the year. In this regard, the proposal is considered acceptable.

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

The site is relatively unconstrained and the proposal has been designed having regard to the relevant provisions of the SLEP 2012, SEPP55, SEPP65 and the ADG and the development is considered suitable for the site.

**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 8 August 2017 – 29 August 2017 with two (2) written submissions received, raising the following concerns:

- a. *Solar Access – If 5 or 6 storeys are going to be built we will definitely have no sun coming through to our house which is one of the main reasons we had bought the place initially*

Assessing officer's comments: Amended plans and shadow diagrams were prepared and submitted to Council during the assessment of the application. It is noted that the entire building has been reduced to a part five (5) storey and part four (4) storey development with improved building separation to the side boundaries. The submitted diagrams demonstrate that the degree of overshadowing to southern and western adjoining properties is marginally more than the existing degree of overshadowing caused by the existing building on the site. Whilst some windows and openings to the western adjoining properties will be cast in shadow between 9am – 12pm, it is evident that direct solar access will be provided from 3pm onwards. With regard to the southern adjoining residential building, some direct solar access will be received to units at 9am with western orientated windows and openings receiving direct solar access from 3pm onwards. This is considered acceptable in this regard.

- b. *Building Height – I object to having a 6 storey development on Underwood Road as it is too high for the area*

Assessing officer's comments: Amended plans were submitted during the assessment process demonstrating that the overall building height has been reduced to 16.5m and 14m respectively. The proposed building height is to a more acceptable standard which is contained to a small upper portion of the top floor of the building only. Refer to Clause 4.6 variation section of report for further discussion.

- c. *Units – I object to the number of units proposed for the development – 42 units is too many for an already crowded street where parking is at a premium.*

Assessing officer's comments: Amended plans were submitted during the assessment process having now only provided (38) units on the site. Careful consideration has been made to the amended orientation and layout of the building so as to achieve an appropriate built form with better building separation and amenity and thus being more suitable for the site. Further, the proposed three (3) levels of basement exceeds the minimum off-street parking spaces required.

- d. *Parking - There is minimal visitor parking for the development and this will put a strain on local streets*

Assessing officer's comments: The site provides a total of (59) off-street parking spaces within the basement of the development. This satisfies the minimum off-street parking requirements as per Clause 3J of the ADG and the DCP which requires a total of (45) residential spaces and four (4)

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commercial spaces to be provided for the site. A condition of consent is recommended to ensure that these spaces are maintained and that a minimum four (4) commercial parking spaces are provided in the basement.

- e. *Noise - I object to the development due to noise and impacts associated with construction and Strathfield Council's inability to monitor this.*

Assessing Officer's comments: In the event of an approval, a construction management plan would be required to be prepared and submitted to Council for approval in order to minimise disruptions to surrounding properties. Whilst the construction works would inevitably cause some disturbance, this is not a reason for refusing such an application given that construction will be a temporary occurrence.

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

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

**STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN**

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

Provision of Community Facilities	\$ 76,515.34
Provision of Major Open Space	\$189,107.96
Provision of Local Open Space	\$ 41,623.91
Provision Roads and traffic Management	\$ 22,181.09
Administration	\$ 3,417.45
<b>TOTAL</b>	<b>\$332,845.75</b>

**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 satisfactory for approval.

**RECOMMENDATION**

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That Development Application No. 2017/109 for demolition of existing structures and construction of a part five (5), part four (4) residential flat building comprised of (38) units with a ground floor commercial tenancy over a three (3) levels of basement parking at 30-32 Pomeroy Street, Homebush be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)**

**1. WATER NSW GENERAL TERMS OF APPROVAL (SC)**

- a. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.
- d. WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e. If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

(Reason: To comply with requirements of NSW Water)

**2. ACID SULFATE SOIL ASSESSMENT (SC)**

The development shall comply with the management strategy devised under Section 5.0 of the Acid Sulfate Soil Assessment Report. The sub-contractor responsible for carrying out the works shall adhere to the responsibilities laid out in Section 6.0 of the report. Details demonstrating compliance with these requirements shall be prepared and submitted to the Principal Certifying Authority for approval **prior to the issue of any Occupation Certificate.**

(Reason: Management of acid sulfate soils)

**3. AUSGRID (SC)**



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- a. Method of Electricity Connection  
The Method of connection will be in line with Ausgrid's Electrical Standards (ES) 1 – 'Premise Connection Requirements'
- b. Supply of Electricity  
It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:  
- The existing network can support the expected electrical load of the development  
- A substation may be required on-site, either a pad mount kiosk or chamber style and;  
- site conditions or other issues that may impact on the method of supply. Please direct the developer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) about how to connect to Ausgrid's network.
- c. Conduit Installation  
The need for additional electricity conduit in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
- d. Street lighting  
The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally beat the developers cost. In many cases is not possible to relocate street lighting due to its strategic positioning.
- e. Service Mains  
It appears the existing over head electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider(ASP)Electrician to ensure that the installation will comply with the Service Rules.
- f. Proximity to Existing Network Assets  
Overhead Powerlines  
There are existing overhead electricity network assets in Pomeroy street and Underwood road. Safework NSW Document–Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

Before a Construction Certificate is issued, the developer will be required to submit a survey plan to Ausgrid showing the location of all overhead mains within 5 metres of the proposed development. This drawing must contain a plan view and an elevated view clearly indicating the location of the overhead mains in relation to the development. This information should be forwarded to email address [development@ausgrid.com.au](mailto:development@ausgrid.com.au).

Should the existing overhead mains require relocating due to the minimum safety

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clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

g. Underground Cables

There are existing underground electricity network assets in Pomeroy street and Underwood road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia–Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

(Reason: Comply with Ausgrid’s requirements)

**4. VISUAL PRIVACY (SC)**

The two (2) southern-orientated windows to the bathroom and bedroom 1 of unit 1 (U1) located to the ground floor shall be provided with fixed privacy screening and/or fixed obscure glazing so as to ensure privacy is maintained for any future resident of the unit. Amended plans demonstrating compliance with this requirement shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: Maintain visual privacy for residents)

**5. STORAGE (SC)**

In accordance with Objective 4G, the following volume sizes for storage are to be provided for each unit:

- 1 bed: 6m<sup>3</sup>
- 2 bed: 8m<sup>3</sup>
- 3 bed: 10m<sup>3</sup>

At least 50% of the required storage is to be located within the apartment. Details demonstrating compliance with this requirement shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To provide appropriate storage space for residents)

**6. TURNING BAYS (SC)**

The following existing basement car parking spaces shall be reallocated as turning bays so as to allow cars to maneuver in a forward direction in the basement.

- Car space (12) marked within basement level 3 plan;
- Car space (19) and (34) marked within basement level 2 plan;
- Car space (8V) marked within basement floor level 1 plan

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

(Reason: To enable cars to maneuver within the basement)

**7. COUNCIL'S INFRASTRUCTURE (CC)**

Driveway crossings, including apron and layback shall be located a minimum of 1m clear of any stormwater pits, lintels or poles and 2m clear of the trunk of any trees within the road reserve. Amended stormwater drainage concept plan shall be required **prior to issue of a Construction Certificate.**

(Reason: Compliance with Council's requirements)

**8. COUNCIL'S DRAINAGE INFRASTRUCTURE (CC)**

Council's drainage infrastructure already exists in Pomeroy Street, Homebush. Applicant shall construct kerb inlet pit in accordance with Council's standard requirements over existing pipe and connect drainage system to it. Amended stormwater drainage concept plan shall be required **prior to issue of a Construction Certificate.**

(Reason: Compliance with Council's requirements)

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/109:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DP-01	Demolition Plan	Nexus Architecture P/L	March 2014	21 July 2017
DA-01	Basement Floor Plan Level 2	Nexus Architecture P/L	B	2 March 2018
DA-02	Basement Floor Plan Level 1	Nexus Architecture P/L	D	23 March 2018
DA-03	Mezzanine Floor Plan	Nexus Architecture P/L	B	2 March 2018
DA-04	Site & Ground Floor Plan	Nexus Architecture P/L	C	19 March 2018
DA-05	First Floor Plan	Nexus Architecture P/L	B	2 March 2018

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DA-06	Second Floor Plan	Nexus Architecture P/L	B	2 March 2018
DA-07	Third Floor Plan	Nexus Architecture P/L	B	2 March 2018
DA-08	Fourth Floor Plan	Nexus Architecture P/L	B	2 March 2018
DA-09	Roof Terrace Plan	Nexus Architecture P/L	B	2 March 2018
DA-10	Section AA Plan	Nexus Architecture P/L	B	2 March 2018
DA-11	Section BB Plan	Nexus Architecture P/L	B	2 March 2018
DA-12	North West and North East Elevations	Nexus Architecture P/L	B	2 March 2018
DA-13	South East Elevation Plan	Nexus Architecture P/L	B	2 March 2018
DA-14	Typical Unit Plans	Nexus Architecture P/L	B	2 March 2018
DA-15	Typical Unit Plans	Nexus Architecture P/L	B	2 March 2018
DA-16	External Colours & Finishes	Nexus Architecture P/L	B	2 March 2018
DA-17	Data Sheet	Nexus Architecture P/L	B	2 March 2018
DA-18	Entry/Exit Ramp Details	Nexus Architecture P/L	B	2 March 2018
DA-19	Ramp Details Plan	Nexus Architecture P/L	B	2 March 2018
DA-20	Ramp Details Sections	Nexus Architecture P/L	B	2 March 2018
DA.L01	Ground Floor Indicative Landscape Plan	Light Box Landscape Architect	D	2 March 2018
DA.L02	Level Four Roof Garden Indicative Landscape Plan	Light Box Landscape Architect	D	2 March 2018
DA.L04	Overall Indicative Planting	Light Box Landscape Architect	B	2 March 2018

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DA-10	Sediment and Erosion Control Plan and Waste Management Plan	Nexus Architecture P/L	-	21 July 2017
D1	Details, Notes & Legend	Quantum Engineers	G	23 March 2018
D2	Basement Level 2 & 3 Plan	Quantum Engineers	G	23 March 2018
D3	Basement Level 1 Plan	Quantum Engineers	G	23 March 2018
D4	Site/Ground Floor Plan	Quantum Engineers	G	23 March 2018
D5	Roof Plan	Quantum Engineers	G	23 March 2018
D6	OSD Details/Calculations & Stormwater Details	Quantum Engineers	G	23 March 2018
D7	Sediment Control Plan & Details	Quantum Engineers	G	23 March 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/109:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Nicholas Horiatopoulos	February 2018	2 March 2018
Acid Sulphate Soils Management Plan	Aargus	16 October 2017	1 November 2017
BASIX Certificate	-	Cert No.805830M_02	21 July 2017
Noise Assessment Report	Acoustic Logic	0	21 July 2017
Building Code of Australia Compliance Assessment	Nexus Architect		21 July 2017
Geotechnical Investigation Report	Aargus	11 July 2017	21 July 2017
Traffic and Car Parking Assessment Report	B Traffic Solutions	20 July 2017	21 July 2017
Waste Management Plan	Nexus Architecture	July 2017	19 March 2018

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

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

**10. APPROVAL - SEPARATE APPROVAL REQUIRED (GC)**

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This consent does not include approval for the fit out and use of the ground floor commercial premise on the site. Separate development consent shall be obtained for the commercial premise.

(Reason: To control future development of the site.)

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 27.30 AHD to the roof ridge of the building.

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

**12. 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.)

**13. 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.)

**14. 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.)

**15. DEMOLITION - SITE SAFETY FENCING (GC)**

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained including:

payment to Council of a footpath occupancy fee based on the area of footpath to be

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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.)

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

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

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

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

Tree No. in Arborist Report	Tree	Location
All trees located within the boundaries of the site.		

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

Replacement trees shall be a minimum 45 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

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

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

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

**18. LIGHTING (GC)**

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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.)

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

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

(Reason: To ensure compliance with this consent.)

**20. 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.)

**21. SIGNAGE – COMMERCIAL PREMISE (GC)**

No signage is permitted to be installed to the commercial premise at any time. Any signage to the commercial premise is to be assessed under separate cover.

(Reason: To ensure compliance with SCDCP 2005.)

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

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- iv) No blasting is to be carried out at any time during construction of the building.



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

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

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

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

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

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

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

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

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

**26. 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.

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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.)

**27. ARBORIST REPORT – INITIAL (CC)**

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Primary Root Zone\*) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented.

- i) \*Primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

**28. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

**29. 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.)

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**30. 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.)

**31. CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability.)

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

The following car parking and service vehicle requirements apply:-

- i) A minimum (45) car spaces shall be provided on the development site. This shall consist of:
  - (32) residential spaces;
  - (8) visitor spaces;
  - (4) commercial premise spaces;
  - (2) car parking spaces for people with mobility impairment, in accordance with AS 2890.1.
- ii) All car spaces shall be allocated and marked according to this requirement.
- iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- vi) The parking bays shall be delineated by line marking.

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- vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- viii) The following traffic control measures shall be implemented on site:-
  - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
  - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

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

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

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

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

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

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

**34. 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.)

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

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

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

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

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

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

(Reason: Compliance with SCDPC 2005.)

**37. 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.)

**38. 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;

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

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- taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding Permit

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

Work Zone Permit

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



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Ground Anchoring Permit

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

(Reason: Council requirement)

**40. 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.)

**41. DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT (CC)**

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.)

**42. 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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**43. EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

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

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

(Reason: Environmental protection.)

**44. 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.)

**45. EXCAVATION – DEWATERING (CC)**

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

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- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.
- ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

**46. EXCAVATION – SHORING (CC)**

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

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

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

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

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

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

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

(Reason: Ensure landscape survival.)

**49. LANDSCAPING ON SLAB (CC)**

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To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

**50. NOISE AND VIBRATION MANAGEMENT PLAN (CC)**

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

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a. Construction noise management levels established using the *Interim Construction Noise Guideline (DECC, 2009)*;
- b. Vibration criteria established using the assessing vibration: *Technical guideline (DEC, 2006)* (for human exposure); and
- c. The vibration limits set out in the German Standard DIN 4150-3: *Structural Vibration-effects of vibration on structures* (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

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

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

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

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

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(Reason: Privacy amenity.)

**52. ROOF TERRACES GENERALLY (CC)**

Roof terraces shall not be visible from the public domain with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites. No permanent structures or furniture shall be erected on the roof terrace, and the roof area outside of the terrace area shall be non-trafficable. Plans shall be notated accordingly and details demonstrating compliance demonstrated to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

Roof terraces shall comply with the Building Code of Australia in respect of any provisions relating to roof terraces.

(Reason: To preserve the amenity of adjoining residences and the public domain.)

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

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

Provision of Community Facilities	\$76,515.34
Provision of Major Open Space	\$189,107.96
Provision of Local Open Space	\$41,623.91
Provision Roads and traffic Management	\$22,181.09
Administration	\$3417.45
<b>TOTAL</b>	<b>\$332,845.75</b>

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

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

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

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

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

**54. 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

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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.)

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

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

(Reason: Compliance and amenity.)

**56. 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);

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- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

**57. TREE BONDS (CC)**

A tree bond 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 existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

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

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

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

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

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

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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 a Construction Certificate.

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

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

The mechanical ventilation system is to comply with the following:

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

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

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

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

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

An amended 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.

The plan should also specify that a Welcome pack is to be provided for residents to feature waiting bay procedure as well as signage to be installed in bin rooms. This is to be undertaken prior to the issue of a final Occupation Certificate.

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.)

**62. WASTE - SEPARATE WASTE AREAS FOR MIXED-USE DEVELOPMENTS (CC)**



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The building must include not less than two independently designated areas or garbage rooms for commercial and for residential occupants; to keep commercial waste and recycling separate to residential waste and recycling.

(Reason: To ensure the appropriate separation and collection of waste generated by commercial and residential activities.)

**63. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)**

Garbage rooms or grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

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

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

(Reason: To maintain streetscape character.)

**65. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal

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

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

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

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

(Reason: Statutory requirement.)

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

**68. 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

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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.)

**69. FILL MATERIAL (DW)**

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

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

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

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

**70. 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.)

**71. 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.)

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

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

- i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.

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- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

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

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

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

Progress certificates in response to points (1) through to (3) shall be provided to the

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Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

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

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

**74. 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.)

**75. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

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

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

(Reason: Maintenance and environment.)

**76. 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.

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(Reason: Asset management.)

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

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

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

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

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

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

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

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4)

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of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement.)

**80. 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.)

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

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

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

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

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

**82. 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

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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.)

**83. VENTILATION SYSTEMS – NATURAL (OC)**

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- i) The Building Code of Australia; and
- ii) Protection of the Environment Operations Act 1997.

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

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards.)

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

**84. COMMENCEMENT OF SUBDIVISION WORKS - REQUIREMENTS PRIOR TO (SC)**

Subdivision work in accordance with a consent must not commence until:

- i) a Construction Certificate has been issued;
- ii) the person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA);
- iii) the PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment; and
- iv) the person having the benefit of the consent has given at least two (2) day's notice to the Council of the person's intention to commence the subdivision work.

NB: Crown work certified in accordance with s109R of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.

(Reason: Statutory requirements.)

**85. SEPARATE APPLICATION FOR STRATA SUBDIVISION (SC)**

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

(Reason: To ensure compliance with the consent.)

**86. SUBDIVISION CERTIFICATE - REQUIREMENTS PRIOR TO THE ISSUE OF (SC)**

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



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

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

Prior to the issuing of any Subdivision Certificate under section 37A of the Strata Schemes (Freehold Development) Act 1973, and section 66A of the Strata Schemes (Leasehold Development) Act 1986, and in accordance with section 29A of the Strata Schemes (Freehold Development) Regulation 2007 and section 30A of the Strata Schemes (Leasehold Development) Regulation 2007, the PCA is required to be satisfied that:

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

As construction of the building nears completion, or after it has been completed, the Principal Certifying Authority must inspect the building and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Principal Certifying Authority shall also be satisfied that:

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

The Subdivision Certificate must not be issued until the Principal Certifying Authority has issued the Final Occupation Certificate in relation to the approved development.

(Reason: Statutory requirements.)

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

Once a Subdivision Certificate is issued by the Principal Certifying Authority, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to Strathfield Council as soon as practicable.

(Reason: Statutory requirement.)

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

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

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and sewer extensions to be built and charges to be paid. Please make early contact with

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

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

**89. UTILITIES - ELECTRICITY SUBSTATION DEDICATION AS ROAD AND/OR EASEMENT FOR ACCESS (SC)**

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road, free of cost to Council. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors shall not intrude onto any public road (footway or road pavement).

Where access to the electricity substation is required from a public place and across the site, an easement for access across the site from the public place must be created upon the final plan of subdivision burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

The above details must be included on the final plan of subdivision, prior to the release of the Subdivision Certificate.

(Reason: Formalisation of access to utility.)

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

**90. 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)

**91. 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.)

**92. VISITOR PARKING RESTRICTION (OU)**

**DA2017/109: 30-32 Pomeroy Street, Homebush  
Lot 1 in DP 809799 (Cont'd)**

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.)

**ATTACHMENTS**

1. [↓](#) Architectural Plans
2. [↓](#) Statement of Environmental Effects & Clause 4.6 Variation Request



ARCHITECTURAL DRAWINGS

COVER SHEET	DA-00
BASEMENT FLOOR PLAN LEVEL 2 &	
BASEMENT FLOOR PLAN LEVEL 3	DA-01
BASEMENT FLOOR PLAN LEVEL 1	DA-02
MEZZANINE FLOOR PLAN	DA-03
SITE & GROUND FLOOR PLAN LEVEL 1	DA-04
FIRST FLOOR PLAN LEVEL 2	DA-05
SECOND FLOOR PLAN LEVEL 3	DA-06
THIRD FLOOR PLAN LEVEL 4	DA-07
FOURTH FLOOR PLAN LEVEL 5	DA-08
ROOF PLAN	DA-09
SECTION A-A	DA-10
SECTION B-B	DA-11
N-W & N-E ELEVATIONS	DA-12
S-E SECTIONAL ELEVATION	DA-13
TYPICAL UNITS PLANS	DA-14
TYPICAL UNITS PLANS	DA-15
EXTERNAL COLOURS & FINISHES	DA-16
DATA SHEET	DA-17
ENTRY/EXIT RAMP DETAILS	DA-18
RAMP DETAILS PLANS 1:50	DA-19
RAMP DETAILS SECTIONS 1:50	DA-20
9 AM 21 JUNE SHADOWS	DA-21
12 NOON 21 JUNE SHADOWS	DA-22
3 PM 21 JUNE SHADOWS	DA-23
SUN STUDY	DA-24
CONCEPT STRATA PLAN	DA-25
CONCEPT STRATA PLAN	DA-26



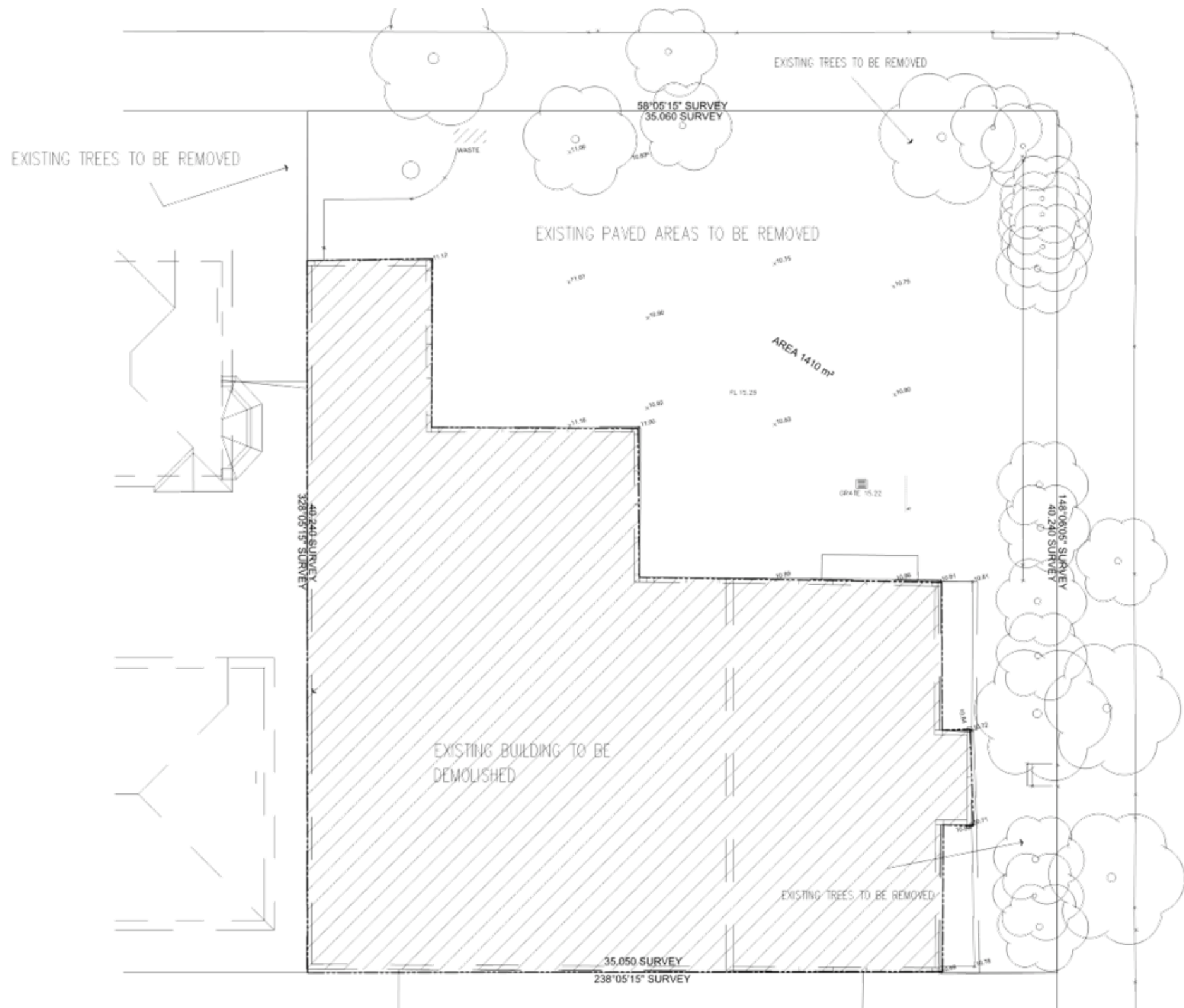
**STRATHFIELD COUNCIL  
RECEIVED**  
  
**(AMENDED PLAN)**  
  
**DA2017/109  
2 March 2018**

PROPOSED MIXED USE  
DEVELOPMENT

30-32 POMEROY STREET  
HOMERUSH NSW 2140

NEXUS  
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jhor@nexusarchitects.com

COVER SHEET DA-00



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21 July 2017

NOTES

HOURS OF WORK  
Monday - Friday 07.30 to 17.30  
Saturday - 07.30 - 15.30

Builder to keep a log detailing noise complaints and any action taken.

Builder to ensure site works are undertaken with strict compliance with Council's works conditions.

The work covered under this Demolition Plan will be conducted in a sequential manner, with some activities being conducted concurrently with others. Demolition work will be performed in accordance with AS2061 -2001, the Demolition of Structures, National Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC:2002 (2005)], National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018(2005)], NSW Code of Practice for Excavation Work, WorkCover Authority NSW March 2000

LEGEND

- SITE FENCE
- OUTLINE OF EXISTING BUILDING TO BE DEMOLISHED
- BUILDING SHOWN IN SHADED
- EXISTING PAVED AREAS TO BE REMOVED

DEMOLITION PLAN

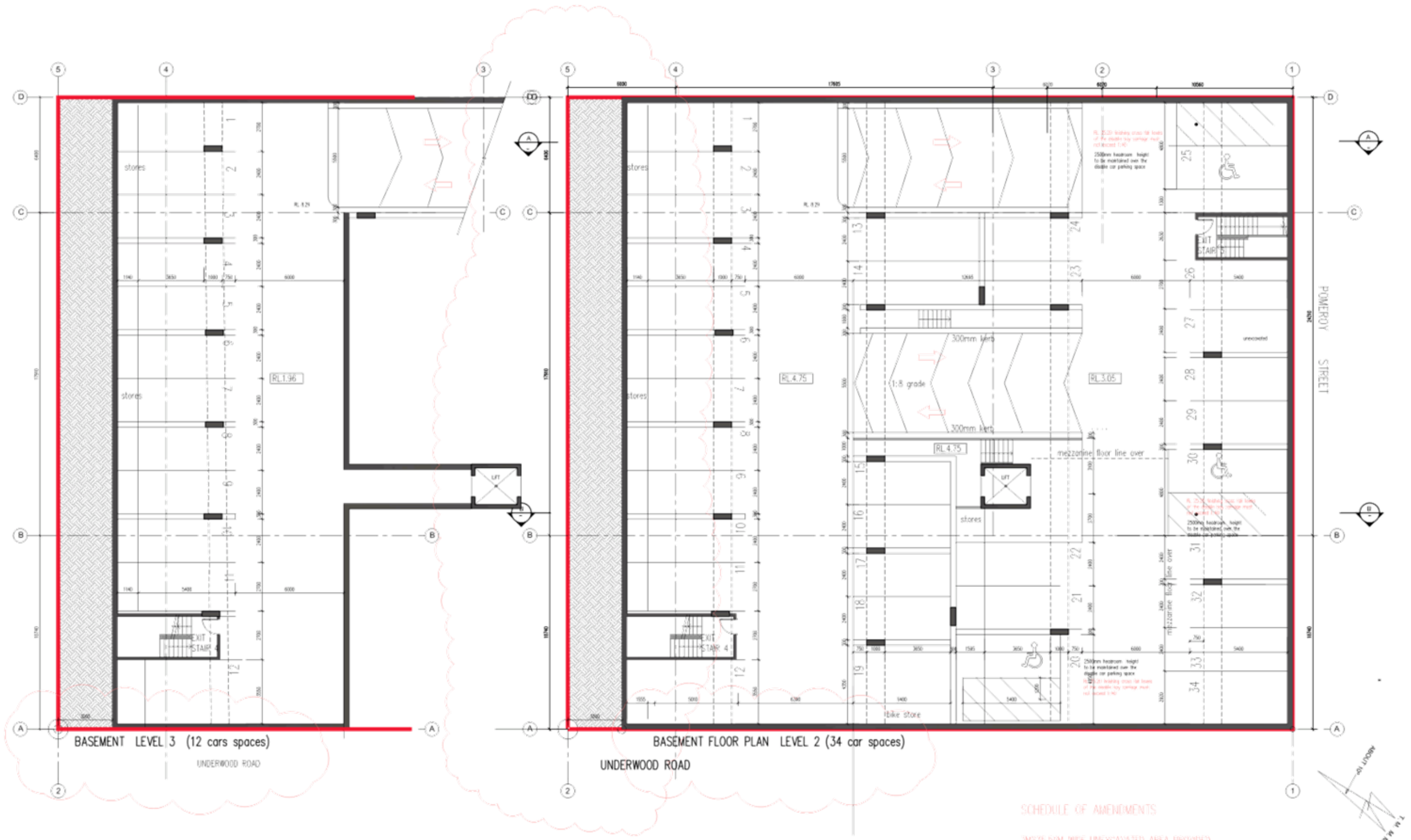
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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
-	17-07-17	DA Issue	JH	JH

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PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH NSW 2140

Drawing Name					
Date	Scale	Drawn	Chk	Sheet	Size
March 2014	1:100 @ A1	JH	JH	A1	A1
Project No.		Drawing No.		Author	
PV 010314		DP-01		JH	



**SCHEDULE OF AMENDMENTS**  
 30X35.50M WIDE UNEXCAVATED AREA PROVIDED  
 CAR PARKING LAYOUT SHIFTED AS RESULT  
 BASEMENT FLOOR LEVEL PLANS RENUMBERED

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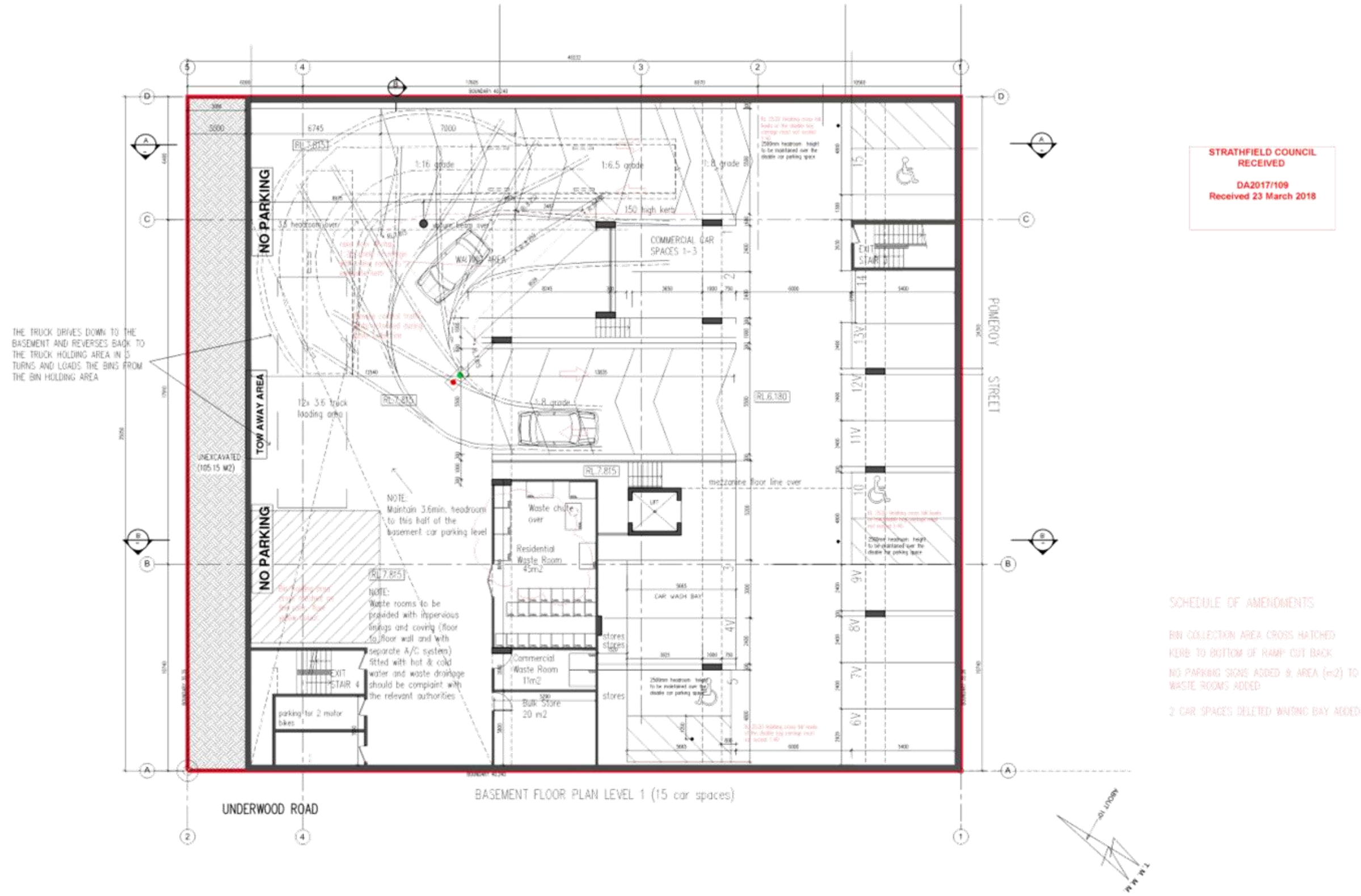
Rev	Date	Issue	By	Chk.
-	10-05-16	Schematic Issue	JH	JH
A	01-10-17	DA Issue	JH	JH
B	10-01-18	Unexcavated area & Car parking layout amended	JH	JH

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 (AMENDED PLAN)**

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Drawing Name  
**BASEMENT FLOOR PLAN LEVEL 2**  
 Date  
 March 2014  
 Scale  
 1:100 @ A1  
 Drawn  
 JH  
 Chk.  
 JH  
 Sheet Size  
 A1  
 Project No.  
 PV 010314  
 Drawing No.  
 DA-01  
 Revision  
 B



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DA2017/109  
Received 23 March 2018

SCHEDULE OF AMENDMENTS  
BIN COLLECTION AREA CROSS HATCHED  
KERB TO BOTTOM OF RAMP CUT BACK  
NO PARKING SIGNS ADDED & AREA (m<sup>2</sup>) TO WASTE ROOMS ADDED  
2 CAR SPACES DELETED WASHING BAY ADDED

UNDERWOOD ROAD  
BASEMENT FLOOR PLAN LEVEL 1 (15 car spaces)  
POMEROY STREET

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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
A	10-10-17	DA Issue	JH	JH
B	10-01-18	Unexcavated area increased Layout amended	JH	JH
C	19-03-18	Traffic lights added to entry/exit ramp JH	JH	JH
D	22-03-18	Car waiting area amended	JH	JH

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Drawn:  
Mr & Mrs P. Valente  
Project:  
PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH NSW 2140

Drawing Name:  
BASEMENT FLOOR PLAN LEVEL 1  
Date:  
March 2018  
Scale:  
1:100 @ A1  
Drawn:  
JH  
Chk:  
JH  
Sheet Size:  
A1  
Project No.:  
PV 010314  
Drawing No.:  
DA-02  
D





MEZZANINE PLAN

SCHEDULE OF AMENDMENTS  
 FIRE EXIT RELOCATED AND ACCESS STAIRS & LIFT AMENDED

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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic issue	JH	JH
-	01-10-17	DA issue	JH	JH
A	16-10-17	Dimensions & terrace grass added furniture layout added	JH	JH
B	10-01-18	Side Terrace & lift no amended Deep set landscaping increase	JH	JH

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 DA2017/109  
 2 March 2018

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Drawing Name  
 MEZZANINE FLOOR PLAN  
 Date  
 March 2018  
 Scale  
 1:100 @ A1  
 Drawn  
 JH  
 Checked  
 JH  
 Sheet Size  
 A1  
 Project No.  
 PV 010314  
 Drawing No.  
 DA-03  
 Revision  
 B



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Rev	Date	Issue	By	CHK
-	10-05-16	Schematic issue	JH	JH
-	01-06-17	DA ISSUE	JH	JH
A	18-10-17	Dimensions & terrace areas added furniture layout added	JH	JH
B	10-01-18	Site setbacks amended, unit no. amended, height reduced by 2 floors	JH	JH
C	18-03-18	Traffic lights added to entry/exit ramp A1	JH	JH

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 30-32 POMEROY STREET  
 HOME BUSH NSW 2140

Drawing Name: **SITE & GROUND FLOOR PLAN L1**  
 Date: March 2018  
 Scale: 1:100 @ A1  
 Project No.: PV 010314  
 Drawing No.: DA-04  
 Sheet No.: C



LEGEND

- 1 BR APARTMENTS
- 2 BR APARTMENTS
- 3 BR APARTMENTS



SCHEDULE OF AMENDMENTS

- 3M SETBACK AT NORTH WESTERN CORNER OF THE BUILDING PROVIDED
- APARTMENT UNIT AT NORTH WESTERN CORNER OF THE BUILDING RECONFIGURED
- 3BR APARTMENT UNIT INTERNAL FLOOR AREA INCREASED TO 97m<sup>2</sup>
- GARBAGE STORAGE & CHUTE LAYOUT ALTERED

FIRST FLOOR PLAN LEVEL 2

UNDERWOOD ROAD

POMEROY STREET

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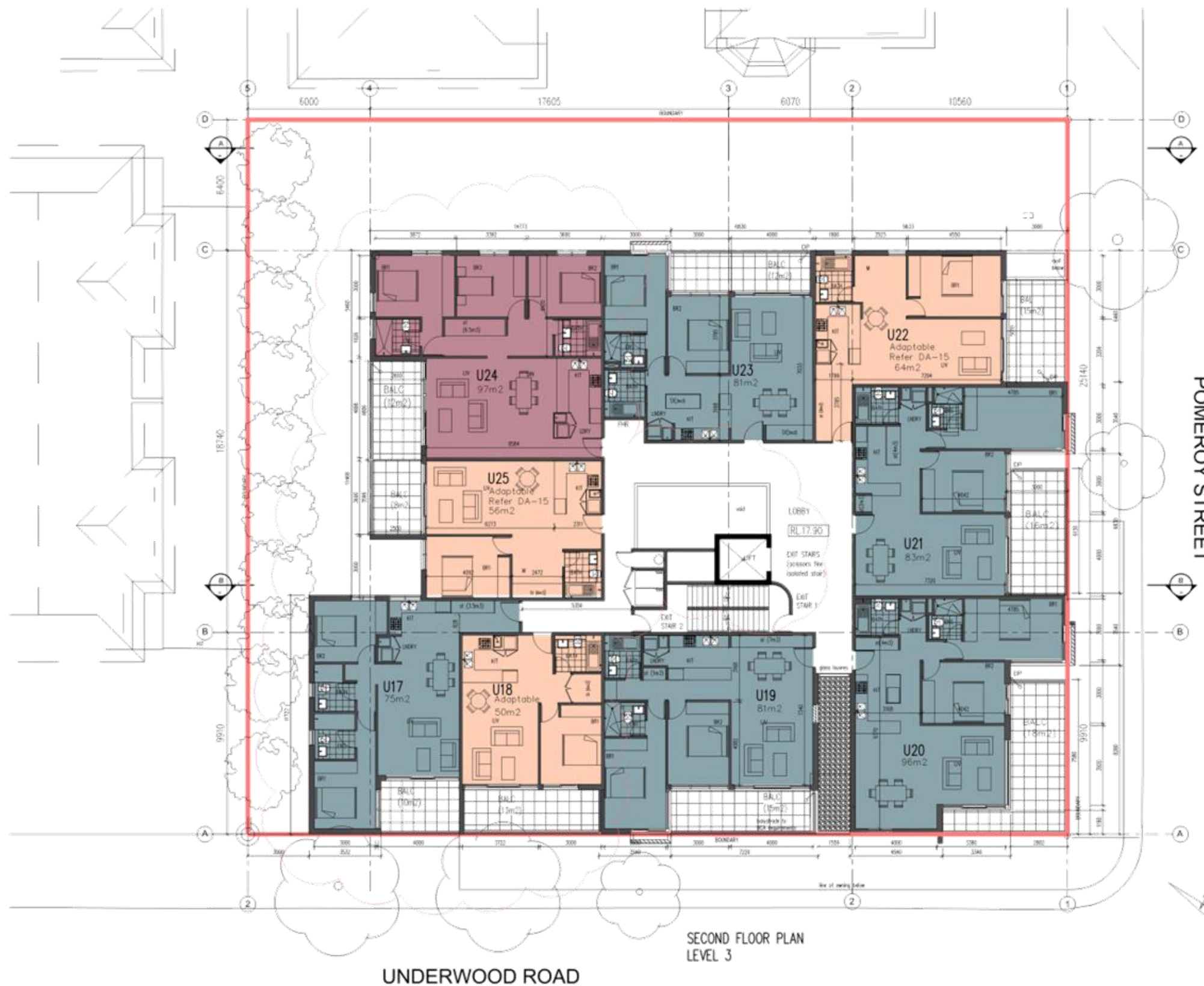
Rev	Date	Issue	By	CHK
-	10-05-16	Schematic issue	JH	JH
-	01-08-17	DA issue	JH	JH
A	16-10-17	Directions added	JH	JH
B	10-01-18	Side setbacks amended and no amended. Height reduced by 2 floors	JH	JH

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 Project: PROPOSED MIXED USE DEVELOPMENT  
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Drawing Status			
Date	Scale	Drawn	Check
March 2014	1:100 @ A1	JH	JH
Project No.		Sheet No.	
PV 010314		DA-05	
		8	



LEGEND

- 1 BR APARTMENTS
- 2 BR APARTMENTS
- 3 BR APARTMENTS



SCHEDULE OF AMENDMENTS

- 3M SETBACK AT NORTH WESTERN CORNER OF THE BUILDING PROVIDED
- APARTMENT UNIT AT NORTH WESTERN CORNER OF THE BUILDING RECONFIGURED
- 3BR APARTMENT UNIT 24 INTERNAL FLOOR AREA INCREASED TO 97m<sup>2</sup>
- GARBAGE STORAGE & CHUTE LAYOUT ALTERED

SECOND FLOOR PLAN  
LEVEL 3

UNDERWOOD ROAD



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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
-	01-10-17	DA Issue	JH	JH
4	16-10-17	Dimensions added	JH	JH
5	10-04-18	Site setbacks amended, unit nos. amended, height reduced by 2 floors	JH	JH

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DA2017/109

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Project  
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HOMEBUSH NSW 2140

Drawing Name					
SECOND FLOOR PLAN L3					
Date	Scale	Drawn	Chk.	Sheet No.	Sheet Size
March 2014	1:100 @ A1	JH	JH	41	A1
Project No.		Sheet No.		L3/11	
PV 010314		DA-06		B	



LEGEND

- 1 BR APARTMENTS
- 2 BR APARTMENTS
- 3 BR APARTMENTS



SCHEDULE OF AMENDMENTS

- 3M SETBACK AT NORTH WESTERN CORNER OF THE BUILDING PROVIDED
- APARTMENT UNIT AT NORTH WESTERN CORNER OF THE BUILDING RECONFIGURED
- 3BR APARTMENT UNIT 33 INTERNAL FLOOR AREA INCREASED TO 97m<sup>2</sup>
- GARBAGE STORAGE & CHUTE LAYOUT ALTERED

THIRD FLOOR PLAN LEVEL 4

UNDERWOOD ROAD



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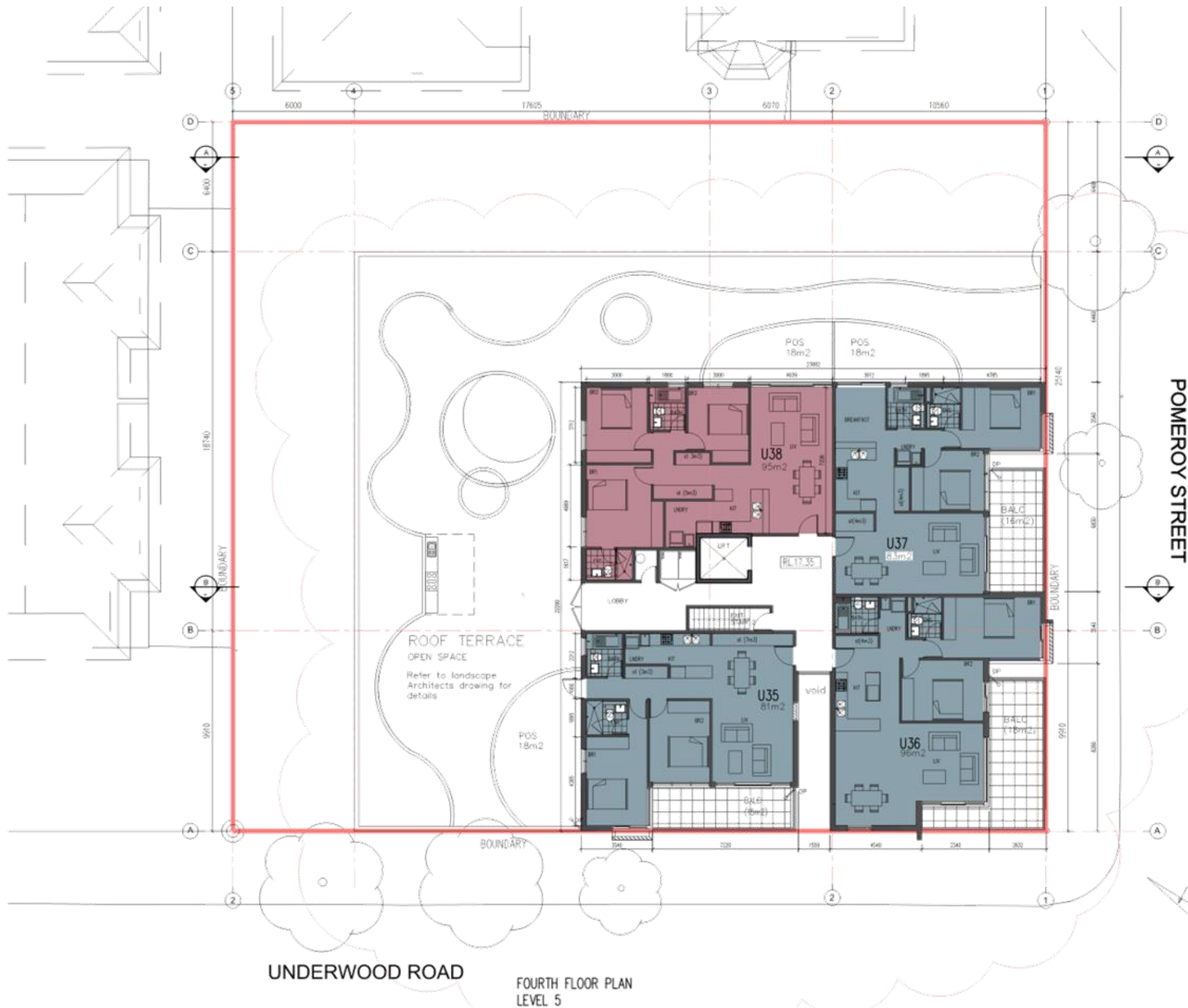
Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
-	01-10-17	DA Issue	JH	JH
4	16-10-17	Dimensions added	JH	JH
5	10-04-18	Site setbacks amended, unit nos. amended, height reduced by 2 floors	JH	JH

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**(AMENDED PLAN)**  
**DA2017/109**  
**2 March 2018**

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30-32 POMEROY STREET  
HOMEBUSH NSW 2140

Drawing Name				
Date	Scale	Drawn	Chk.	Sheet Size
March 2018	1:100 @ A1	JH	JH	A1
Project No.				Sheet No.
PV 010314				DA-07 B



**LEGEND**

- 1 BR APARTMENTS
- 2 BR APARTMENTS
- 3 BR APARTMENTS

**SCHEDULE OF AMENDMENTS**

- 3M SETBACK AT NORTH WESTERN CORNER OF THE BUILDING PROVIDED
- SIX UNITS AT THE REAR OF THE BUILDING DELETED FLOOR PLAN RECONFIGURED IN TO 4 UNITS & ROOF TERRACE INCLUDED
- GARBAGE STORAGE & CHUTE LAYOUT ALTERED

**UNDERWOOD ROAD**  
**FOURTH FLOOR PLAN LEVEL 5**

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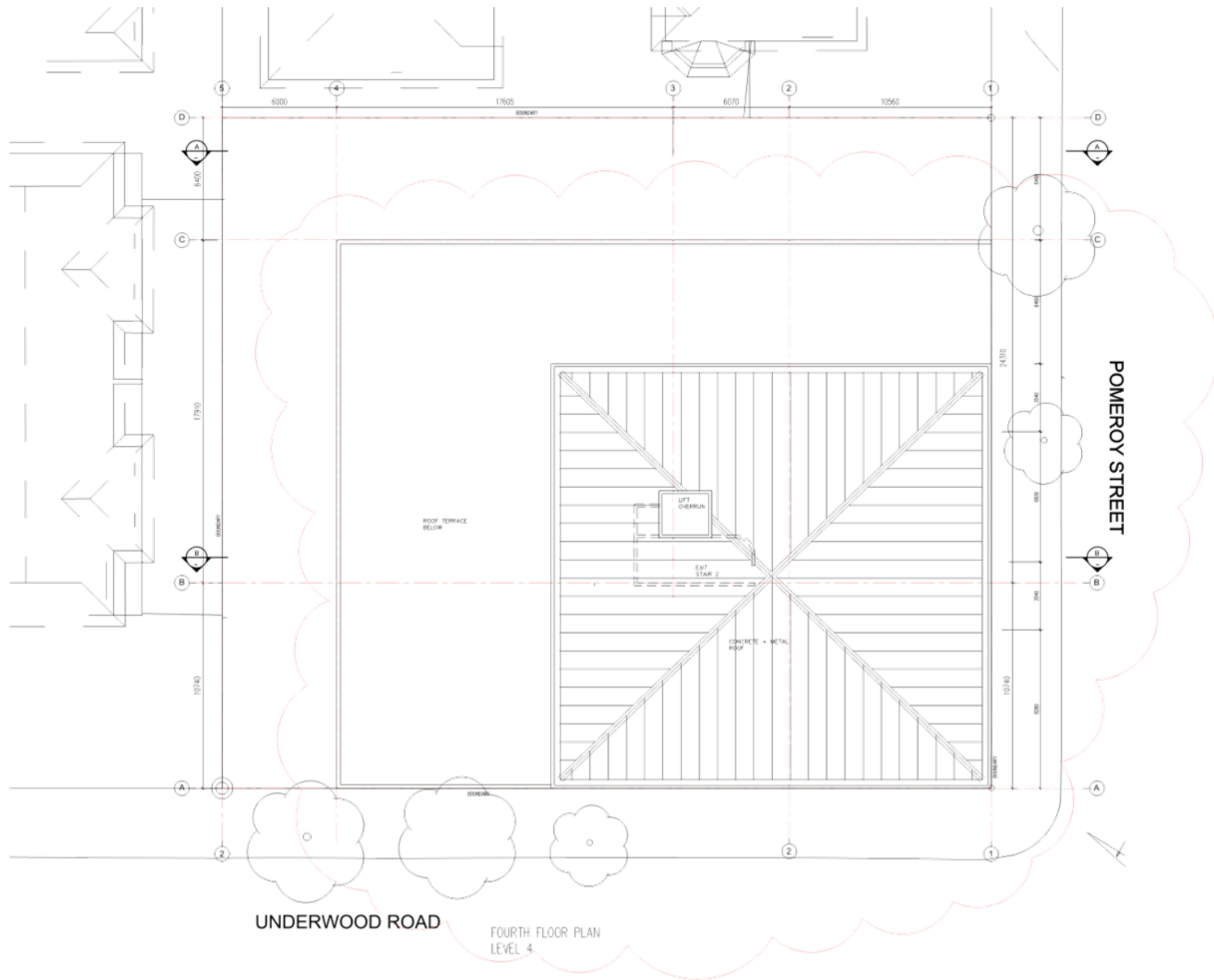
Rev	Date	Issue	By	Chk
-	10-05-16	Schematic issue	JH	JH
-	01-08-17	DA issue	JH	JH
A	16-10-17	Book end wall detail Unit 23 amended	JH	JH
B	10-01-18	Site setbacks amended, unit mix amended, height reduced by 2 floors	JH	JH

**STRATHFIELD COUNCIL RECEIVED**  
**(AMENDED PLAN)**

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 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
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Drawing Status		Fourth Floor Plan L5	
Date	Scale	Drawn	Check
March 2014	1:100 @ A1	JH	JH
Project No.	Sheet No.	CHU	
PV 010314	DA-08	B	



SCHEDULE OF AMENDMENTS  
 NEW ROOF PLAN TO REFLECT AMENDMENTS TO THE FOURTH FLOOR PLAN  
 FIFTH FLOOR DELETED

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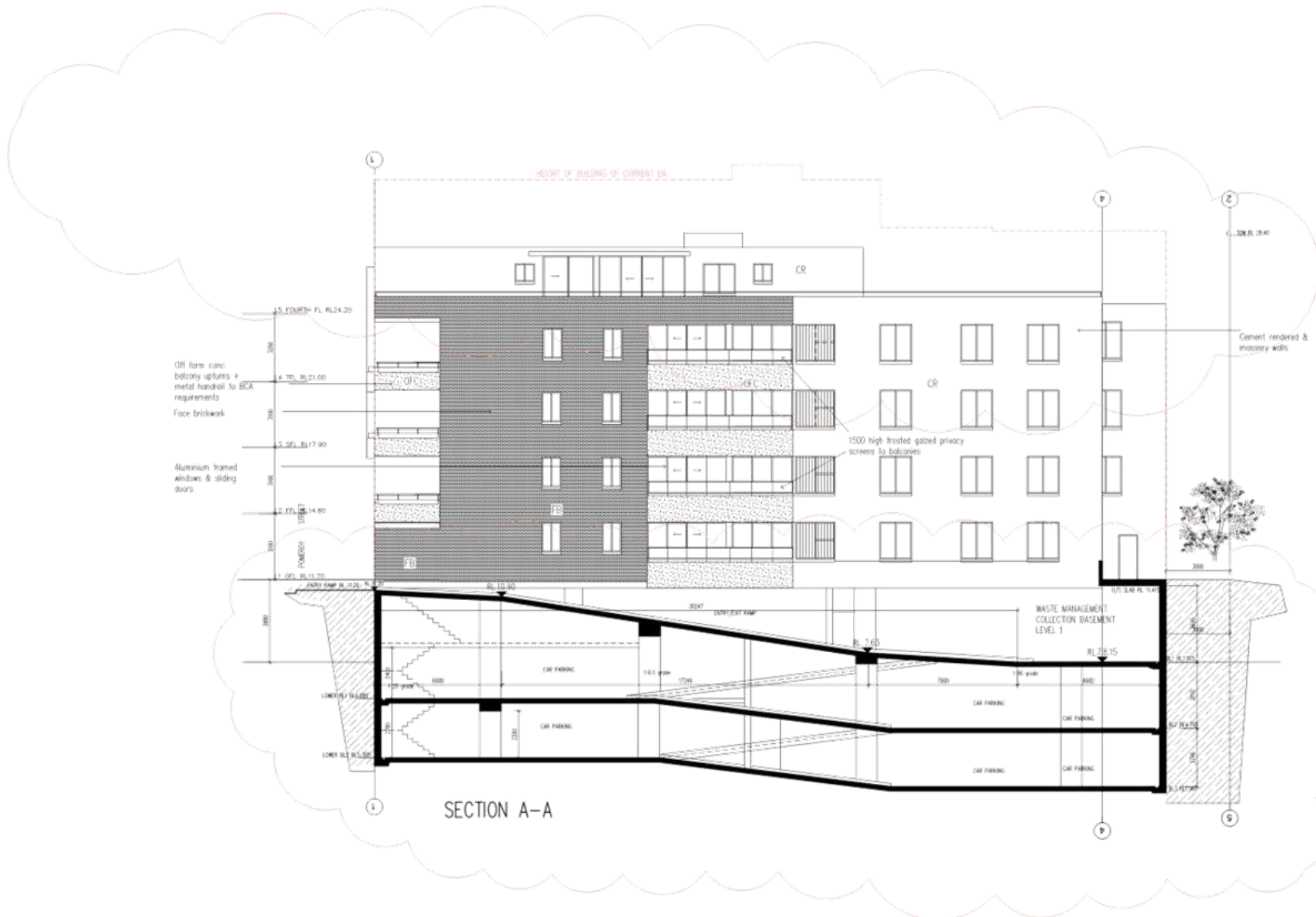
Rev	Date	Issue	By	CHK
-	10-05-16	Schematic Issue	JH	JH
-	21-10-17	DA Issue	JH	JH
A	16-03-17	Block end wall detail Unit 22 amended	JH	JH
B	10-05-18	Site setbacks amended, unit no. amended, height reduced by 2 floors	JH	JH

**STRATHFIELD COUNCIL  
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 (AMENDED PLAN)**

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 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMEBUSH NSW 2140

Drawing Name				
Date	Scale	Drawn	CHK	Sheet Size
March 2014	1:100 @ A1	JH	JH	A1
Project No.				
PV 010314	DA-09	8		



**SCHEDULE OF AMENDMENTS**

3M SETBACK AT NORTH WESTERN CORNER OF THE BUILDING PROVIDED  
 FIFTH FLOOR DELETED AND PART OF FOURTH FLOOR DELETED  
 BUILDING HEIGHT REDUCED  
 DRIVEWAY RAMP AMENDED TO MAINTAIN 3.6 MIN HEAD ROOM IN BASEMENT LEVEL 1

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Rev	Date	Issue	By	Chk
--	10-05-16	Schematic Issue	JH	JH
A	01-18-17	D4 Issue	JH	JH
B	10-01-18	Site setbacks amended, unit mix amended, height reduced by 2 floors	JH	JH

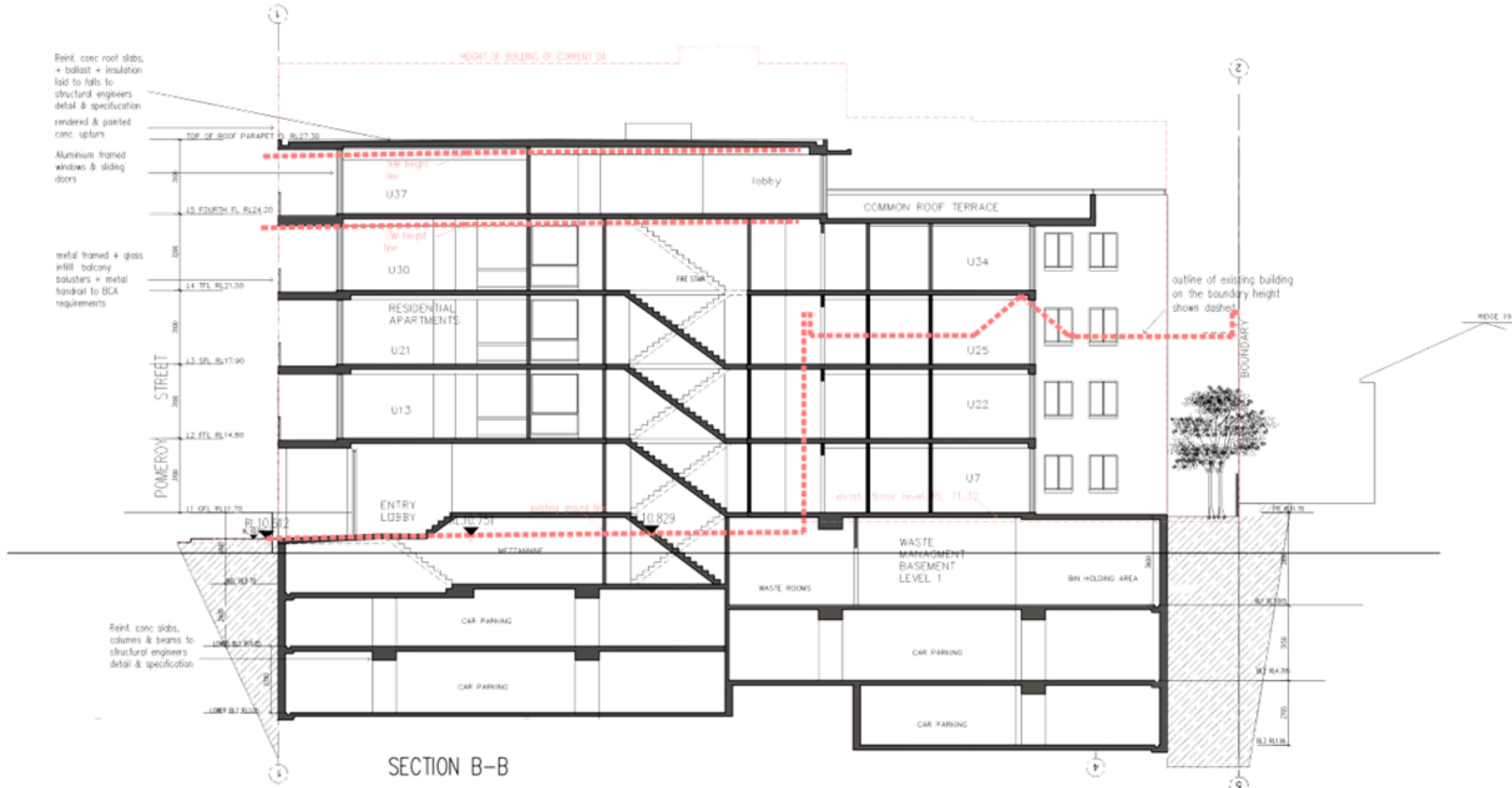
**STRATHFIELD COUNCIL  
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**NEXUS ARCHITECTURE P/L**  
 Architecture/Planning/Urban Design  
 3 Glenloch Place  
 Strathfield NSW 2141  
 Australia  
 T 61 2 854228  
 M 61 245273825  
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Client: Mr & Mrs P. Valente  
 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMERUSH NSW 2140

Drawing Name: SECTION A-A  
 Date: March 2018  
 Scale: 1:100 @ A1  
 Project No: PV 010314  
 Drawing No: DA-10  
 Sheet No: B





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Rev	Date	Issue	By	CHK
-	10-05-06	Schematic Issue	JH	JH
-	01-10-17	DA Issue	JH	JH
A	10-10-17	Dimensions & terrace areas added Furniture layouts added	JH	JH
B	10-03-18	Site setbacks amended, unit no. amended, height reduced by 2 Years	JH	JH

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 DA2017/109  
 2 March 2018**

**NEXUS  
 ARCHITECTURE P/L**  
 Architecture/Planning/Urban Design  
 Notified Architect/Urban Designer Reg No. 4118  
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 Berrima, NSW 2541  
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 W 61 2 84573310  
 WWW.nexusarchitecture.com

Client: Mr & Mrs P. Valente  
 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMEBUSH NSW 2140

Drawing Name: SECTION B-B  
 Date: March 2018  
 Scale: 1:100 @ A1  
 Project No: PV 010314  
 Drawing No: DA-11  
 Sheet No: B



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Rev	Date	Issue	By	CHK
-	10-05-18	Schematic Issue	JH	JH
-	01-08-17	DA Issue	JH	JH
A	10-01-18	Site setbacks amended	JH	JH
B	10-01-18	Site setbacks amended, unit no amended, height reduced by 2 floors	JH	JH

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**NEXUS  
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 Architecture/Planning/Urban Design  
 Registered Architect with New South Wales Reg No 4118  
 3 Gilbert Place  
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 WWW: nexusarchitecture.com

Client: Mr & Mrs P. Valente  
 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOME BUSH NSW 2140

Drawing Name				
N-W & N-E ELEVATIONS				
Date	Scale	Drawn	CHK	Sheet Size
March 2014	1:100 @ A1	JH	JH	A1
Project No.		Drawing No.		Notes
PV 010314		DA-12		LFMU



SCHEDULE OF AMENDMENTS

BUILDING HEIGHT REDUCED  
 5TH FLOOR DELETED  
 SIDE SETBACKS INCREASED

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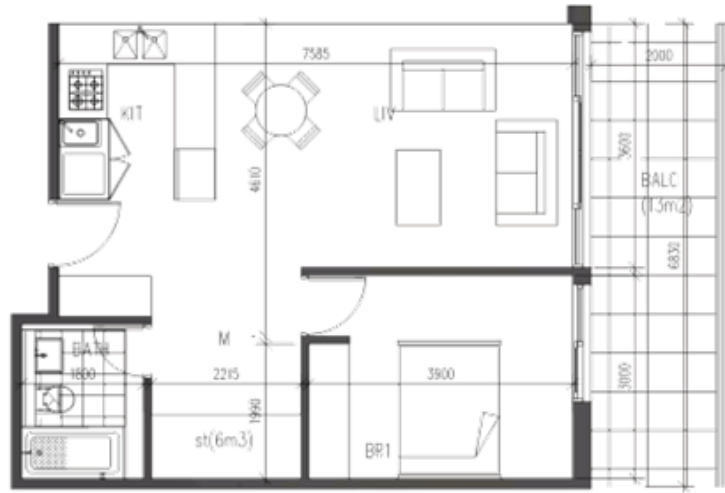
Rev	Date	Issue	By	CHK
-	10-05-16	Schematic Issue	JH	JH
-	01-10-17	D4 Issue	JH	JH
A	16-10-17	Dimensions & Terrace areas added furniture layouts added	JH	JH
B	10-01-18	Side setbacks increased, and rev amended height reduced by 2 floors	JH	JH

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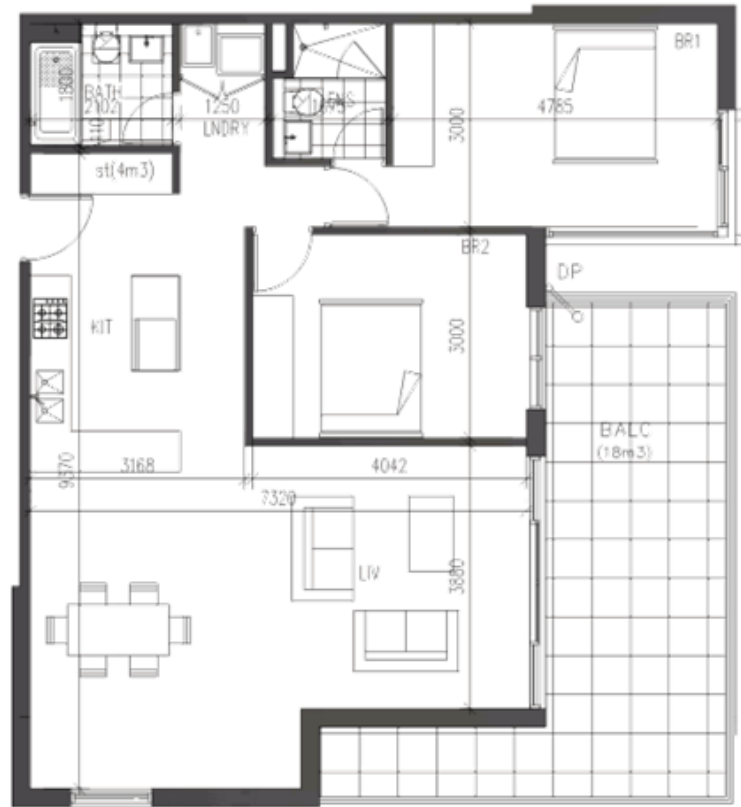
NEXUS  
 ARCHITECTURE P/L  
 Architecture/Planning/Interior Design  
 Notified Architect, 4th Floor, 41/42 Regent Street, Sydney NSW 2000  
 5 Gabriel Place  
 Strathfield NSW 2141  
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 T 61 2 95542708  
 F 61 04570303  
 WWW.nexusarchitecture.com

Client  
 Mr & Mrs P. Volente  
 Project  
 PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMEBUSH NSW 2140

Drawing Name  
 S-E SECTIONAL ELEVATION  
 Date  
 March 2014  
 Scale  
 1:100 @ A1  
 Drawn  
 JH  
 Check  
 JH  
 Sheet Size  
 A1  
 Title  
 PV 010314  
 DA-13  
 B



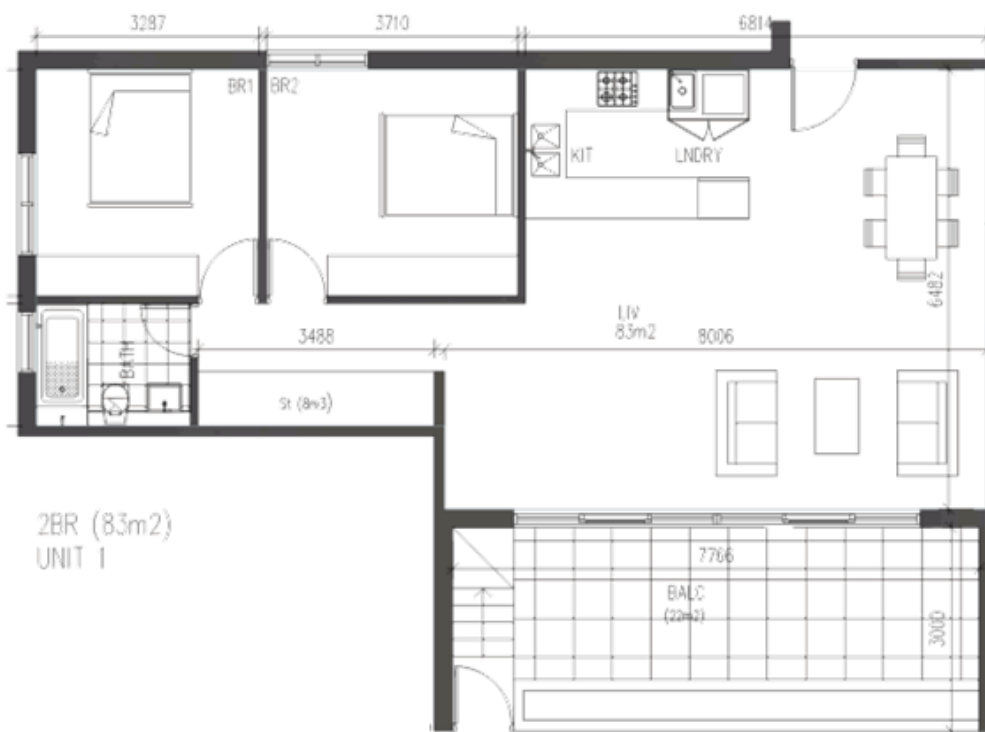
1BR (52m<sup>2</sup>)  
UNIT 3



2BR (96m<sup>2</sup>)  
UNITS 11,20,29&36



3BR (95m<sup>2</sup>)  
UNITS 6,15,24&33



2BR (83m<sup>2</sup>)  
UNIT 1



2BR (75m<sup>2</sup>)  
UNITS 8,17&26



3BR (95m<sup>2</sup>)  
UNIT 38

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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
-	01-10-17	DA Issue	JH	JH
A	10-10-17	Dimensions & terrace areas added furniture layouts added	JH	JH
B	10-01-18	Unit no amended	JH	JH

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**(AMENDED PLAN)**  
DA2017/100

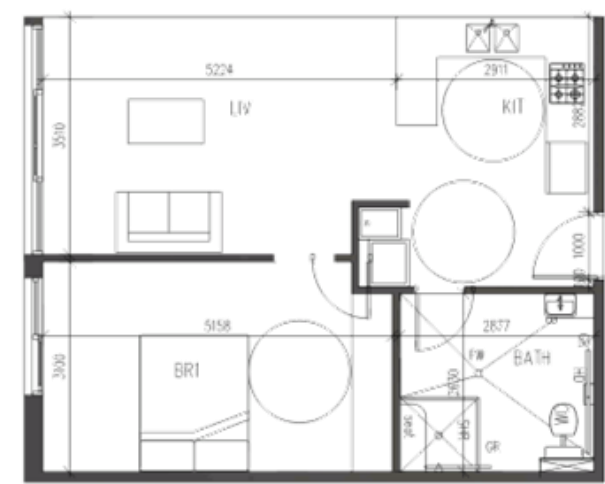
NEXUS  
ARCHITECTURE PTY LTD  
Architecture/Planning/Urban Design  
Newmarket Architect Job No: 10/10/16  
1 Glenview Place  
Bulimba NSW 2161  
Australia  
T 61 2 954228  
W 61 2 9531383  
WWW.NEXUSARCHITECTURE.COM

Client: Mr & Mrs P. Valente  
Project: PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH NSW 2140

Drawing Name: TYPICAL UNIT PLANS  
Date: March 2014  
Scale: 1:100 @ A1  
Project No: PV 013314  
Drawing No: DA-14  
Sheet Size: A1  
Author: JH  
Checker: JH  
Plotter: LPU  
Revision: B



2BR (81m<sup>2</sup>)  
UNITS 5,14,23.&32



TYPICAL POST ADAPTABLE 1BR 56m<sup>2</sup> UNIT 16



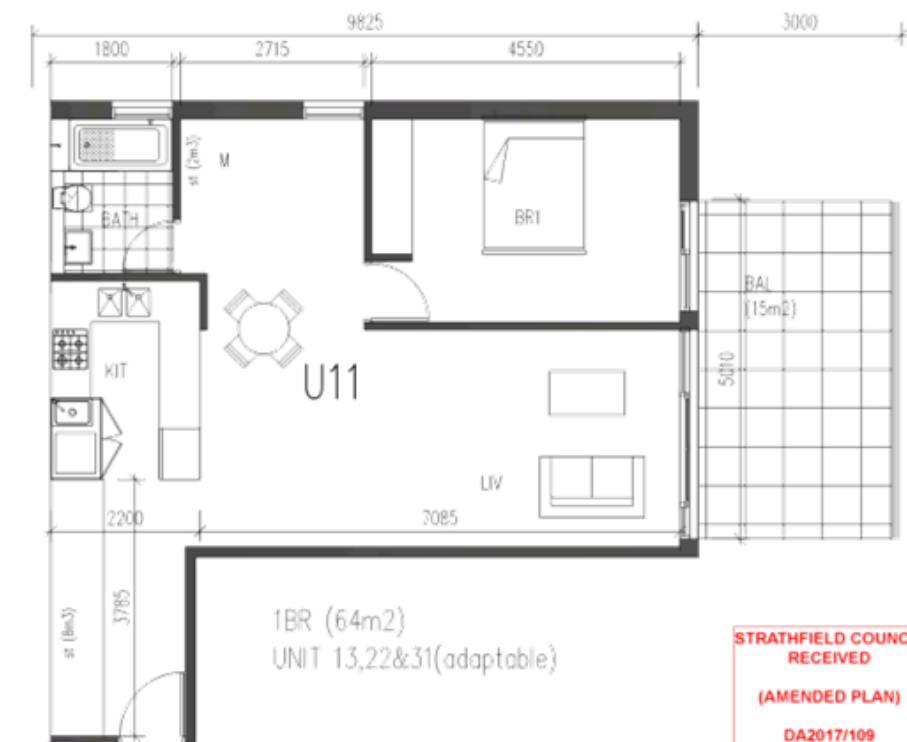
2BR (83m<sup>2</sup>)  
UNITS 12,21,30&37(SIMILAR)



1BR (56m<sup>2</sup>)  
UNITS 7,16,25&34 (adaptable)

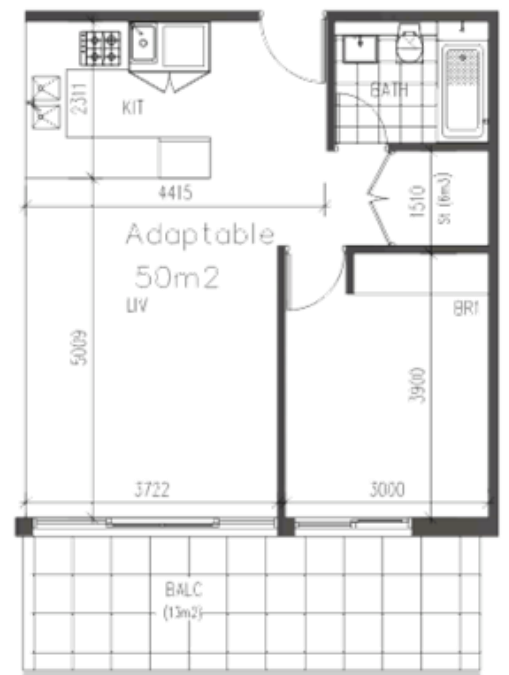


2BR (81m<sup>2</sup>)  
UNITS 10,19,28.&35



1BR (64m<sup>2</sup>)  
UNIT 13,22&31(adaptable)

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DA2017/109  
2 March 2018**



1BR (50m<sup>2</sup>) UNITS 9,18,&27 (adaptable)

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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic Issue	JH	JH
-	01-10-17	DA Issue	JH	JH
A	10-10-17	Dimensions & fence areas added furniture layouts added	JH	JH
0	10-01-18	Not re amended	JH	JH

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Client: Mr & Mrs P. Valente  
Project: PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH NSW 2140












Drawing Name: TYPICAL UNIT PLANS  
Date: March 2018  
Scale: 1:100 @ A1  
Project No: PV 010314  
Drawing No: DA-15  
Sheet No: B



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**DA2017/109  
2 March 2018**



**EXTERNAL COLOURS & FINISHES**

- Aluminium framed suncontrol devices, louvres & privacy screens natural anodised finish AS 
- Face brickwork Austral Bowral Blue FB 
- Cement rendered masonry & pointed & u/s of conc. slabs Dulux Natural White W CR 
- off form conc. pediment painted Rockcote coloured terra cotta render polished finish BNC 
- point to Type A balustrade Dulux Paperbark BA 
- Clear Glazing to Type B balustrade BB 
- glazing to aluminium framed windows & doors natural anodised finish to frames AFD, AFW 
- Metal slatted screen (assorted Colorbond colours, Deep Ocean, Wilderness & Blue Ridge) MS 
- Pointed awning metal edge beam Dulux Metalshield Basalt P 
- Coloured translucent glazed privacy screens PS 
- Down Pipes Dulux Colorbond Shale Grey DP 



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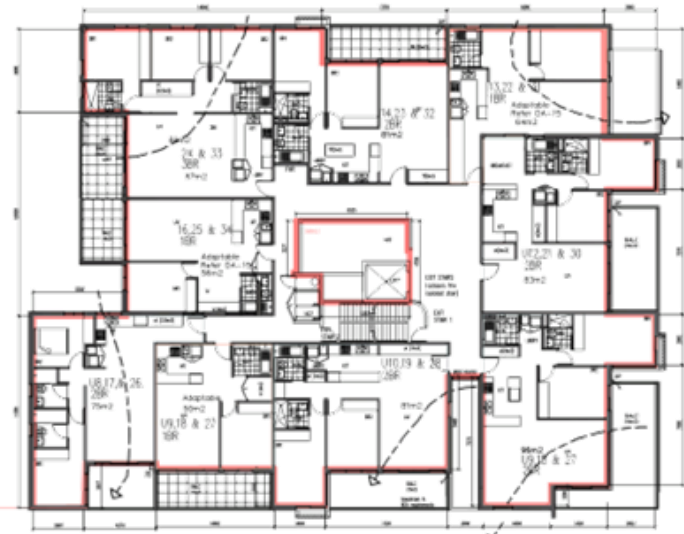
Rev	Date	Issue	By	CHK
-	10-05-16	Schematic issue	JH	JH
-	03-03-17	DA issue	JH	JH
A	16-10-17	Dimensions & terrace areas added furniture layout added	JH	JH
B	10-01-18	Site setbacks amended height reduced	JH	JH

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Brisbane, NSW 2041  
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www.nexusarchitecture.com

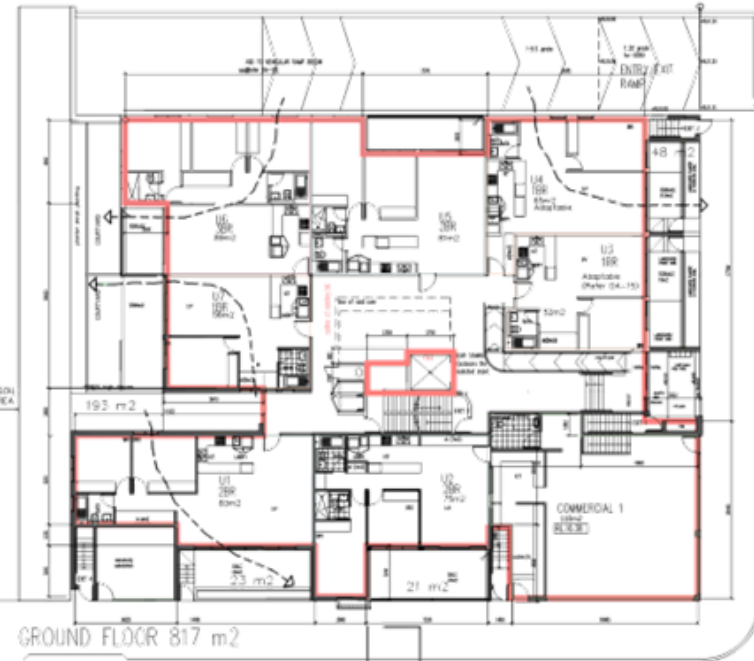
Client: Mr & Mrs P. Volente  
Project: PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH WEST NSW 2140

EXTERNAL COLOURS & FINISHES				
Date	Scale	Drawn	Chk	Sheet Size
March 2014	1:100 @ A1	JH	JH	A1
Project No.	Issue No.	LJU		
PV 010314	DA-16	B		

Schedule of Basic Commitments	
I. Commitments for Residential Flat Buildings - RFB (a) Dwellings	
<b>f) Water</b>	
b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the 'indigenous species' column of the table below, as private landscaping for the dwelling. This area of indigenous vegetation is to be contained within the 'Area of garden and lawn' for the dwelling specified in the 'Description of Project' table.	
e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	
d) The pool or spa must be located as specified in the table.	
c) The applicant must not install, for the dwelling, each alternative water supply system, with the specified size, for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	
<b>g) Energy</b>	
b) The applicant must not install, install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by the system, if the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system. Refer to the table on page 8/15 of the BASIX Report	
f) This commitment applies to each room or area of the dwelling each is referred to in a heading to the 'Natural lighting' column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	
<b>h) Thermal Comfort</b>	
a) Where there is an in-slab heating or cooling system, the applicant must: (aa) install insulation with R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	
b) The applicant must construct the floors and walls of the development in accordance with the specification listed in the table - Thermal loads, page 10/15 of the BASIX Report	



FIRST, SECOND & THIRD FLOOR 837x2=1674 m<sup>2</sup>



GROUND FLOOR 817 m<sup>2</sup>

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Rev	Date	Issue	By	Chk
-	10-05-16	Schematic issue	JH	JH
-	01-02-17	DA issue	JH	JH
A	18-10-17	Data text amended	JH	JH
A	10-01-18	Data amended	JH	JH

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Project:  
PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH WEST NSW 2140

Drawing Name		Date		Scale	Drawn	CHK	Sheet No.
DATA SHEET		March 2014		1:200 @ A1	JH	JH	A1
Project No.	DA-17	Sheet No.	B				

**SCHEDULE OF AMENDMENTS**

PROJECT DATA NUMBER

**LEGEND**

- FSR
- TOTAL LANDSCAPED AREA (including 100m<sup>2</sup> of soft landscape area)
- CROSS VENTILATION S

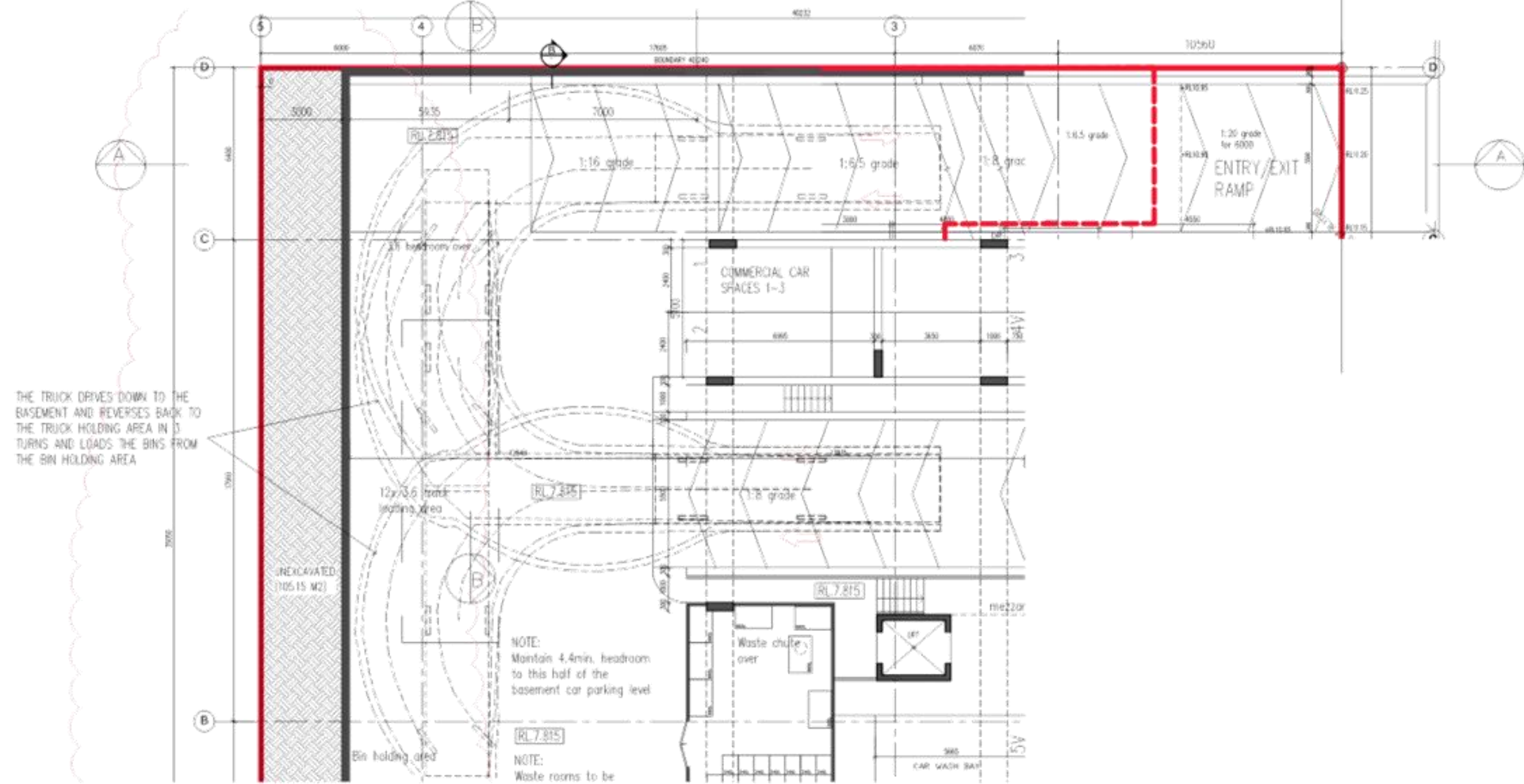
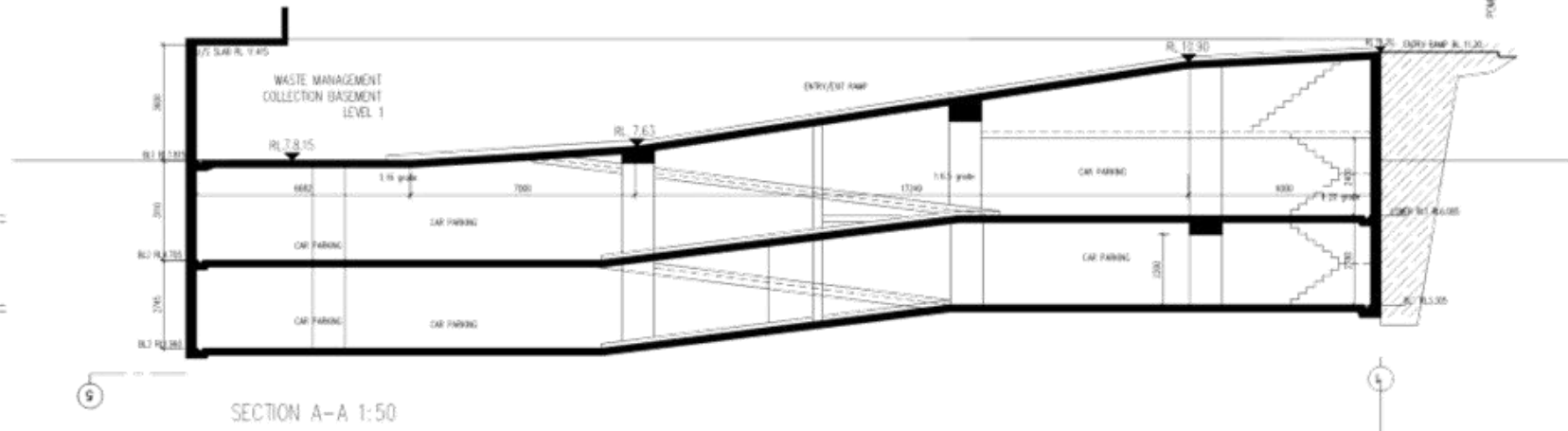
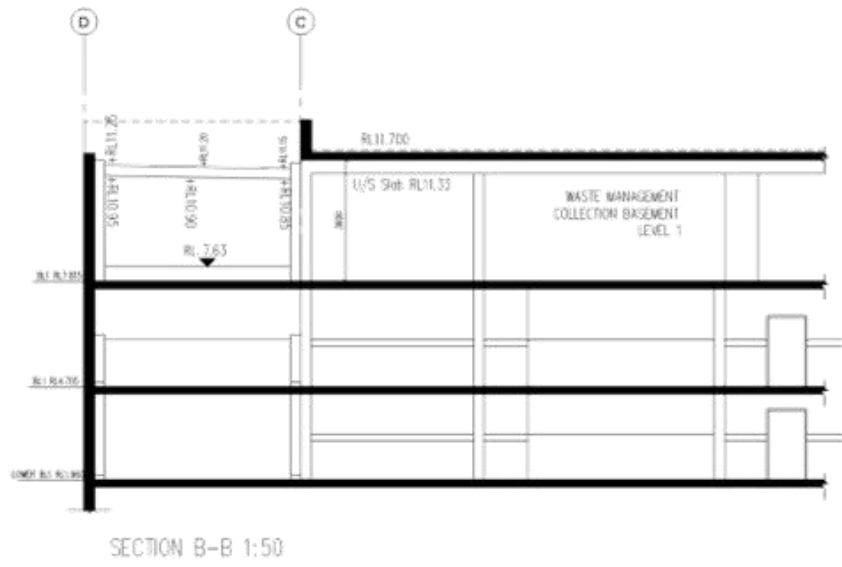
CROSS VENTILATED UNITS		
23 Units (65.7%)		
FLOOR	UNITS	TOTALS
GFL	1,4,6,7	4
FFL	8,9,10,11&10	5
SFL	15,17,18,11&13	5
TFL	24,26,27,29,31&33	5
FFL	35,36,37&38	4
<b>TOTAL</b>		<b>23</b>
UNITS WITH 2HRS SOLAR & DAYLIGHT ACCESS		
32 Units (94%)		
FLOOR	UNITS	TOTALS
GFL	1,2,3 & 4	4
FFL	8,9,10,11,12&13	6
SFL	17,18,19,20,21&22	6
TFL	26,27,28,29, 30&31	6
FFL	35,36,37&38	4
<b>TOTAL</b>		<b>32</b>

SITE AREA 1410 m <sup>2</sup>	
FSR CALCULATION	
LEVEL	GFA (m <sup>2</sup> )
Ground floor L1	773
First floor L2	794
Second floor L3	794
Third floor L4	794
Fourth floor L5	400
<b>Total Gross Floor Area</b>	<b>3555 (2.52:1)</b>
<b>Permissible Gross Floor Area</b>	<b>4230 (3:1)</b>

APARTMENT SCHEDULE				
LEVEL	1BR	2BR	3BR	TOTAL
Ground floor L1	3	3	1	7
First floor L2	3	5	1	9
Second floor L3	3	5	1	9
Third floor L4	3	5	1	9
Fourth floor L5	-	4	0	4
<b>TOTALS</b>	<b>12</b>	<b>21</b>	<b>5</b>	<b>38</b>

CAR PARKING REQUIREMENTS (DCP)				
BEDROOM TYPE	RATE/UNIT	UNITS	REQUIRED	PROVIDED
1BR	1	12	14	14
2BR	1.5	21	32	19
3BR	2	5	10	12
VISITOR	1 / 5	-	8	8
COMMERCIAL	1/40m <sup>2</sup>	116m <sup>2</sup>	3	9
<b>TOTALS</b>			<b>65</b>	<b>63</b>

6 ACCESSIBLE BAYS INCLUDED IN THE TOTAL	
LANDSCAPE AREA CALCULATIONS	
LEVEL	AREA (m <sup>2</sup> )
GROUND FLOOR L1	285
ROOF TERRACE L5	454
<b>TOTAL LANDSCAPED AREA</b>	<b>739 (52%)</b>
<b>REQUIRED LANDSCAPED AREA</b>	<b>564 (40% DCP)</b>
<b>DEEP SOIL</b>	<b>197(ADG) or 98(ADG)</b>
<b>DEEP SOIL PROVIDED</b> (unexcavated area 100m <sup>2</sup> )	<b>107</b>
<b>COMMON OPEN SPACE PROVIDED</b>	<b>375 (34%)</b>
<b>COMMON OPEN SPACE REQUIRED (ADG)</b>	<b>352 (25%)</b>



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2 March 2018

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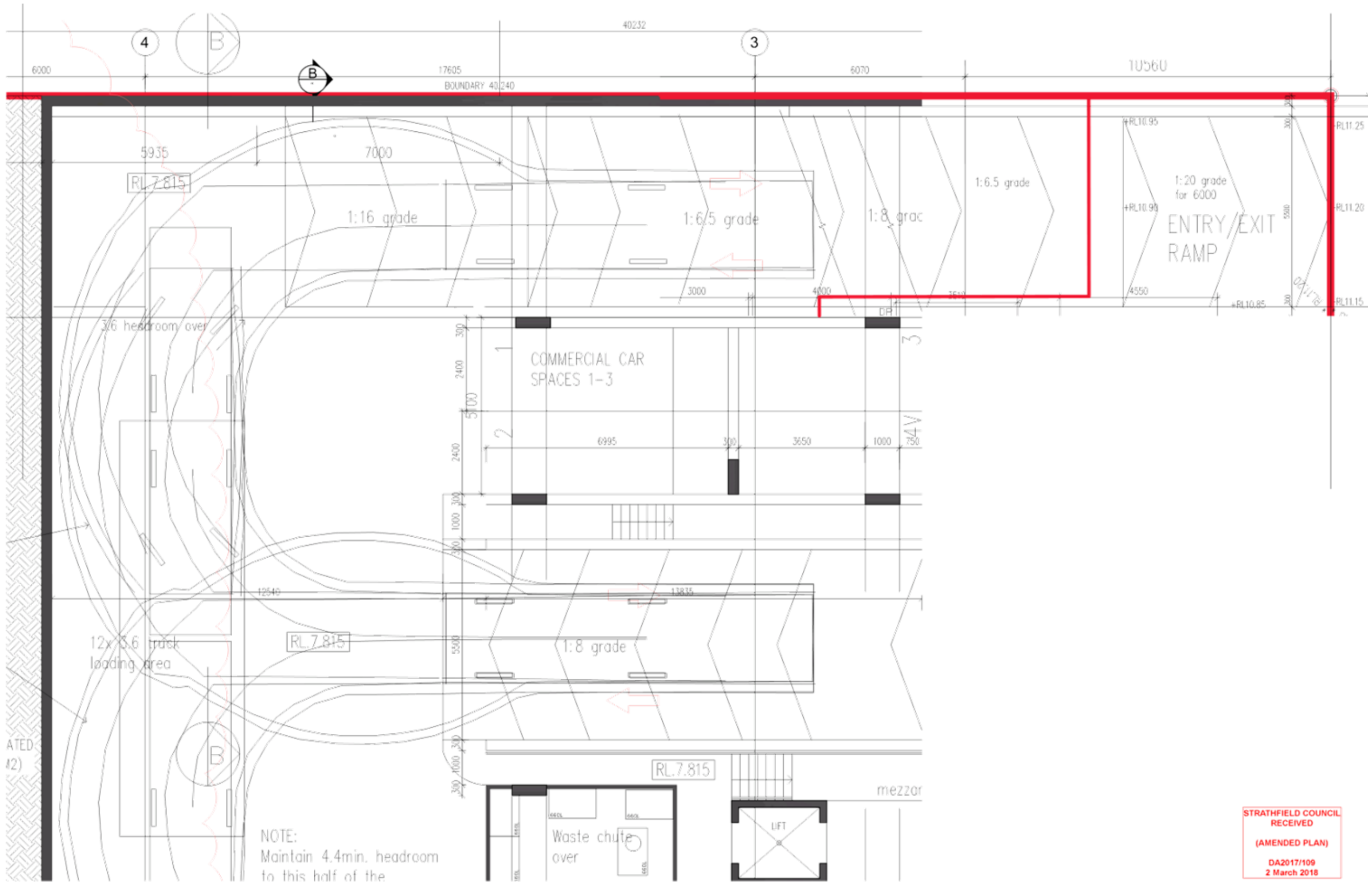
Rev	Date	Issue	By	CHK
-	10-05-16	Schematic Issue	JH	JH
-	21-08-17	DA Issue	JH	JH
A	16-10-17	Ramp grades amended	JH	JH
B	10-01-18	Ramp grades amended	JH	JH

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Client:  
Mr & Mrs P. Valente  
Project:  
PROPOSED MIXED USE DEVELOPMENT  
30-32 POMEROY STREET  
HOMEBUSH NSW 2140

Drawing Name:  
ENTRY/EXIT RAMP DETAILS  
Date:  
March 2018  
Scale:  
1:100 @ A1  
Drawn:  
JH  
Checked:  
JH  
Sheet No:  
11  
Project No:  
PV 010214  
Drawing No:  
DA-18  
Sheet Size:  
A1  
Scale:  
1:100





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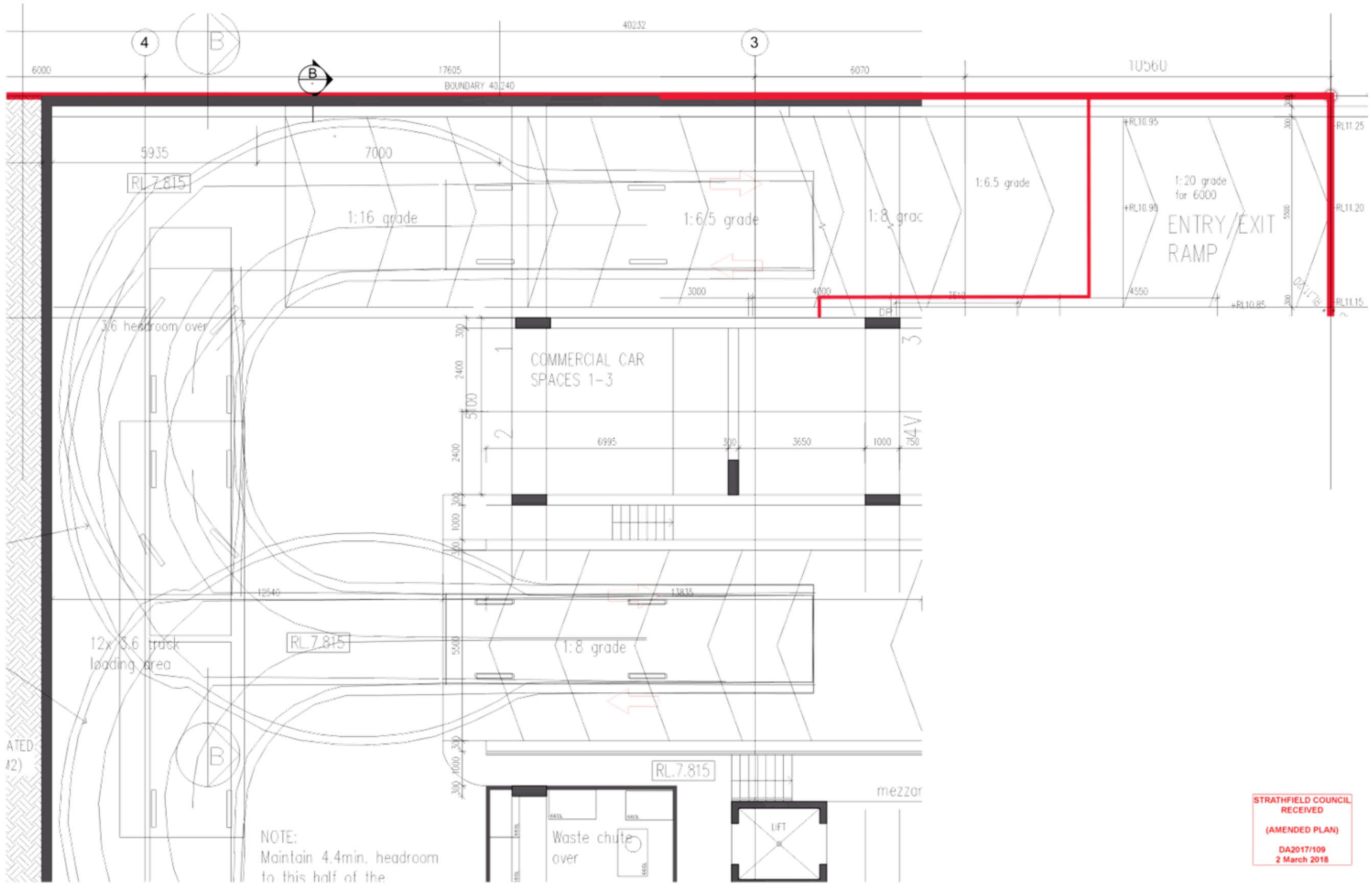
Rev.	Date	Issue	By	CHK
-	10-18-17	DA issue	JH	JH
-	18-10-17	Ramp grades amended	JH	JH
1	10-01-18	Ramp grades amended	JH	JH

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 National Architect John Hordwood Reg No. 416  
 3 Galah Road  
 Bayside NSW 2040  
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 T: 61 2 9542 028  
 M: 61 2 9542 022

Client: Mr & Mrs P. Valente  
 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMEBUSH 2140

Drawing Name: RAMP DETAILS PLAN 1:50  
 Date: March 2018  
 Scale: 1:100 @ A1  
 Drawn: JH  
 Check: JH  
 Sheet Size: A1  
 Project No.: DA2017/109  
 Drawing No.: 1/10  
 Rev: 01/01/18

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 2 March 2018



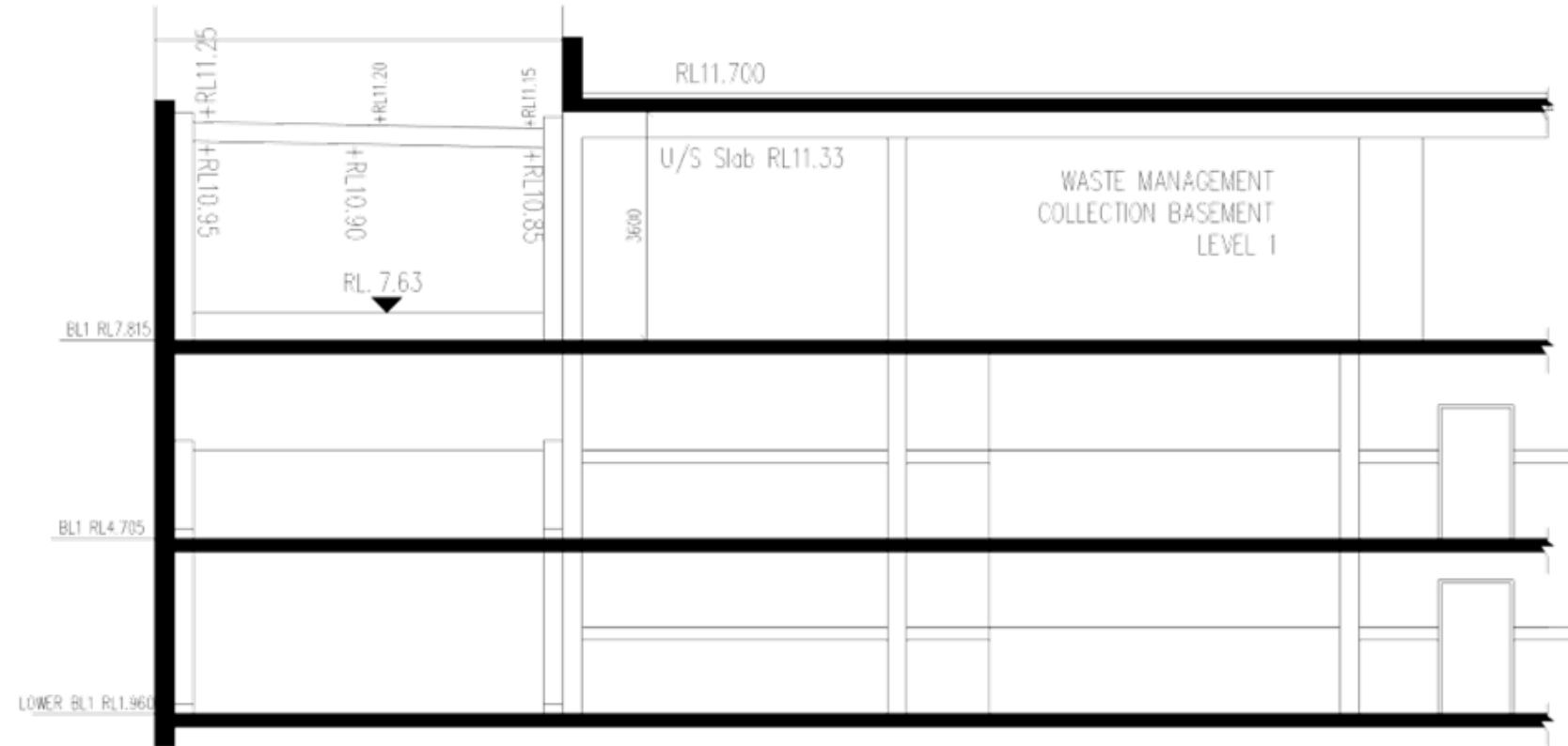
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Rev.	Date	Issue	By	CHK
-	10-18-17	DA issue	JH	JH
-	18-10-17	Ramp grades amended	JH	JH
1	10-01-18	Ramp grades amended	JH	JH

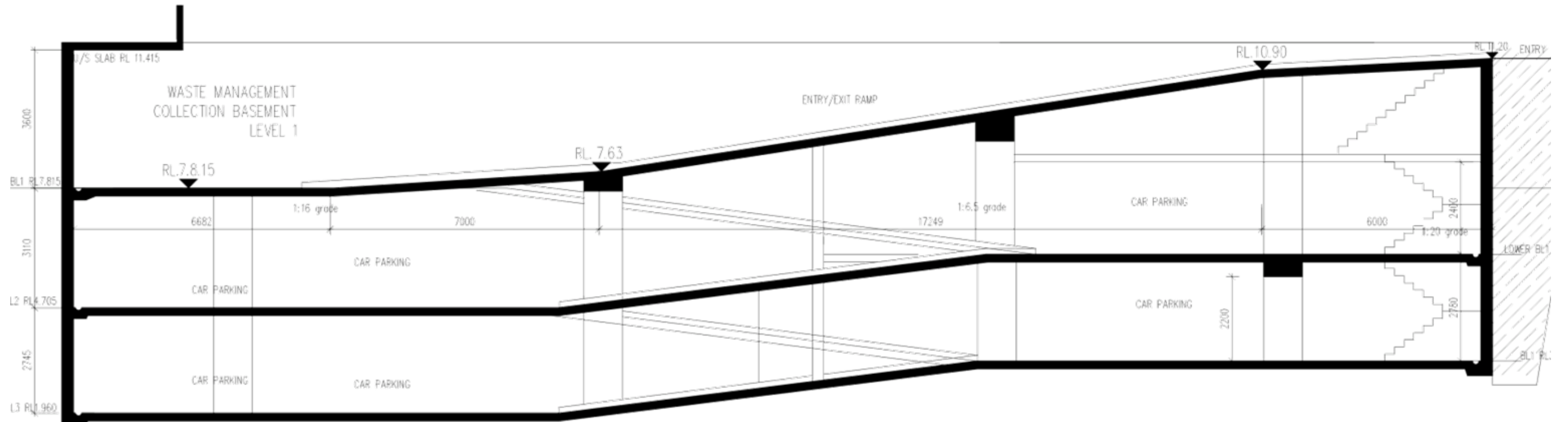
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Client: Mr & Mrs P. Valente  
 Project: PROPOSED MIXED USE DEVELOPMENT  
 30-32 POMEROY STREET  
 HOMEBUSH 2140

Drawing Name: RAMP DETAILS PLAN 1:50  
 Date: March 2018  
 Scale: 1:100 @ A1  
 Drawn: JH  
 Check: JH  
 Sheet Size: A1  
 Project No.: PV 110714  
 Drawing No.: T&A-10  
 Rev: 02



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1	01-18-17	DA issue	JH	JH
2	08-10-17	Ramp grades amended	JH	JH
3	02-01-18	Ramp grades amended	JH	JH

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March 2018  
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1:100 @ A1  
Drawn:  
JH  
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JH  
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LEGEND  
9AM 22 JUNE

EXISTING BUILDINGS	
PROPOSED BUILDING	
SHADOW CAST BY EXISTING BUILDINGS	
ADDITIONAL SHADOW CAST BY PROPOSED BUILDING	

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-	10-05-16	Schematic issue	JH	JH
-	01-18-17	DA ISSUE	JH	JH
4	16-10-17	Dimensions & terrace areas added furniture layouts added	JH	JH
5	15-01-18	Side setbacks amended, unit mix amended, height reduced.	JH	JH

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30-32 POMEROY STREET  
HOMEBUSH 2140

Drawing Name  
9AM 21 JUNE SHADOWS  
Date  
March 2018  
Scale  
1:100 @ A1  
Drawn  
JH  
Chk  
JH  
Sheet Size  
A1  
LPU  
Project No.  
PV 010314  
Sheet No.  
DA-21  
Revision  
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2 March 2018

LEGEND  
12 NOON 22 JUNE

- EXISTING BUILDINGS
- PROPOSED BUILDING
- SHADOW CAST BY EXISTING BUILDINGS
- ADDITIONAL SHADOW CAST BY PROPOSED BUILDING

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Drawing Name: 12 NOON 21 JUNE SHADOWS  
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Sheet No: DA-22  
Sheet Size: A1  
Author: JH  
Checker: JH  
Date: 2 March 2018



3PM 21 JUNE

EXISTING BUILDINGS

PROPOSED BUILDING

SHADOW CAST BY EXISTING BUILDINGS

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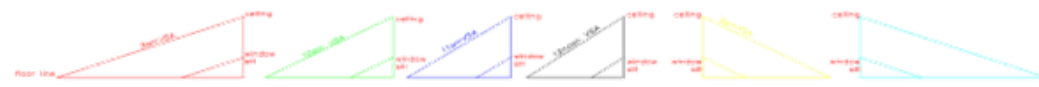
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-	01-18-17	DA ISSUE	JH	JH
A	16-10-17	Dimensions & terrace areas added. Furniture layouts added.	JH	JH
B	10-01-18	Side setbacks amended, unit no amended, height reduced.	JH	JH

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2 March 2018



VERTICAL SHADOW ANGLES  
9am to 3pm



SUN STUDY  
SOLAR ACCESS TO LIVING  
AND BALCONY AREAS OF  
UNITS FACING POMEROY ST  
AND UNDERWOOD RD



SUN STUDY  
SOLAR ACCESS TO THE OPEN  
SPACE AREAS AT FOURTH  
FLOOR

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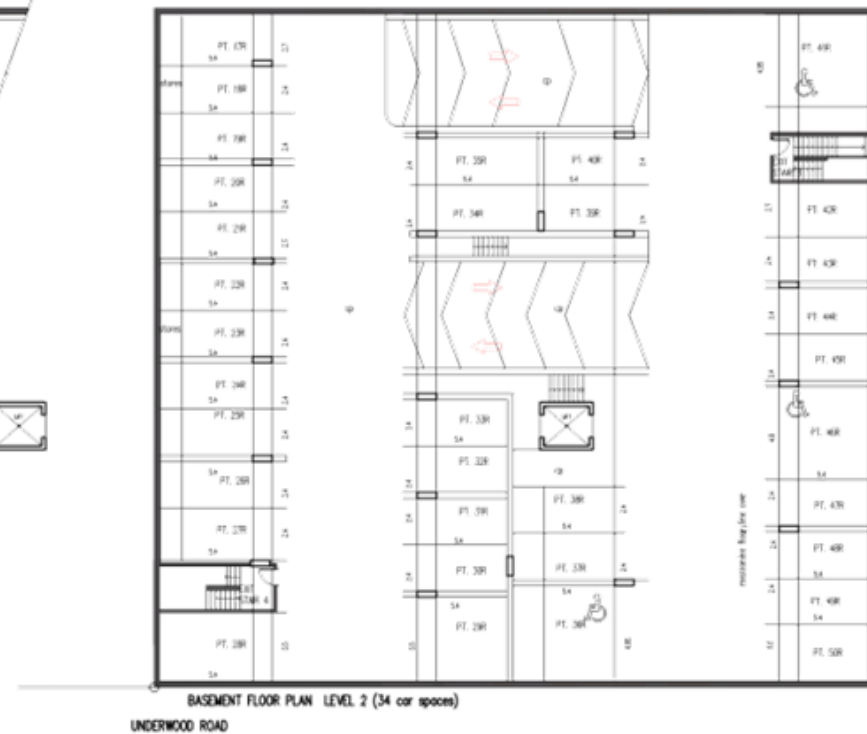
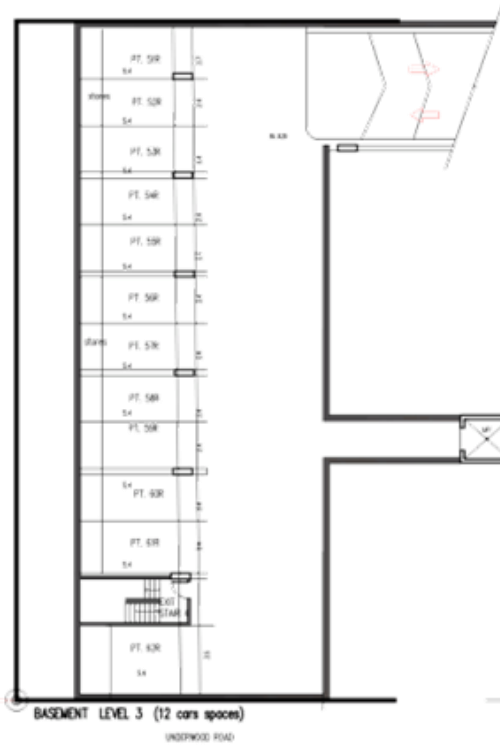
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HOMEBUSH 2140

Drawing Name					
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Date	Scale	Drawn	CHK	Sheet No	Sheet Size
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30-32 POMEROY STREET  
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Drawing Name  
CONCEPT STRAT PLAN  
Date  
March 2018  
Scale  
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Drawn  
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Checked  
JH  
Sheet Size  
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Author  
LNU  
Project No.  
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Sheet No.  
DA-25  
Revision  
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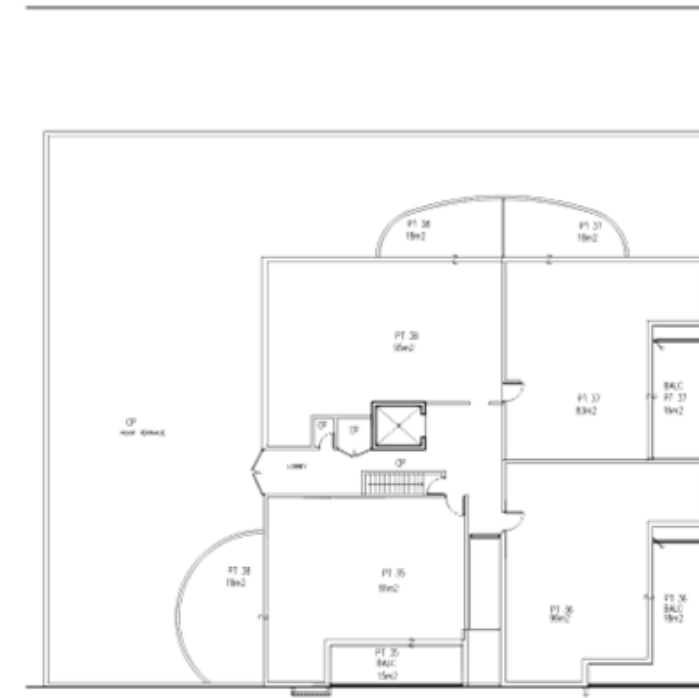




SECOND FLOOR PLAN  
LEVEL 3



THIRD FLOOR PLAN  
LEVEL 4



FOURTH FLOOR PLAN  
LEVEL 5



UNDERGROUND  
SITE & GROUND FLOOR PLAN  
LEVEL 1



FIRST FLOOR PLAN  
LEVEL 2

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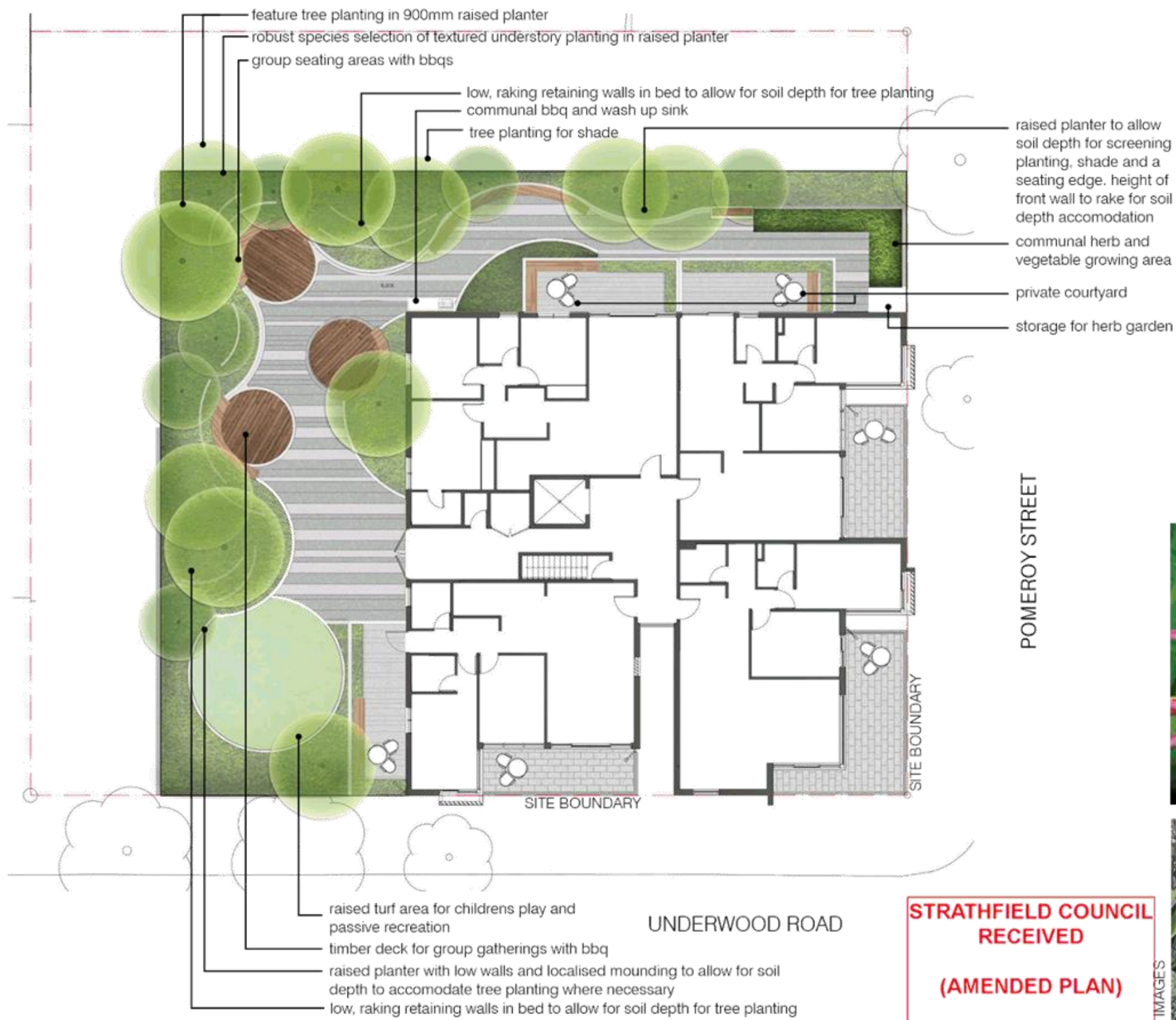
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	DATE	DESCRIPTION	REV	DATE	DESCRIPTION	REV	CLIENT PAUL VALENTE ARCHITECT NEXUS ARCHITECTURE	PROJECT 30-32 POMEROY STREET HOMEBUSH	DRAWING NAME	JOB NUMBER	DRAWING NUMBER	ISSUE
	19.04.17	DA DRAFT FOR REVIEW	B						GROUND FLOOR INDICATIVE LANDSCAPE PLAN	17.120	DA.L01	D
	16.11.17	DEVELOPMENT APPLICATION	C						DRAWING PURPOSE	SCALE 1:200 @ A3	NORTH	DATE 02.03.1
	XX.03.18	DEVELOPMENT APPLICATION	D						DEVELOPMENT APPLICATION			



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**EVEL FOUR ROOF GARDEN**  
INDICATIVE LANDSCAPE CONCEPT



DATE	DESCRIPTION	REV	DATE	DESCRIPTION	REV
07.04.17	DA CONCEPT DRAFT	A			
19.04.17	DA DRAFT FOR REVIEW	B			
16.11.17	DEVELOPMENT APPLICATION	C			
XX.03.18	DEVELOPMENT APPLICATION	D			

CLIENT  
PAUL VALENTE  
ARCHITECT  
NEXUS ARCHITECTURE

PROJECT  
30-32 POMEROY STREET  
HOMEBUSH

DRAWING NAME  
LEVEL FOUR ROOF GARDEN  
INDICATIVE LANDSCAPE PLAN

DRAWING PURPOSE  
DEVELOPMENT APPLICATION

JOB NUMBER  
17.120

SCALE  
1:200 @ A3

DRAWING NUMBER  
DA.L02

NORTH

ISSUE  
D

DATE  
02.03.18



INDICATIVE UPPER LEVEL ROOF TERRACE PLANTING SCHEDULE

SPECIES	COMMON NAME	SPACING
<b>TREE SPECIES</b>		
<i>Frangipani Plumeria</i>	Frangipani	N/A
<i>Lagerstroemia Indica</i>	Crepe Myrtle	N/A
<b>PERENNIALS &amp; GROUNDCOVERS</b>		
<i>Agave Attenuata</i>	Agave	N/A
<i>Agonis flexuosa 'After Dark'</i>	Purple leafed Willow Myrtle	1/m2
<i>Alcantarea Purpurea</i>	Silver Plum	N/A
<i>Clivia miniata</i>	Clivia	4/m2
<i>Echium candicans</i>	Pride of Madeira	
<i>Blechnum cartilagineum</i>	Soft Water Fern	
<i>Russelia equisetiformis</i>	Firecracker plant	2/m2
<i>Senecio mandraliscae</i>	Blue Chalksticks	11/m2
<i>Westringia fruticosa</i>	Coastal Rosemary	4/m2
<i>Viola hederacea</i>	Native Violet	6/m2
<b>CLIMBERS &amp; TUMBLERS</b>		
<i>Dichondra silver falls</i>	Silver falls	3/m2

INDICATIVE GROUND FLOOR TERRACE PLANTING SCHEDULE

SPECIES	COMMON NAME	SPACING
<b>TREE SPECIES</b>		
<i>Stenocarpus sinuatus</i>	QLD Firewheel Tree	N/A
<i>Elaeocarpus eumundii</i>	Quandong	N/A
<i>Corymbia ficifolia</i>	Red Flowering Gum	N/A
<b>PERENNIALS &amp; GROUNDCOVERS</b>		
<i>Blechnum cartilagineum</i>	Soft Water Fern	6m2
<i>Clivia miniata</i>	Clivia	4/m2
<i>Echium candicans</i>	Pride of Madeira	2/m2
<i>Liriope muscari</i>	Turf Lily	
<i>Russelia equisetiformis</i>	Firecracker plant	2/m2
<i>Senecio mandraliscae</i>	Blue Chalksticks	11/m2
<i>Syzygium australe</i>	'Bush Christmas'	2/m2
<i>Viola hederacea</i>	Native Violet	6/m2
<b>CLIMBERS &amp; TUMBLERS</b>		
<i>Dichondra silver falls</i>	Silver falls	3/m2



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ESCAPE ARCHITECT  Burien Street, Erskineville, NSW 2043	DATE	DESCRIPTION	REV	DATE	DESCRIPTION	REV	CLIENT PAUL VALENTE ARCHITECT NEXUS ARCHITECTURE	PROJECT 30-32 POMEROY STREET HOME BUSH	DRAWING NAME	JOB NUMBER	DRAWING NUMBER	ISSUE
	19.04.17	DA DRAFT FOR REVIEW	A						OVERALL INDICATIVE PLANTING	17.120	DA.L04	B
	16.11.17	DEVELOPMENT APPLICATION	B						DRAWING PURPOSE	SCALE	NORTH	DATE 02.03.1
									DEVELOPMENT APPLICATION			

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**DA2017/109  
2 March 2018**

**STATEMENT OF ENVIRONMENTAL EFFECTS  
(Revised Version for essentially a complaint  
scheme)**

TO ACCOMPANY A PROPOSED

**MIXED USE DEVELOPMENT**

AT

**No. 30-32 Pomeroy Street,  
Homebush**

February 2018

Prepared by Nicholas Horiatopoulos  
Architect/Town Planner/Urban Designer  
Dip, Urban & Regional Planning  
Bach, Arch, NSW Uni.

30-32 Pomeroy St, Homebush-EIS

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- 1.2 Pre-Development Application

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30-32 Pomeroy St, Homebush-EIS

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30-32 Pomeroy St, Homebush-EIS

## **SECTION 1: BACKGROUND**

### **1.1 Introduction**

This report which includes a Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) lodged pursuant to Section 78 A of the Environmental Planning and Assessment Act (EP&AA), for the erection of a residential/retail development situated at 30-32 Pomeroy Street, Homebush.

The report forms part of the Development Application to Strathfield City Council, the determining authority.

This report:

- Provides a site analysis and describes the site, the context and characteristics of the surrounding locality.
- Defines the statutory planning framework in which the DA is to be assessed and determined
- Describes and evaluates the proposal for its compliance with the Planning instruments: Strathfield Local Environmental Plan 2012 (LEP) and Strathfield Development Control Plan (DCP) 2005.
- Provides an assessment against the ten design principles of SEPP 65 and the Residential Flat Design Guide that supports SEPP 65, and
- Examines the proposal in the context of the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines and the controls that are recommended for the site in the document.

An assessment under the relevant matters for consideration of Section 79C (1) of the Environmental Planning and Assessment Act 1979 (as amended) is also included to assist Council in assessment of the application.

In line with the Aims and Objectives of relevant State Policies, the planning instruments, Strathfield LEP 2012 and Strathfield DCP 2005 this project seeks to provide high quality retail/residential development consistent with the planning intentions of the area.

The proposal is in line with the urban design guidelines and built form urban controls contained in the Parramatta Road Corridor Urban Transformation Planning Tool Kit. The proposal complies with the aims and objectives of the LEP, and standards and performance criteria contained in Council's DCP.

The proposal demonstrates good manners towards its neighbours. It will have a good amenity value with no major adverse impact on the locality.

### **1.2 Pre-Development Application**

Two Pre-development applications (Pre-DA) were held with Council's officers. The first held at Strathfield Council on 9<sup>th</sup> October 2014 regarding a proposal for demolition of existing buildings and construction of part five (5) and part four (4) storey mixed use development comprising of forty two (42) apartments with two (2) levels of basement car parking.



30-32 Pomeroy St, Homebush-EIS

A formal response from Council dated 15 December 2014 was received by the applicant. The essential matters that were raised include:

- *Vehicular access should be designed to be obtained from Pomeroy Street frontage in lieu of Underwood Road frontage;*
- *A geotechnical report is to be submitted with any development application;*
- *SEPP 65 related issues to be addressed:*
  - *Building Height*
  - *Side & rear setbacks*
  - *Deep soil zones/Landscape design*
  - *Open space*
  - *Building Entry*
  - *Bicycle parking*
  - *Ground floor apartment/pedestrian access*
  - *Daylight access/natural ventilation/apartment layout*
  - *Storage areas*
  - *Façade*
- *Compliance with the height controls of SLEP 2012;*
- *Provision of 15% units to be designed as adapted housing;*
- *Waste Management in accordance with the requirements of DCP 2005. Part H Waste Management;*
- *Stormwater compliance with Council's Stormwater Management Code.*

The applicant was notified by Urban Growth NSW since his property is situated within the Parramatta Road Growth Strategy.

The applicant held meetings with officers from Urban Growth seeking clarification as to the implications that the strategy will have on his property. He was advised at the time to wait until a decision is made for the Homebush Precinct and as a consequence development of the site has been delayed for 2 years, that is, since the formal Pre-Da was submitted to Council.

Since then acting on information outlined in a Brochure distributed by Urban Growth NSW to owners with properties located within the Parramatta Road Growth Precinct it has been decided to lodge the development application to be considered under the current controls given the proposal constitutes 'major development' that is already permissible with consent and the Council is likely to notify and invite Urban Growth NSW to comment on the proposal.

It should be noted that the submitted development application responds to the provisions of the strategy regarding the future urban character envisaged as a result of the likely implementation of the strategic planning policies that will affect the area.

A second Pre-DA for a proposed design incorporating a 4-storey part 6-storey, courtyard type building complying with Council's building height controls that apply to the site was also submitted to Council on 1/11/2014 for consideration and a meeting was held with Council's planning officers to discuss the project.

A formal response was received by the applicant on 16/11/2014. The formal response by Council raised the following issues:

- *Further refinement is suggested to the design of the development to ensure the building presents a strong urban form to the intersection of Underwood Road and Pomeroy Street with the additional fifth storey contained solely to the area designed as having the 16m height control.*

30-32 Pomeroy St, Homebush-EIS

- *The Apartment Design Guide should be the primary document referenced in the design of the building*
- *Provision of 140m2 Common Open space*
- *Minimum unit sizes in accordance with the minimum recommended by the Apartment Design Guide*
- *Unit mix, the diversity of the unit mix of the proposal be retained*
- *Parking provisions in accordance with Strathfield's Council's DCP (Part C)*
- *On-site, underground waste collection to the requirements of Council's truck and 3.6m min clearance*
- *Compliance to the Stormwater Management Code Requirements*

The development proposal was subsequently reconfigured to respond to the issues raised in the Pre-DA and the applicant held further meetings with Council Officers to seek a way forward.

## SECTION 2: URBAN CHARACTER ANALYSIS

### 2.1 Local Context

The site is located within a triangular precinct defined by Homebush Bay Drive forming the southern end to Sydney Olympic Park, the M4 Motorway to the west and Powells Creek to the east. The site is situated approximately 14km from the Sydney CBD and is within 1.5km from the major regional commercial centre in Strathfield.

The site is also ideally located and is in close proximity to major regional uses, sporting and recreational facilities including Sydney Olympic Park, Bicentennial Park Mason Park, the Sydney Fish Markets, Homebush Bay and Concord Hospital.

The site is located within 1 km from Homebush and North Strathfield rail stations and has easy access to public buses services that serve the locality along Underwood Road and Parramatta Road regularly. Refer to Figure 1 below

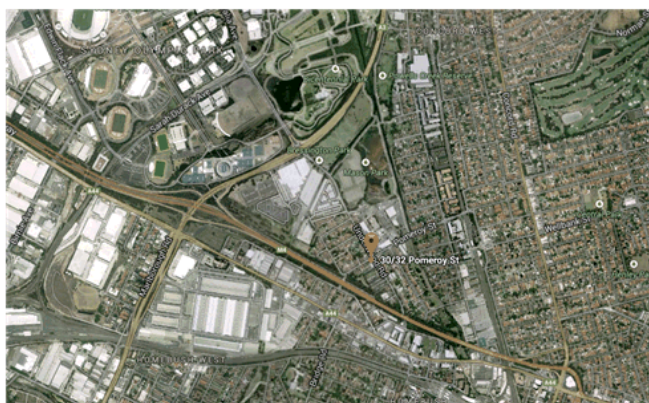


Figure 1 Regional Context of Site

(courtesy of Google)

30-32 Pomeroy St, Homebush-EIS

**2.2 Streetscape / Surrounding Land Uses**

The character of the immediate locality in which the site is situated varies with mixed uses and buildings. They range from single storey dwellings featuring red face brick walls and traditional pitched roofs, and recently constructed low scale town houses and residential flat buildings to large industrial buildings and factories including some shops buildings with parapet flat roofs.

Located on the corner the site has primary street frontages to both Underwood Road and Pomeroy Street. Immediately adjacent to the south west and south east the site is surrounded by recently constructed residential units.

Diagonally across the site to the north facing Underwood Road is a large industrial estate and to the north east opposite the site on Pomeroy Street is a large site where a new 5-storey mixed-use/residential development is under construction.

Otherwise the character of the streetscape in both Pomeroy Street and Underwood Road in the vicinity of the site is mainly influenced by the established older style houses. Refer to a series of photos below.



*Photo 1 View of the site looking south diagonally across the site*



*Photo 2 View of development adjacent the site to the south*



*Photo 3 View of development to the south of the site along Underwood Road*



*Photo 4 View of large Mixed-use development under construction opposite the site*

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Photo 5 View of existing Industrial development to the north of the site



Photo 6 View of Pomeroy Street looking north-east

### 2.3 Desired Character

The Local Centre zoning of the site as shown in the Strathfield Local Environmental Plan 2012, indicates that the underlying intention of the Council in terms of the desired future character is to establish a Local Centre “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.”

The site is located also within the Parramatta Road Corridor Urban Design Guidelines published on behalf of Urban Growth NSW seeks to transform the Homebush precinct as identified in the document into an active and varied hub, blending higher density housing and a mix of different uses.

The development has been amended and redesigned to conform with the building envelope controls applying to the site and to enhance the nodal qualities of the existing intersection consistent with Council's aim to establish a Local Centre.

### 2.4 Site Description

The block of land that is subject to this development application is known as No 30-32 Pomeroy Street, Homebush. It is legally described as Lot 1 in DP 809799.

The site is a square block of land with an area of 1410 m<sup>2</sup>. The site has a frontage of 40.24m to Underwood Road and 35.06m to Pomeroy Street. Existing on the site is a two storey flat roof brick building with an existing car parking area on the street corner of the site. Refer to the submitted Survey Plan.

### 2.4 Surrounding Buildings

Abutting the site to the south and east are the driveways on Pomeroy Street and Underwood Road respectively. Refer to Photo 7 and Photo 8 below.

30-32 Pomeroy St, Homebush-EIS



Photo 7 View of the Residential Unit to the west s of the site on Pomeroy Street



Photo 8 View of driveway and residential units adjacent the site to the east Road

**Access**

Vehicular access to the site is currently available via an existing driveway off Pomeroy Street.

**Vegetation**

There are a number of small trees in rows on the periphery of the site located close to both street frontages. These trees are to be removed to make way for the building which needs to be erected on to the street frontages consistent with built form principles pertaining to retail centres.

**Topography**

The site is generally flat with very small variations in the slope across the breath and width of the site.

**Views**

There are no significant views to and from the site, although the presence of the site is visually significant in that it is a large site marking one of the corners at the intersection.

The only views of some note are the views looking both ways along Underwood Road and Pomeroy Street. Refer to Photo 9 and photo 10 below.



Photo 9 View of Underwood looking east



Photo 10 View of Pomeroy Street looking north

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Due to the size of the site and its prominent corner location, the development on this site has the potential to contribute to the urban character and further enhance the image for the proposed local centre that is planned by Council in the future.

The site enjoys good exposure to direct solar access all year round and is exposed to the northeast cooling breezes during the summer.

**2.6 Site Analysis**

An appraisal of the context and analysis of the site dictates that development of the site for residential uses presents a number of constraints and opportunities.

Constraints:

- The proximity of residential uses relative to the side boundaries of the site. The development’s response in relation to these uses is to ensure the environmental impact of the new building in terms of visual and aural privacy and overshadowing is maintained within the limits set by the existing building walls. These are erected on the site boundaries thus maintaining the existing environmental conditions
- Mitigating the effects (visual, noise and privacy) from adjacent non-residential uses.

Opportunities:

- Improvements to the local streetscape and land use character of the area.
- Provision of high quality residential apartment within a mixed-use setting
- Provision of local retail employment opportunities to activate the street and provide additional off-street car parking. Refer to Figure 1 - Site Analysis Map

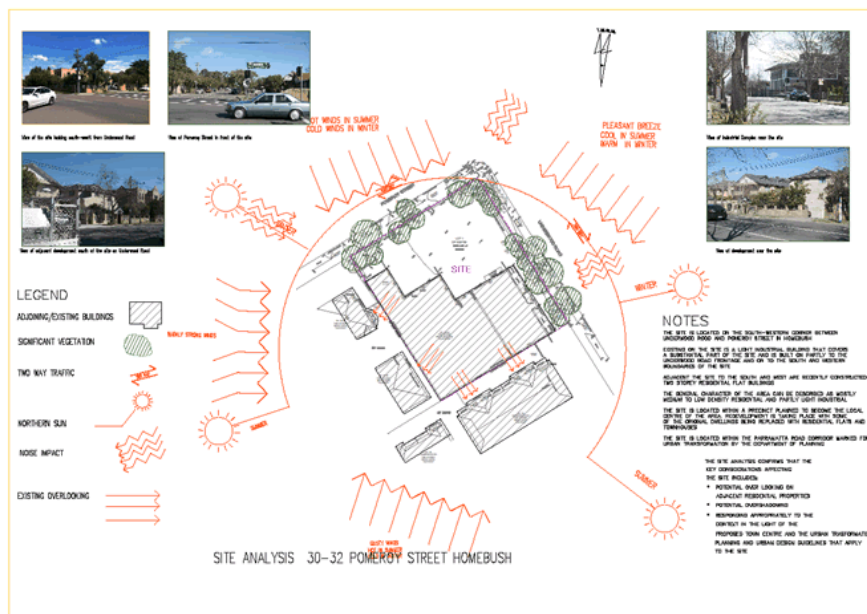


Figure 1 - Site Analysis Map

30-32 Pomeroy St, Homebush-EIS

## 2.7 Design Approach

The client's brief called for the accommodation of a mix of unit types including some large three bedroom apartments. The site layout is based on the following urban design and environmental criteria:

- Achieving a building of best fit in terms of massing and streetscape character by taking into consideration Council's building envelope controls that affect the site.
- Achieving a residential building layout that maximises residential units facing north, minimising privacy conflicts between residential units within the site and residential units to the south and west of the site;
- Activation of Underwood Road.
- Providing natural ventilation to all units including kitchens and bathrooms where possible
- Creating a building complex with strong architectural image
- Providing secure high quality landscaped communal open space for future residents
- Providing the maximum number of car parking spaces that can be accommodated on site with access from Pomeroy Street.

The proposed development responds to the changing character of the area. It is intended that the new development will significantly contribute to the quality, identity and the future character of the proposed Local Centre for the area

The following design statement is provided by the Architect:

*"A key design objective in a mixed-use retail/residential building is to reconcile conflicting requirements between creating a vibrant active public domain (external factors affecting the site) and achieving a quite light, airy and attractive residential environment*

*Given the context of the development which in the future will be located on a prime and busy corner of a Local Centre and the constraints imposed by the existing residential development to the south and east of the site a perimeter type building type is considered to be the most suitable form of development for the site: a building form that reinforces the two street frontages of the site with setbacks from the respective rear and side boundaries to provide adequate building separation with the existing residential development to the south and west of the site.*

*The perimeter building form provides the opportunity to introduce appropriate perimeter massing and articulated facades of an appropriate scale on to the street alignment to define, address and activate where necessary the street frontages of the site and to reinforce the corner location as necessary.*

*The setbacks provided along the southern and western boundaries will be suitably landscaped to provide softening and screening to the adjacent development".*

*The design will present itself as a distinct new entity to complement the new architecture that will emerge to supplement the planned the local centre in the future.*

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## SECTION 3: THE DEVELOPMENT PROPOSAL

### 3.1 The Proposal

The proposal as amended is to erect a single block perimeter building that addresses and defines the public domain and ensures the majority of the units face the street frontages of the site to maximise the outlook and amenity of future residents.

**At ground level the corner of the site is to be activated with a proposed commercial/retail unit with two residential units facing each street frontage.**

Providing a residential component at ground level is consistent with the pattern of development in the area and will ensure minimal environmental impact to the residential uses abutting the site on both street frontages.

The design of the building thereby, in terms of built form, reconciles conflicting objectives that often presents themselves in mixed use retail/residential developments.

### 3.2 NUMERICAL OVERVIEW

A numerical overview of the proposed development is provided in Table 1 below.

GROSS FLOOR AREA <ul style="list-style-type: none"> <li>• Retail</li> <li>• Residential</li> </ul>	<p>118m<sup>2</sup></p> <p>3441m<sup>2</sup></p>
Total	3555m <sup>2</sup> (2.52:1)
FLOOR SPACE RATIO	3:1(permissible) 4230m <sup>2</sup> (1410m2x3)
MAXIMUM BUILDING HEIGHT	4 storeys and part 5 storeys
INTERNAL FLOOR CEILING HEIGHT	3.5m and 2.7m
SETBACKS	Variable – Street frontages nil and up to 3m Rear and sides 3.0, 6.0m to 6.3m
LANDSCAPED AREA	564m <sup>2</sup> (Required) 739m <sup>2</sup> (Provided)
DEEP SOIL AREA	197m <sup>2</sup> (DCP) or 98 (ADG)  106m <sup>2</sup> (7.5% provided)
CAR PARKING SPACES <ul style="list-style-type: none"> <li>• Residential</li> <li>• Visitor</li> <li>• Commercial</li> <li>• Loading bay</li> </ul>	67 (required under the DCP 56 Under the TANSW “Guide to Traffic generating Development)



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Total	63 (provided)
UNIT MIX	
• 1 bedroom	12
• 2 bedroom	21
• 3 bedroom	5
Total	38
COMMERCIAL	118m <sup>2</sup>
• Shops	1 shop

TABLE 1 Development Data

### 3.3 Height of buildings

The maximum building height permitted by the LEP for the site is 13m with a section at the mid-point to the corner of the site required to be built up to 16m.

The proposed overall height to the roof parapet of the building is as follows:

- For the five (5) storey portion of the building, the overall building height measured to the top of the roof parapet varies between 0.4m at the Underwood Road and Pomeroy Street corner and 1.33m at the centre of the site along Underwood Road. Along the Pomeroy Street frontages there is a 0.65m height variation for the five storey portion of the building.
- For the four (4) storey portion of the building there is a 1.0m building variation along Underwood Road and 0.67m along Pomeroy Street.

This represents at most 8% variation from the stipulated height controls.

### 3.4 Floor Space Ratio

The gross floor space of the proposed building as amended is 3555m<sup>2</sup> equal to a 2.52:1 floor space ratio well below the 3:1 maximum permitted under the LEP.

### 3.5 Building Setbacks

The setbacks of the building vary. The building is proposed to be setback 3.0m from the south-eastern boundary of the site and 6.4m from the south-western boundary of the site and is to be built up to the street alignment on most of the street frontages of the site.

### 3.6 Landscape Design

Given the urban and mixed-use context of the site, landscaping is to be provided primarily at the rear and on the sides of the development above the car parking podium which covers a substantial part of the site.

Deep soil landscaping is to be provided in a 3m street that runs all along the south-eastern boundary of the site to the boundary of the site.

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A relatively large common roof terrace is proposed at fourth floor which will be suitably landscaped to provide quality communal open space for the use of future residents

For further details on the proposed landscaping treatment refer to the Landscape Architect's Plans prepared by Light Box Landscape Architect submitted as part of the development application to Council.

### **3.7 Parking and Access**

A total of 63 on site car parking spaces are proposed, to be provided including 6 disable car spaces. These spaces are to be accommodated in the basement-parking levels and will be accessible via a 5.5m wide driveway (not including kerb space provided) adjacent the south-western boundary of the site off Pomeroy Street.

Garbage collection and disposal is to be provided at the first basement level as required by Council.

### **3.8 Pedestrian and Disabled Access**

Disabled access from the basement car parking levels to the residential levels above is proposed via an accessible lift.

### **3.9 Design and External Appearance**

The form and external appearance of the building has been intentionally designed to achieve a landmark building commensurate with Council's intent to create a new local centre for the location, reflected in both the architectural treatment and massing of the building.

The development in that respect adopts a block perimeter building form to reinforce the corner of the site and maintain continuity of both street frontages.

Higher massing is proposed at the corner of the site which extends half the width of the site on both street frontages as intended, with the building envelope controls indicated in the LEP. Refer to Figure 2

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Figure 2 illustrating the design as amended and the landmark qualities of the building.

The design will introduce rhythmical and richly articulated masonry façades on both street frontages incorporating contemporary architectural features by way of vertically and horizontally modulated elements including balconies with blade walls, metal louvre screens and glass and metal balustrades.

Fresh materials and finishes will be introduced including:

- Rendered brick masonry walls;
- Rendered balcony upturns;
- Metal frame glass balustrades;
- Powder coated aluminium frame windows and doors;
- Rendered concrete columns;
- Metal framed louvre privacy screens, and
- Concrete roof canopy

### 3.10 Energy Efficiency Design

The development will incorporate measures to reduce the operating energy demands of the buildings.

A Basix assessment report for the proposed development has been prepared by Damian O'Toole Town Planning P/L and submitted as part of the development application.

The Basix Certificate demonstrates that the design achieves the required Water, Thermal Comfort and Energy Targets and the development will satisfy the sustainability indices as outlined in the BASIX Report.

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Dual aspect orientation for at least 60% of the most living areas has been provided for most apartments to maximise solar access, including natural cross ventilation.

### **3.11 Stormwater drainage**

A comprehensive Stormwater and Drainage Plans have been prepared by Quantun Engineer's and submitted as part of the development application to Council.

### **3.12 Waste management**

A Waste Management Plan has been submitted to support the development application to Council.

### **3.13 Utilities**

Water and gas supplies are available on site including electricity to provide all necessary electrical services for the development.

### **3.14 Building Code of Australia**

The development has been designed to comply with the Building Code and relevant standards. A BCA Compliance Assessment Report has been prepared by Nexus Architecture Pty Ltd.

## **SECTION 4: ASSESSMENT**

### **4.1 Planning Framework - Statutory Planning Requirements**

### **4.2 S79C(1)(a). Provisions of any environmental planning instrument, draft instrument, development control plan or a matter prescribed by the regulations.**

The planning controls and planning instruments applicable to the proposed development are:

- State Environmental Planning Policy No 65— Design Quality of Residential Apartment. Development (SEPP 65) and the supportive Apartment Design Guide.
- State Environmental Policy No. 55 - Remediation of Land (SEPP 55).
- State Environmental Planning Policy (BASIX). 2004.
- Strathfield Council Local Environmental Plan 2012.
- Strathfield Development Control Plan 2005, and
- The New Parramatta Road Transformation Strategy and the supporting Draft Urban Design Guidelines.

Although the Strategy and the Draft Urban Design Guidelines do not supersede or prevail over current development controls Section Q of the Strathfield Consolidated Development Control Plan 2005 –Urban Design Controls requires that development within the Parramatta Road Corridor in the Strathfield Local Government Area to take account of the strategy. Refer to the *Parramatta Road Urban Transformation Strategy*.

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### 4.3 State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development (SEPP 65)

4.3 State Environmental Planning Policy No 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) *the development consists of any of the following:*
  - (i) *the erection of a new building,*
  - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building,*
  - (iii) *the conversion of an existing building, and*
- (b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) *the building concerned contains at least 4 or more dwellings.*

SEPP 65 has the following aims and objectives:

Aims, objectives:

- (1) *This Policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) *Improving the design quality of residential apartment development aims:*
  - (a) *to ensure that it contributes to the sustainable development of New South Wales:*
    - (i) *by providing sustainable housing in social and environmental terms, and*
    - (ii) *by being a long-term asset to its neighbourhood, and*
    - (iii) *by achieving the urban planning policies for its regional and local contexts, and*
  - (b) *to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
  - (c) *to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
  - (d) *to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
  - (e) *to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
  - (f) *to contribute to the provision of a variety of dwelling types to meet population growth, and*
  - (g) *to support housing affordability, and*
  - (h) *to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*
- (4) *This Policy aims to provide:*
  - (a) *consistency of policy and mechanisms across the State, and*
  - (b) *a framework for local and regional planning to achieve identified outcomes for specific places.*

It is considered that the proposed development in terms of design excellence, built form and aesthetics is entirely consistent with the urban model adopted for the policy and with the aims and objectives of the policy. It will provide additional and superior residential accommodation on the site in concert with Council's planning policies and the State's Regional and Local growth objectives.

Part 2 of the SEPP sets out design quality principles for residential flat buildings

In the determination of development applications Council must consider;

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- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide

Standards that cannot be used as grounds to refuse development consent or modification of development consent under the policy:

- (1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:
  - (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
  - (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,
  - (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.
- (2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:
  - (a) the design quality principles, and
  - (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

The proposed development has been assessed and reviewed against the design principles in the performance criteria and controls contained in the Apartment Design Guide. In that regard the proposal is considered satisfactory and compliant with the respective provisions of SEPP 65 including the Apartment Design Guide.

A Design Verification Statement from John Horiatopoulos Director of Nexus Architecture has been prepared and an assessment of the development against the design quality principles is provided in Appendix 1. Included in Appendix 2 is also the required assessment of the development against the Apartment Design Guide.

#### **4.4 State Environmental Policy No. 55 - Remediation of Land (SEPP 55)**

The subject land has not been used in the past by uses that would potentially contaminate the land as to inhibit a retail/residential development on the site.

#### **4.5 Strathfield Council Local Environmental Plan 2012 (LEP)**

- **Demolition**

The proposed development includes the demolition of all structures on the site and consent is sought pursuant to Clause 2.7 of the LEP accordingly.

- **Zoning**

Under the provisions of the Strathfield Local Environmental Plan 2012 the site is located within a Zone B2 Local Centre. Refer to Figure 3 below

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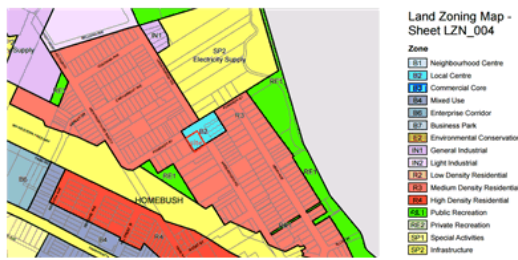


Figure 3 Zoning Map (Extract from Strathfield LEP 2012)

Under the zone retail and residential flat buildings are permissible with Council consent.

**Zone Objectives:**

- 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.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

The proposed development is consistent with the above objectives insofar that:

- It will provide a non-residential use along Underwood Road to supplement the proposed new Local Centre; and
- It will provide additional residential apartments in a good accessible location
- The site satisfies the minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Under the provisions of Clause 4.1A(2) of the LEP a minimum site area of 1,000m<sup>2</sup> is required for residential flat buildings within the B2 Zone.

The total site area of the site is 1410m<sup>2</sup> and in that respect it complies.

**• Height of buildings**

The building height that applies to the site pursuant to clause 4.3 of the LEP is 13m (4 storey) with a section on the corner of the site required to be built to 16m (5 storey). Refer to Figure 4 below

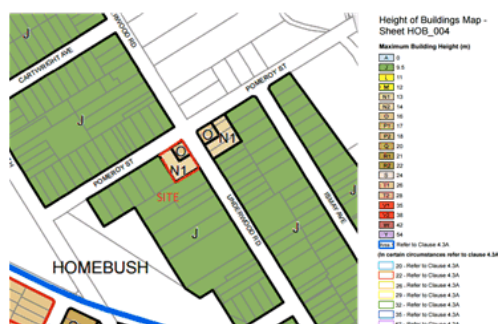


Figure 4 Height of Buildings Map (Extract from Strathfield LEP 2012)

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The design as amended complies with the intended building footprint as indicated in the Height of Buildings Map of the LEP -that is a building form that in terms of massing has a four storey building across the site with a five storey part covering some 25% of the site.

It assumed that the intent is to provide higher building mass to reinforce the corner of the site.

In numerical terms the LEP map shows that a 16m (5 storeys) maximum building height applies at the corner with the rest of the site affected by a maximum building height of 13m (4 storeys).

The proposal as amended also satisfies the building height in terms of the number of storeys. However, it does not strictly comply with the maximum building height as specified in the LEP Map.

For the five (5) storey portion of the building, the overall building height measured at the top of the roof varies between 0.4m at the Underwood Road and Pomeroy Street corner of the building and 1.33m at the centre of the site along Underwood Road. Along the Pomeroy Street frontages there is a 0.65m building height variation for the five storey portion of the building. For the four (4) storey portion of the building there is a 1.0m building height variation along Underwood Road and 0.67m along Pomeroy Street

Overall this represents at most 0.8% variation.

A written request is therefore sought pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the building height and the distribution of the massing on the site which is not consistent with the LEP Building Height Map. Refer to Appendix 3.

- **Floor Space Ratio**

The maximum floor space ratio (FSR) permitted by the Strathfield Local Environmental Plan 2012 pursuant to Clause 4.4 is 3:1. Refer to Figure 5 below



Figure 5 Height of Buildings Map (Extract from Strathfield LEP 2012)

The total floor space proposed for the development is 2.52:1 (3555m<sup>2</sup>) which complies with the maximum floor space ratio applying to the site of 3:1 (4230m<sup>2</sup>)



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- **Preservation of Trees**

There are a number of small trees in rows on the periphery of the site located close to both street frontages. These trees are to be removed to make way for the underground car parking and for the building which is to be erected close to the street boundaries.

In terms of the requirements of Clause 5.9 of the LEP it is considered that the existing trees on the site are not very small and not significant. In that respect an Arborist Report justifying the removal of the trees on the site is not warranted.

- **Acid Sulfate soils**

The site is located within the Class 5 as identified in the Acid Sulfate Soils LEP Map.

Clause 6.1 of the LEP applies to the proposal which states that consent is required for works within 500 meters adjacent Class 1, 2, 3 or 4 land that is below 5 meters Australian Height datum and by which the water table is likely to be lowered below 1 meter Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

A Sulphate Soils Management Plan has been prepared by Argus Pty Ltd and forms part of the development application to Council

Considering the above consent is sought from Council to carry the excavation works on the site.

- **Earthworks**

According to the provisions of Clause 6.2(2) of the LEP Development consent is required for earthworks unless:

- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

In part (3) the Clause also states that before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

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A Geotechnical Investigation Report has been prepared by Aargus that accompanies the development application.

The comments and recommendations contained therein relating to:

- *Excavation Conditions;*
- *Stability of basement excavation;*
- *Suitable foundations;*
- *Allowable bearing pressure (and shaft adhesion of piles);*
- *Lateral pressure for design of retaining walls;*
- *Groundwater; and*
- *Site earthquake classification*

will be taken into consideration in the construction phase of the development.

- **Flood planning**

The site is not affected by flooding.

- **Essential Services**

The site is fully serviced with the essential services required including:

- Supply of water,
- Supply of electricity,
- Disposal and management of sewage,
- Disposal and recycling of waste,
- Stormwater drainage or on-site conservation, and
- Suitable vehicular access

The development will comply with Council's waste management requirements including making provision for waste vehicles to access the car parking area at basement level.

The development application is accompanied by stormwater/drainage plans and sediment and erosion control plans.

Vehicular access to the car parking areas complies with the relevant Australian Standards.

#### **4.6 Strathfield Development Control Plan 2005(DCP)**

Part C - Multiple-Unit Housing of the DCP applies to the development including the following relevant site planning and design provisions. However, as noted in Item 3 of Council's Pre-Da formal response, dated 15 July 2016. The Apartment Design Guide should be the primary document reference in the design of the building. It is also imperative to acknowledge that provisions within Part C of the SCDCP relating to Building Envelope (Height, Scale and Setbacks) are ambiguous having regard to the type and form of development that is proposed. The setback provisions in part of the SCDCP are in conflict with the setback provisions in other parts of Part C of the SCDCP and Part Q of the DCP.

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### Part C Section 2.1

- **Site Analysis and Design Principles**

A detailed site analysis in accordance with the requirements of the DCP has been prepared by Nexus Architecture and is provided in Section 2 of this report.

The site analysis, which includes a thorough consideration of the context of the site, the identification of the constraints and opportunities affecting the site has informed the design of the development.

In that respect the massing of the building as amended has been distributed towards the corner and the street frontages of the site to minimise privacy issues and overshadowing to the residential properties to the south and west of the site.

Although the height of the proposal as amended exceeds marginally the numerical maximum height limit set the building has been designed to reinforce the corner of the site as intended by the LEP and it has been designed to act as a landmark to the future local centre planned for the area.

### Part C Section 2.2

- **Density, Bulk and Scale**

The objectives as outlined in the DCP relating to the density, bulk and scale of the development are:

- a) To establish appropriate building envelopes for multiple-unit residential development throughout the Strathfield Municipality, while allowing flexibility in siting buildings;*
- b) To ensure that the amenity, character and environmental quality of the Strathfield Municipality is maintained by grouping together compatible residential development;*
- c) To clearly define appropriate site requirements for multiple-unit residential development; and*
- d) To encourage vertical, rather than stepped or terraced building forms, as appropriate to an area's predominant built character*

It is considered that the design of the proposal in terms of scale and bulk is entirely consistent with the above objectives in that;

- It achieves a mixed use/residential building as expressed by the maximum floor space ratio permissible on the site and to respond to the future scale and character of the area envisaged by Council;
- The building is to be built forming a symbiotic relationship with the new large scale development currently under construction diagonally opposite the site on Underwood Road. These two sites have been earmarked and zoned in the LEP accordingly to create the future local centre of the area. In that sense the development is grouped with that development which has similar architectural qualities and character;
- The massing as distributed at the corner and along the street frontages of the site is consistent with the proposition outlined in the DCP to

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encourage vertical rather than stepped or terraced built form as appropriate to establish the predominant built character of the area.

- Site Requirements

The site has an area of 1410m<sup>2</sup> and a frontage of 40.24m and 30.50m to Underwood Road and Pomeroy Street respectively. In that respect the proposal complies with the DCP site requirements.

### **Building Envelope (Height, Scale and Setbacks)**

- Building height and Scale

The building height controls specified in this section of the DCP 2005 are inconsistent with the maximum height permitted by the Strathfield LEP and in that respect the LEP height controls prevail.

It should also be noted that the building envelope controls that are applicable to the types of development as outlined in the DCP included in the Maps in Appendix 1 of the DCP have been effectively superseded by the requirements of the Apartment Design Guide and the Urban Design Guidelines for the Parramatta Road Corridor. Both documents require quite different built form which characteristically can be described as “perimeter type buildings” that reinforce the street boundaries of the site and activate street frontages.

Accordingly the development in terms of building height and scale has been designed to reflect the built form and predominant scale of development that is intended in the future for this area.

The residential units that are located at ground level along Pomeroy Street and Underwood Road are within 600mm above street level and in that respect are not more than 1m above ground level and comply with the DCP.

- Front setbacks

According to Council’s letter dated October 2017 following initial assessment of the development application it was stated *“the proposed development does not meet the front setback requirements within Part C Multiple Unit Housing SCDCP which states ‘For sites with frontage to two or more streets, the total sum of the two setback areas must be equal to or greater than 12metres and each setback must be minimum of 3 meters.’”*

Response:

It must be restated from the outset that it is questionable as to whether the above mentioned setback provisions of the SCDCP apply to the form of development that is proposed given that the site is located within a B2 Local Centre and not a residential zone and the front setback provisions applying to Multi Unit Housing of this part of the SCDCP are effectively varied by the key principles and standards applicable to Residential Development in Business Zones as outlined in Part C –Section 3 in SCDCP Residential Development in the Business Zones.

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Based on the key principles and standards outlined in the abovementioned section of the DCP the development is required to provide a frontage and continuity to the street. The DCP requires the retail component of the development to be erected to the street alignment and if the proposal was a fully retail/commercial development the building in compliance with DCP controls would have been designed to cover the whole site up to 4 storeys with a five storey element as required by Council's LEP.

Although in principle the front setback provisions outlined in Residential Development in Business Zones in the SCDCP state that any residential component above retail-commercial should be setback to achieve a consistent façade height on the retail strip. Contrary to Part 2 of the SCDCP no numerical front setback is indicated and given the site is a standalone site zoned and targeted to create a local centre the most appropriate and suitable development type for the site is to build a cohesive and unified building that is designed to address the two street frontages of the site.

A building that reinforces the corner of the site and a building that distributes the massing as far as possible towards the street frontages away from the rear of the site ensures that there is minimal environmental impact to the residential properties at the rear.

This approach is perfectly consistent and complies with the Urban Design Controls in Part Q of the SCDCP which also apply to the development. In this section of the DCP it is clearly stated that *"Buildings on corner sites must be designed and articulated to address each street frontage and must define corners"* (Refer Figure 4 page 7 of Part Q of SCDCP) shown below.

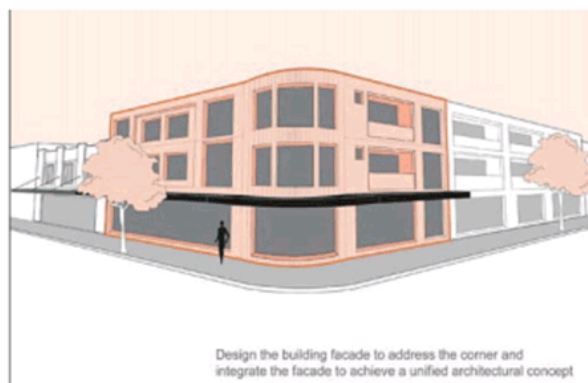


Figure 4. Corner Building Articulation (Extract from SCDCP)

Furthermore in Part Q of the SCDCP it is also clearly stated that development for the purpose of residential apartment buildings must also comply with the Apartment Design Guide (ADG) and State Environmental Planning Policy No. 65: Design Quality of Residential Apartment Development (SEPP 65).

The Apartment Design Guide adopts a far more rigorous urban model for the design of residential apartment buildings and the proposal that has been submitted to Council as amended for consideration in terms of massing and setbacks is far more suitable and consistent with the urban design criteria that

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must be considered given the context and statutory provisions that apply to the site.

Erecting the whole building up to the alignment of both street frontages of the site is also consistent with the development approved by Council diagonally opposite the site where the new building incorporating residential apartment above part retail has been erected on both of its street frontages of the site.

Regarding all of the above, it is considered that compliance with the front setback control affecting Multi Unit Housing is unnecessary and unreasonable given the circumstances of the case and a variation to the front setback controls can be justified for the following reasons:

- Given the context of the site a consistent arrangement and alignment of buildings to the street would not be achieved in this instance and it is not a particular feature of the streetscape as intended by the SCDCP.
- Furthermore providing landscaping at street level is not considered appropriate given the LEP provisions which intend to establish a Local Centre on the site;
- Setting the building back from both street frontages is contrary to the LEP built form controls which clearly intend to reinforce the corner of the site with extra height;
- The distribution of the building massing towards the street frontages of the site will ensure that there is minimal environmental impact in terms of overshadowing and privacy to the residential properties at the rear of the site. In that respect the proposal is more consistent with the SCDCP objective which is *“to encourage vertical, rather than stepped or terraced building forms, as appropriate to an area’s predominant built character”*.
- Setting the building back from both street frontages is also not consistent with the setback provisions of Part Q and contrary to the objective contained in this section of the SCDCP which states *“to ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality”*;
- The Building Envelope Controls (including setbacks) incorporated in Part C of the SCDCP are contrary to the building height controls prescribed in the Strathfield Local Environmental Plan 2012 as graphically illustrated by the HOB Map contained in the SCLEP
- The area where the site is located is undergoing “urban transformation” and in that respect it is more appropriate to design a building that is consistent with principles of SEPP 65 and the design guidelines of the Residential Apartment Guide; a development that expresses the more urban high density model that is propagated by the Parramatta Road Urban Transformation Strategy.

Accordingly to reiterate what has been stated throughout the Statement of Environmental Effects, the front setbacks required by the DCP are not relevant to the type of development proposed.

The site is a corner allotment, where minimal setbacks should be provided for a strong streetscape presence, to activate and address street frontages

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particularly in business zones and on this corner location. This approach is exactly consistent with the building that has been approved by Council diagonally across the site.

- **Building Envelope and Side and Rear Setbacks**

The same applies to the requirements of the DCP having regard to the side and rear setbacks dictated by the required building envelope. This is not applicable to the proposed development which is required to comply with the provisions of the Apartment Design Guide.

In that regard a stepped building envelope is not considered appropriate given the corner location of the site and the need to reinforce the street frontages of the site and provide a strong presence to the streetscape.

The building has been designed to provide a minimum setback from the side/rear boundary of 6m to satisfy the building separation provisions of the Apartment Design Guide.

The side boundary setbacks provided respond to the constraints and opportunities offered by the site as outlined in the site analysis prepared for the site.

In business zones the DCP permits buildings that may be erected to the side and rear boundaries.

The building at the rear has been designed to ensure that there are no unreasonable adverse amenity impacts in relation to adjacent properties regarding overshadowing and privacy.

- **Basement setbacks**

The basement has been designed with minimal setbacks from the side boundaries to permit efficient vehicle circulation including manoeuvring of garbage trucks which is required by Council for the collection of garbage underground.

### **Part C Section 2.3**

- **Dwelling Unit and building design**

The proposal provides six (6) adaptable dwellings and corresponding disable car parking spaces. This complies with the 15% provision required by the DCP.

All units are accessible by lift and the main entry to the building has been designed to provide barrier free and accessible entrance in compliance with the BCA and with AS1428.1 to ground floor units.

The circulation corridor associated with the lift core to the building complies with the DCP.

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- Building materials & finishes

The building is highly articulated and the all facades will be finished with a combination of masonry materials including face brickwork cement rendered walls, glass balustrades and aluminium windows and doors.

The proposed palette of colours is neutral earthy colours compatible with the mostly brick coloured schemes of adjacent buildings.

- Unit sizes and layout

The size of unit varies but the areas are slightly above the minimum floor area requirements of the Apartment Design Guide.

#### **Part C Section 2.4**

- **Energy Efficiency and water conservation**

The proposed development has been designed having regard to the requirements of Part 4 of the DCP.

With respect to energy efficiency and water conservation the following conservation measures and energy efficiency elements have been incorporated in the design.

The Basix Report and accompanied Certificate which has been prepared outlines the energy and water conservation measures adopted for the development. The development meets the required targets.

#### **Part C Section 2.5**

- **Streetscape and Building orientation**

The proposal has been designed to address both street frontages.

**The proposal accordingly will introduce a 4-5 storey contemporary residential flat building that incorporates a potential mixed-use at ground level.**

It will define and reinforce the corner of the site and it will act as a suitable 'infill' to the streetscape whilst maintaining an appropriate scale and adequate building at the rear of the site to ensure the protection of the environmental amenity of adjacent residential properties.

The architecture as well responds to both the current and future streetscape character by introducing a mixed of masonry materials and façade treatment that is articulated and compatible with the character of the area and other new development in the area.

The ground floor dwellings that have been provided will have direct access from the street. All entry points to the building are easily identifiable.



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The car parking spaces including garbage collection and disposal are to be provided under ground and in that respect they will not be visible from the street.

Soft landscaping is to be provided along the 3m wide strip along the entire south western boundary of the site.

A DA Environment Assessment has been prepared by Acoustic Logic and has been submitted as part of the development application to Council.

The design will adopt the acoustic treatments set out in Section 5 of the report to ensure the development complies with noise impacts from external traffic that affect the site.

The balustrades associated with the residential units at ground level along both street frontages are minimal in height and have been designed to be sympathetic and an integral part of the architectural aesthetic of the building.

Given the slight raise in the floor level of the building relative to the footpath the fences are slightly higher than 900mm in height. The fences will have landscaping in front of them to enhance the public domain. No solid balustrades are proposed. The balustrades have been designed to incorporate a part solid balustrade base with a metal balustrade above.

### Part C. Section 2.7

- **Open Space and Landscaping**

The Strathfield DCP 205 specifies landscaping at 40% of the site must be provided at ground and at least 35% of the total landscaped area must be for deep soil landscaping.

The proposal does not comply with the above mentioned landscaping requirements largely due to the extensive coverage of the basement car parking which includes a much longer vehicular driveway access to be provided because Council insisted in providing garbage truck access to the basement.

The proposal overall provides 739m<sup>2</sup> (52% of the site) of landscaping at ground level and on the roof of the fourth floor of the building which is in excess of the DCP requirements.

Unexcavated ground has been provided along the entire south-western boundary of the site to allow soft landscaping to be provided in the order of 106m<sup>2</sup>.

The landscaping is to be used to provide to screen residential properties adjacent the site to the south and to provide softening in front of the terraces to units facing the two street frontages.

High quality of landscaping is to be provided for the use and benefit of future residents commensurate with the mixed-use type of building that is proposed. Refer to the Landscape Plans submitted as part of the development application.

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It is considered that the provision of landscaping on the site in this instance is acceptable for the following reasons;

- The proposal provides an appropriate balance of private and communal open space overall;
- The private and communal open space areas meet the minimum requirements of the Apartment Design Guide;
- The generous roof top landscaping that is to be provided will be of high quality and will be easily and readily available for the enjoyment of future residents.

#### **Part C. Section 2.8**

- **Privacy and security**

The proposal development has been designed to provide privacy and security to section of the building.

The internal circulation to the building will be secure and will only be accessible via intercom.

The units at the rear of the site are adequately setback from the site boundaries to ensure that units on adjacent properties are not unreasonably overlooked.

#### **Part C. Section 2.9**

- **Access and parking**

The Traffic Report prepared by EB Traffic Solutions PTY LTD submitted in support of the development application in relation to car parking and vehicular access concludes that;

- The car parking supply accords with the requirements stipulated in the City of Strathfield DCP (2005) and the TANSW 'Guide to Traffic Generating Development (2002);
- The car parking layout has generally been designed in accordance with the requirements of the Australian Standards AS 2890.1 (2004), AS 2890.2 (2002) and AS 2890.6 (2009); and
- Traffic generated by the proposal will be minimal and is not expected to adversely impact upon the safety or operation of the surrounding road network.

#### **Part C. Section 2.10**

- **Site facilities and waste management**

The DA is accompanied by a detailed Waste and Storm Water Erosion/Management Plan addressing the waste and stormwater management requirement in respect to Council's policies.

#### **Part C. Section 2.12**

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- **Excavation of sites**

The basement car parking levels which are proposed to be excavated close to the perimeter of the site is contrary to the setback requirements of the DCP.

The non-compliance arises as a result of the requirement for circulation and car parking and vehicular access requirements in compliance with relevant Australian Standards. Refer to the Geotechnical Report submitted in support of the Development Application which provides all necessary detail in respect to the design of the building.

### **Part C. Section 3.0**

- **Residential development in business zones**

The following key principles and standards apply to the development;

1. Street Frontages/Retail uses

Development is required to provide frontage to the street alignment including any retail uses to maintain the continuity of the street or existing shopping centres.

Commensurate with the intention to create a new local centre the proposal is to erect the building and retail uses to the street boundaries including the residential component above to reinforce the street alignment of the site.

2. Side and Rear setbacks

Buildings may be erected to the side and rear boundaries.

The proposal is to erect part of the building on both side boundaries of the site which are currently occupied by solid external walls of the existing industrial building up to 4-stories in height.

Walls with glazing are to be setback a minimum 3m from the side boundaries.

3. Building Heights

The development as amended responds to the maximum number of stories as set by the LEP.

4. Open space

Most of the residential component is to be erected above retail and car parking area at ground level. At the fourth floorevel large landscape area will be provided for the communal open space requirements of residential units. All units have large balconies off the main living areas.

5. Vehicular access/car parking

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Vehicular access is to be provided from Pomeroy Street preferred by Council to provide vehicular access to the development. The total number of car parking spaces to be provided is consistent with Council's car parking code.

### **PART Q of Strathfield Consolidated Development Control Plan (SCDCP)**

An assessment of the proposal against the provisions of Part Q of the SCDCP is provided below.

### **Council's Urban Design Charter**

Under Council's Urban Design Charter a number principles have been adopted which represent the essential qualities for the functioning of a good urban environment.

It is not necessary to reiterate the principles outlined in the Charter but suffice to say the proposed development embracing change together with the new building under construction diagonally opposite the subject site will contribute to the sense of place of the area by introducing two landmark buildings at the intersection which has been earmarked to become a "nodal" local centre for the local population.

#### **Objectives**

The proposal is consistent with the objectives relating to this part of the SCDCP by providing best practice sustainable urban transformation and a new building that provides a public domain that is safe, attractive and more liveable with the added facilities.

#### **Built Form Controls**

- Public Domain and place making.

The proposal has been designed as a landmark building to be erected up to the street alignment to address and define the public domain and to create a new nodal intersection in the area. The proposed apartment units at ground and upper levels will provide an outlook and passive surveillance to the streets and the future retail component will activate the public domain.

- Streetscape

The proposal adheres to the general objectives stated in relation to the streetscape by the sheer fact that the new building will provide definition and legibility to the public domain by the introduction of strong street wall architecture. Together with the new development opposite the site a new "urban node" in the streetscape will be created and reinforced by buildings which will have an appropriate street frontage and height and activity and visual interest at ground and upper levels consistent with the future planning intent of the area. The development recognises the unique qualities of the site to provide a building on the corner which is designed and articulated to address both street frontages of the site as required by the SCDCP to define and reinforce the corner of the site.

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- Siting

The development achieves a high quality cohesive urban form. The proposal deliberately has been designed to reflect the future character of the streetscape commensurate with the high density mixed-use urban model envisaged for the neighbourhood.

- Building configuration and site planning criteria

The distinctive and valued character of the streetscape and the elements that will contribute to a sense of place and identity of the area which includes the subject site together with site diagonally opposite, have been earmarked to create a local centre.

The development has been designed to:

- Recognise the scale of the development taking place opposite;
- Create a strong edge that defines the street and provides new legibility and identity at this intersection whilst;
- Ensuring that adequate building separation is provided to protect privacy and solar access to private property at the rear of the site.

- Building envelope

The proposal as amended is entirely consistent with the objective in relation to building envelope which states *“to ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality.”*

- Building massing and scale

The built form and massing of the development is dictated by the prescribed controls, plans to transform the planning for the area and the residential design guidelines that affect the site.

The design has been amended to deliver a building that is designed in terms of scale and mass to achieve a ‘symbiotic’ relationship with the new development opposite the subject site consistent with the LEP controls. It has been designed also in a manner that is sensitive to amenity issues of adjacent development by providing a transition in terms of massing at the rear of the site.

- Transition zones

The subject site is in effect a standalone that has a local centre zoning adjacent residential uses in an urban context that will have an increase in density in the future.

A transition in height has been provided on the site where it is appropriate to minimise environmental impact on adjacent residential properties.

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- **Building frontages to Public Domain**

The building's architectural form and facade treatment is compatible with the new development opposite, and the proposal has similar architectural elements which will make a positive contribution to the continuity of the streetscape.

The development overall depicts a quality of design characterised by a building that is horizontally and vertically articulated.

The façade on both street elevations incorporates adequate modulation and masonry treatment and includes sun shading devices on vertical proportion windows.

- **Roof forms**

The roof design is commensurate with the mixed use nature of the architectural style of the building. The flat roof profile is necessary to maintain a less than 10% variation to the building envelope applying to the site. As result a bolder roof feature is not possible to be incorporated in the roof design.

The building has been designed so that the lift core is hidden behind the massing of the building and will not be visible from the streetscape.

The majority of the roof at fourth floor will be landscaped and will be provided with amenities to be used as common open space for the enjoyment of future residents of the building.

### **Amenity Guidelines**

#### **Accessibility and connectivity**

The site is a corner site and there is no need to provide any through site links to adjacent networks or other development.

Its connectivity is directly related to the public domain and the activity that it will provide on the existing footpaths.

- **Building entries**

The building incorporates individual entries to all residential units at ground level including separate entry for the commercial unit.

The main entry to the building is internal and is clearly accentuated on the elevation. The visual impact of car parking has been minimised by providing the driveway at the rear of the site with the car parking entry below ground level.

It is considered that the building has been designed to have strong visual and physical connections to the streets.

- **Visual and acoustic privacy**

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The residential units have been designed to primarily face the two street frontages of the site and the internal units will be provided with adequate building separation to ensure there is maximum visual and acoustic privacy within units in the development and in relation to adjacent residential properties.

The proposal has been designed to comply with the acoustic privacy guidelines of the Residential Apartment Guide.

- Acoustic amenity and air quality

A Noise Acoustic Report has been prepared and all the recommendations in respect to acoustic noise will be incorporated in the construction of the building.

The air quality of the site is not an issue.

- Solar access and cross ventilation

The development has been designed to comply with solar access and cross ventilation requirements specified in the Apartment Design Guide.

The communal open space which is to be provided primarily at roof level will receive ample solar access during the day at all periods.

- Safety and security

The building has been designed to incorporate its own electronic security system and the building overall, with units facing the street, will provide adequate surveillance to the public domain.

As stated above the building provides an adequate number of individual entrances to uses at ground level.

- Views

There are no views to be hindered as a result of the development. Views at street level along Underwood Road and Pomeroy Street will be enhanced by the provision of the landmark building.

- Landscaping

The site is located in a Local Centre Zone and accordingly opportunities for soft landscaping at ground level are limited. Some existing vegetation on the site is to be removed to allow basement car parking to be provided on site as per Council requirements.

Soft landscaping has been provided at the southwestern boundary but the majority of the landscaping has been provided at roof level for the use and enjoyment of future residents. Refer to the Landscaping Plans that have been submitted for details.

- Private and communal open space

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Private communal open space to the amount required by the prescribed controls has been provided primarily at the roof tops of the building and has been designed to enhance the liveability and amenity of the development overall.

- Energy efficient design

A Basix Report has been prepared for the development. It demonstrates that the design meets all the required energy efficiency targets.

#### **Guidelines for Specific Developments**

- Car parking and vehicular access

The proposal has been designed to meet the relevant objectives in that the car parking:

- Is easily accessible and recognisable to motorists and it does not disrupt pedestrian flow and safety;
- is located to minimise traffic hazards and the potential for vehicles to queue on public roads;
- The car parking and service/delivery areas are located so that they do not visually dominate either the development or the public domain surrounding the development.

- Front Fences

Ground level units along both street frontages incorporate metal with obscure glazing balustrades designed to suit the architectural style of the building.

The metal balustrade design is also similar to the existing balustrades of the adjacent residential development and is compatible with the general character of the streetscape.

The balustrades are slightly raised and do not impede passive surveillance of the public domain.

- Residential subdivision

The development is to incorporate a Strata Title subdivision. Land subdivision accordingly is not relevant.



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## **SECTION 5: STATEMENT OF ENVIRONMENTAL EFFECTS**

### **5.1 SECTION 79 C - MATTERS FOR CONSIDERATION–GENERAL**

Reference is made to Matters for Consideration outlined in Section 79c of the EPA Act 1979. A response is given outlining the steps taken to satisfy each particular matter.

### **5.2 ENVIRONMENTAL PLANNING INSTRUMENTS S79C (1)(a)**

- Zoning

Under the provisions of the Strathfield Local Environmental Plan 2012 the site is located within Local Centre B2 zone.

The proposed development is permissible within the zoning and the proposal satisfies the objectives and complies with the provisions of the Local Environmental Plan.

### **5.3 LIKELY IMPACTS, S79C (1)(b)**

Most of these issues are covered elsewhere in the report. Additional comments include:

- Context and Streetscape

The proposed development will act as a catalyst towards the implementation of the planned Local Centre and it will provide sought after retail space and additional housing in the area. The proposal as amended is of a sound design concept given the existing and envisaged character of the area.

The proposed development is a successful site-specific architectural design solution.

The exterior design carefully addresses the site-specific streetscape and design issues relative to adjacent properties. The design of the proposed building responds positively to the scale and character of the streetscape and no major adverse impacts are anticipated as a result of the proposed development.

- Hazards

The proposed development will have no significant impact in terms of flooding, pollution, soil degradation, loss of plant life, destruction of fauna and their habitat or loss of heritage.

- Traffic Generation and Parking

As required by Council the building has been designed to allow garbage trucks to enter the basement car parking for the disposal of garbage. Notwithstanding

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this, the traffic generation of the development is acceptable and it will have no detrimental impact to the road capacity on the surrounding street network.

The proposal satisfies retail and resident parking demand based on Council's code requirements. The geometry and access arrangements are considered satisfactory and consistent with relevant Australian Standards. The number of resident spaces provided is in accordance with the minimum and maximum standards outlined in the DCP.

– Overshadowing

The massing of the building has been setback away from the rear boundaries to ensure the shadows cast as a result of the development are contained as far as possible within the shadows that are cast by the walls of the existing building on the site which are built on to the site boundaries of the site. Refer to shadow diagrams prepared as part of the development indicating the shadows cast by the proposed building during the winter months.

During the prescribed times at winter solstice, the proposed development does not inhibit solar access to adjacent residences in accordance with Council requirements.

Given the orientation of the site, shadows from the new building will be cast on adjoining properties during the morning and afternoon periods respectively.

The rear and side setbacks relative to adjacent properties have been increased in accordance with DCP requirements.

Accordingly the overshadowing of the development is reasonable and is consistent with environmental planning expectation given the intended increase of density in the area.

#### **5.4 SUITABILITY OF THE SITE FOR THE REDEVELOPMENT S79C (1)(c)**

The site is suitable for residential development.

The land is not affected by:

- Any adverse proclamation;
- Council policy by reason, likelihood of flooding, land slip, bushfire, tidal inundation, subsidence or any other risk; and
- The development will not have any adverse impact on any wetlands, water body or bush land.

Solar access to units and to communal open spaces will be more than adequate including cross ventilation to all units.

The design ensures that the buildings will relate well to their neighbours.

Transport, shopping and recreational facilities are conveniently close. Water, gas, electricity and sewerage are available to the property.

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The size of the development and the proposed residential use indicate that the existing services will be more than adequate.

#### **5.5 THE PUBLIC INTEREST S79C (1)(e)**

The proposed development will provide a number of benefits that are considered to be in the public interest such as:

- The development will make an important contribution towards Council's vision to create a new Local Centre for the precinct;
- It will introduce a landmark quality building in the area;
- It will increase housing accommodation in the suburb of Homebush relatively close to major sporting and retail facilities

In my opinion there is nothing in this proposal as amended that is contrary to the public interest because the reasonable requirements of the Council have been met and the proposed development is well designed and respects neighbouring properties.

There is no other prescribed matter.

#### **SECTION 6: CONCLUSION**

The assessment undertaken concludes that the site is suitable for the proposed retail/residential development.

The scale and siting of the building has been amended so that it is consistent with Council's urban design objectives for the area.

The impression of the development from Underwood Road and Pomeroy Street will be positive and the development by comparison to existing urban fabric will enhance and improve the visual quality of the streetscape.

The form, height and scale, proportions, articulation and modulation and colours used in the treatment of the building are such that the overall design is in line with urban design objectives and principles outlined in the Apartment Design Guide. The proposal is consistent with this document, incorporating sound ecologically sustainable, energy efficient design elements reflected in the architecture and internal layout of the units.

It is requested that Council give due consideration to this application on its merit.

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APPENDIX 1

STATE ENVIRONMENTAL PLANNING POLICY NO 65  
DESIGN QUALITY OF RESIDENTIAL  
APARTMENT DEVELOPMENT –

DESIGN VERIFICATION STATEMENT

PREPARED BY NEXUS ARCHITECTURE PTY LTD  
FOR A PROPOSED DEVELOPMENT  
AT  
NO. 39-32 POMEROY STREET,  
HOMEBUSH

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## A SEPP 65 DESIGN PRINCIPLES PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER

*"Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change".*

### Response:

The existing context of the development is Pomeroy Street and Underwood Road, Homebush varies with mixed uses and buildings, ranging from single storey dwellings featuring red face brick walls and traditional pitched roofs and more recently constructed low scale town houses and residential flat buildings to large industrial buildings and factories. However given the current controls that will apply the existing character will evolve evident by the large development that is under construction diagonally across the site. This development which is for a **4-storey part 5 storey mixed use/ residential flat building** is typical of the type of development that will occur in the future within the precinct.

The proposal responds to the evolving context of the site with a new residential/ mixed-use building having a building typology that is consistent with the intent to create a new identity and streetscape character that is based on new larger residential flat buildings with small scale retail uses at ground level that address and define the streetscape.

**The proposal accordingly will introduce a 4 part 5 storey contemporary residential flat building that incorporates a potential mixed-use at ground level.**

**It will define and reinforce the corner of the site and it will act as a suitable 'infill' to the streetscape whilst maintaining an appropriate scale and adequate building separation at the rear of the site to ensure the protection of the environmental amenity of adjacent residential properties.**

The architecture as well responds to both the current and future streetscape character by introducing a mixed of masonry materials and façade treatment that is articulated and compatible with the character of the area and other new development.

## PRINCIPLE 2: BUILT FORM AND SCALE

*"Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook".*

### Response:

**The proposal as amended in terms of built form and scale responds to the prescribed building envelope controls that affect the site.**

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The proposal responds appropriately to the urban design intention which is to reinforce the corner of the site and to provide a building height that will be compatible overall with the scale of the streetscape in the future.

The building defines the public domain and it incorporates balconies that are built to the boundary to reinforce the alignment of the street. The various building elements (unit layout and definition of main entry to the building etc) have been used to arrive at a façade composition that reflects the proportions, material and fenestration patterns of other larger scale development the streetscape.

### PRINCIPLE 3: DENSITY

*“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment”.*

Response:

The yield proposed on the site is considered suitable and consistent with Council’s floor space controls that apply to the site.

The size of the retail area and the number of dwellings proposed for the site is sustainable given the availability of infrastructure and community facilities, open space and other resources in close proximity to the site.

The site is ideally located close to Homebush and North Strathfield Railway Stations, the M4 Motorway and to a number of public transport bus routes along Parramatta. The site is also relatively closed to the major shopping Centre of Strathfield and a mixed use precinct to the east of the site along Georges Street, North Strathfield.

### PRINCIPLE 4: SUSTAINABILITY

*“Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of for groundwater recharge and vegetation”.*

Response:

The development is environmentally sensitive and has been designed in response to sustainable design and energy efficiency design criteria including:

- narrow building footprint where possible and thin cross sections to all units for good solar access and cross ventilation
- living areas with balconies oriented to maximise solar access. The majority of the units either face directly north or they are oriented east and west oriented towards the street frontages of the site.
- shaded west facing facade;
- grouped utility rooms where possible;

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The proposal will include recycling including recycling of waste and re-use of ground water and it will incorporate energy efficient appliances to reduce energy consumption as recommended by the BASIX Energy Efficiency Report.

#### PRINCIPLE 5: LANDSCAPE

*"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management".*

#### Response:

The provision of underground car parking together with the required building footprint impose constraints on the amount of soft landscaping that can be provided on site.

Notwithstanding the above an adequate amount of landscaping will be provided at ground and at fourth floor roof level to soften the impact of the development and to provide privacy, visual relief and landscaped common open space for the enjoyment of future residents as indicated by the Landscaping Plans for the project.

The landscaping to be provided with on-site automatic watering system to ensure its long term vitality and it will be maintained by the Strata Body Corporate.

#### PRINCIPLE 6: AMENITY

*"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility".*

#### Response:

The proposal will provide good internal amenity to future residents. All apartments are to be provided with good size living rooms and a large balcony. Attention has been given to ensure maximum visual and acoustic privacy between the units and adjacent properties is achieved through the design and orientation of the living areas and the provision of appropriate building separation.

The size of the units including internal rooms satisfies the minimum Council's and the Apartment Design Guide requirements.

The development provides adequate storage and all units including service and common open space is accessible by lift to all persons including those with any disability.

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#### PRINCIPLE 7: SAFETY

*"Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose".*

#### Response:

All apartments are accessible through a secure entrance lobby which includes a lift and is to be provided with a private intercom system. The lobby is wheel chair accessible and will be well lit and the design ensures easy and safe access to all units at the upper levels.

The car parking areas below ground level will be provided with a secure private gate and all entries to the private areas of the building are clearly visible and will be controlled by electronic intercom system.

Passive surveillance is encouraged in all common circulation areas within the building and the public domain by the layout and entrances to the units.

#### PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION

*"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents".*

#### Response:

The proposal is for a residential development providing a mix of 3 bedroom, 2-bedroom and 1-bedroom units at a reasonable cost commensurate with the market and social demographic of the area.

The site is located within the Parramatta Road Corridor targeted for higher intensity development many of which are currently under construction which will provide in the future access to more retail and community facilities for the betterment of the area.

#### PRINCIPLE 9: AESTHETICS

*"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape".*

#### Response:

The built form, general massing and configuration of the building responds to the planning controls and the design principles established by Council, the Apartment Design Guide.

The design achieves a sympathetic relationship with adjacent buildings and will contribute significantly to the streetscape and future local character of the area.



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It seeks to introduce a new building having a an appropriate scale with well-proportioned and articulated street façades.

Architecturally the building will be detailed and finished with a mixture of high quality materials including cement render and featured face brick walls on the exposed side boundary of the building.

The colour scheme will primarily introduce off white colour combined with red brown brick work on the external walls with grey tones at ground level to ensure the architectural treatment to the building overall achieves a certain level of compatibility with the streetscape.

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CONSIDERATION AGAINST THE APARTMENT DESIGN GUIDE (ADG)

APPENDIX 2

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## B APARTMENT DESIGN GUIDE (ADG)

The Apartment Design Guide supports SEPP 65 and is designed to:

- *Deliver better quality design for buildings that respond appropriately to the character of the area, landscape setting and surrounding built form.*
- *Improve liveability through enhanced internal and external apartment amenity; including better layout, apartment depth and ceiling heights, solar access, natural ventilation and visual privacy.*
- *Deliver improved sustainability through better traffic and transport solutions, greater building adaptability and robustness, improved energy efficiency and water sensitive urban design.*
- *Improve the relationship of apartments to the public domain including streets, lanes and parks.*
- *Deliver design guidance and assist in the provision of more diverse housing mix and choice.*
- *Support councils in developing planning controls and master plans through improved guidance.*

Clause 6A of SEPP 65 requires that Development Control Plans cannot be inconsistent with a number of Apartment Design Guide standards with respect to:

- (a) *visual privacy,*
- (b) *solar and daylight access,*
- (c) *common circulation and spaces,*
- (d) *apartment layout,*
- (e) *ceiling heights,*
- (f) *balconies and private open space,*
- (g) *natural ventilation,*
- (h) *storage.*

As required by SEPP 65 the proposed development is assessed against the objectives, design criteria and design guidance of the Apartment Design Guide.

## PART 1 – IDENTIFYING THE CONTEXT

### 1A – Apartment Building Types

*“Apartment development occurs in a variety of arrangements, configurations and types. Apartments can occupy different sized lots from large redevelopment areas to small infill sites, can consist of a mix of building types or uses and be situated in suburban, transitional or inner city locations”.*

Comment:

The proposal is for a 4-5 storey perimeter block that responds to the urban design objectives and building envelope controls specified for the site, that is;

- To reinforce the corner qualities of the site in the streetscape, the height of the building has been increase at the corner and along the street frontages.
- The scale and massing of the building including its architectural treatment will be sympathetic to the scale of development currently under construction on the corner diagonally across the site.
- It has been designed to act as an “infill” to the streetscape to reinforce the street alignment and address the public domain.
- The design incorporates side by side units in a T-shape form organised around a lift core over 4 to 5 levels.
- The site layout suits the proportions of the site, the local context and achieves the best solar access and cross ventilation for the residential

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units. It also resolves privacy and amenity issues in respect to adjacent residential premises.

#### 1B – Local Character and Context

*“Good design responds and contributes to its context. Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors. Understanding the context means understanding how the inter-relationships between all these factors, including between the local area and the region, will impact on the area over time. The process of defining the context’s setting and scale has direct implications for design quality of apartments. It establishes the parameters for individual development and how new buildings should respond to and enhance the quality and identity of an area.”*

#### Comment:

The visual impact of the building in the streetscape will be positive. The form, height, scale, proportions, articulation, modulation, colour scheme and landscaping are such that the development overall is consistent with urban design principles and objectives sought by Council and design criteria set out in the Apartment Design Guide and the built form controls established in the Draft Parramatta Road Urban Design Guidelines. For example:

- The site is located on one of the corners between Underwood Road and Pomeroy Street in Homebush and is located within the Parramatta Urban Growth Corridor, which is undergoing urban transformation.
- The character of the precinct where the site is situated will change in the future with the gradual redevelopment of existing sites to predominantly mixed use residential.
- The general scale of the precinct is envisaged to be a mixture of 4 storey up to 8 storey mixed use/ residential development, built close to the street alignment.

#### 1C – Precincts and Individual Sites

*“Residential apartment developments are generally developed on individual sites or within precincts.”*

#### Comment:

A site analysis has been prepared by Nexus Architecture, which forms an integral part of the documentation submitted for the Development Application. The proposal has been designed to address the issues identified in the site analysis.

The development as amended accordingly has been designed to suite the streetscape and environmental context of the site:

- In terms of unit layout the design provides for at least two third of the proposed units to face the street frontages and to the corner qualities of the site.
- The building at the rear is setback from side boundaries to ensure privacy of the rear yards and habitable rooms to existing residential units are protected.

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## PART 2 – DEVELOPING THE CONTROLS

### 2A – Primary Controls

*“Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development.”*

#### Comment:

The primary statutory development controls have been set by Council through the Strathfield Local Environmental Plan 2012, Council's Development Control Plan 2005, the requirements of the Apartment Design Guide that supports SEPP 65.

The scale and massing of the building overall varies between four and five storeys consistent with the development controls that are most likely to affect the area in the future.

### 2B – Building Envelopes

*“A building envelope is a three dimensional volume that defines the outermost part of a site that the building can occupy.  
Building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location.”*

#### Comment:

The proposed design as amended reflects the building footprint and a variable height between four and five storeys as envisaged by Council's controls which is considered appropriate and in proportion with the size and shape of the site and those of the adjacent sites.

The building height overall achieves an adequate transition between the 2-3 storey residential flat buildings to the south and east of the site respectively.

### 2C – Building Height

*“Height controls should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity and in response to landform and heritage.”*

#### Comment:

The height of the proposal is 4-5 storeys which although numerically does not comply with the current statutory maximum building height a controls is consistent the scale and type of building envisaged for the site.

The marginal height variation that is proposed (8%) is purely the result of floor to floor height requirements of the Apartment Design Guide and the fact that Council requires garbage trucks to enter the basement of the building. This has resulted in a building height requirement for a 4-5 storey building not envisaged by the maximum building height controls incorporated in the SCLEP.

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Notwithstanding the marginal extra height of the building, the design of the development overall has been informed by daylight, solar access and residential amenity considerations.

## 2D – Floor Space Ratio

*“Ensure that development aligns with the optimum capacity of the site and the desired density of the local area.*

*Provide opportunities for building articulation and creativity within a building envelope by carefully setting the allowable floor space.”*

Comment:

A maximum floor space ratio of 3:1 applies to the site. The proposal complies and is well below with the prescribed maximum floor space ratio of 2.5:1.

## E – Building Depth

*“Ensure that the bulk of the development relates to the scale of the desired future context.*

*Ensure building depths support apartment layouts that meet the objectives, design criteria and design guidance within the Apartment Design Guide.”*

Comment:

The proposed building primarily faces the street frontages of the site. A central light well has been provided to ensure the development does not exceed the maximum 18m building depth recommended by the Apartment Design Guide and that all apartment layouts meet the objectives, design controls and guidelines of the Apartment Design Guide.

All units will enjoy good solar access and cross ventilation.

## 2F – Building Separation

*“Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings.*

*Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.*

*Provide suitable areas for communal open spaces, deep soil zones and landscaping.”*

Comment:

The proposed units:

- Provide the required separation between the proposed building and existing dwellings on adjacent sites.
- Within the development units are organised side by side and in that respect unit separation is not an issue.
- Landscaping is provided at ground level at the rear of the site above the car parking area and at roof level where a landscaped roof-top is proposed to form the main communal open space of the development.

## 2G – Street Setbacks

*“Establish the desired spatial proportions of the street and define the street edge. Provide space that can contribute to the landscape character of the street where desired. Create a threshold by providing a clear*

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*transition between the public and private realms. Assist in achieving visual privacy to apartments from the street. Create good quality entries to lobbies, foyers or individual dwellings. Promote passive surveillance and outlook to the street."*

Comment:

The development is to be built close to the street alignment along both street frontages of the site to address and define the public domain.

At ground level a **3m** setback transition is provided between ground level units which also have separate entries from street level.

The main entry to the building is clearly visible from the street.

#### 2H - Side and Rear Setbacks

*"Provide access to light, air and outlook for neighbouring properties and future buildings. Provide for adequate privacy between neighbouring apartments. Retain or create a rhythm or pattern of spaces between buildings that define and add character to the streetscape. Achieve setbacks that maximise deep soil areas, retain existing landscaping and support mature vegetation consolidated across sites. Manage a transition between sites or areas with different development controls such as height and land use."*

Comment:

The setback of the building along the rear side boundaries achieves a setback between 3m and 6m to ensure compliance with BCA fire requirements and to satisfy the minimum building separation requirements.

The setbacks of the building in respect to the objectives of the Apartment Design Guide are considered appropriate given the context of the site and the development achieves the desired performance criteria.

### PART 3 – SITING THE DEVELOPMENT

#### A – Site Analysis

*"Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context."*

Comment:

A thorough Site Analysis has been prepared by the architect that fully describes the setting and context of the site as well as identifying the constraints and opportunities affecting the site. Refer to the Statement of Environmental Effects supporting the Development Application.

#### 3B – Orientation

*"Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during midwinter"*

Comment:

Existing on the site currently is an industrial building that is built on to the southern and eastern boundaries of the site up to a height of 9.2m. The wall is

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at a distance of some 2m and 4m from residential units located adjacent the southern and eastern boundaries of the site.

The proposed development has been designed so that by and large the shadows cast from the new building are within the shadows cast by the existing walls located on the southern and eastern boundaries of the site.

### C – Public Domain Interface

*"Transition between private and public domain is achieved without compromising safety and security. Amenities of the public domain is retained and enhanced."*

#### Comment:

The public domain currently is detrimentally affected by the existing industrial use of the site which primarily presents an open service yard to the streetscape and a building that does not activate the street frontages.

The proposed development will vastly enhance the streetscape by introducing a new well-designed building that addresses and activates the street frontages of the site and at the corner where a generous retail or commercial space is proposed.

The entire frontage of the site will be enhanced with new paving and trees to enhance the public domain.

### 3D – Communal and Public Open Space

*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.*

- *Communal open space has a minimum area equal to 25% of the site.*
- *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).*
- *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.*
- *Communal open space is designed to maximise safety. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood"*

#### Comment:

The total open common open space to be provided for the site is in the order of 375m<sup>2</sup> (34%) comprising:

- private landscaped open space of 128m<sup>2</sup> at ground floor level and 54m<sup>2</sup> at fourth floor;
- landscaped common open space of 400 m<sup>2</sup> at fourth floor level.

Collectively the open space provided on the site is well above the minimum required and the proposal satisfies the minimum 25% standard recommended by the Apartment Design Guide.

The common open space to be provided at the roof will receive uninterrupted solar access for most of the day in winter and in that respect the development will achieve the minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter).



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### 3E – Deep Soil Zones

*“Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. Deep soil zones are to meet the minimum requirements as set out in the Table Design Criteria 3E-1. Achieving the design criteria may not be possible on some sites including where:*

- *The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).*
- *There is 100% site coverage or non-residential uses at ground floor level.*
- *Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.”*

Comment:

Soft Landscaping in the order of 197m<sup>2</sup> and 98m<sup>2</sup> is required to be provided on site under Council’s DCP provisions and the Apartment Design Guide respectively. The proposal does not satisfy the soft landscaping required by the SCDCP.

The Council insisted in providing the waste disposal area underground, which requires an extensive part of the site at ground level to be allocated to driveway access to the basement. And this, together with the amount of car parking that is required to be provided underground, means it has not been possible to retain the amount of unexcavated site area required.

Unexcavated ground has been provided in part on the south-eastern boundary of the site to allow soft landscaping to be provided in the order of 106m<sup>2</sup> which complies with the Apartment Design Guide.

### 3F – Visual Privacy

*“Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Minimum required separation distances are to be provided as set out in the Table Design Criteria 3F-1. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.”*

Comment:

The four storey portion of the building has been setback 6.4m from the south-western side boundary of the site and 3m-to 6m from the south-eastern boundary of the site.

This ensures the building essentially complies with the building separation distances applying to the half the minimum separation distance measured to the boundary as outlined in the Apartment Design Guide.

It is considered that the proposed development satisfies the objectives of building separation principles and overall satisfactory building separation distances are achieved without compromising daylight and air access enjoyed by adjoining dwellings.

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### 3G – Pedestrian Access and Entries

*"Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify. Large sites provide pedestrian links for access to streets and connection to destinations."*

Comment:

Access to the building is clearly defined with a highlighted entrance through a clearly visible lobby area at Pomeroy Street. The main entrance to the building has been featured architecturally on the street facade. Clear pedestrian entries to all residential units and the proposed commercial units are provided directly accessible from the public domain.

A lift within generous lobby areas provides access to all units. All apartments will be accessible to people with disabilities.

### 3H – Vehicle Access

*"Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes."*

Comment:

A single two way, 5.5m wide driveway vehicular entry/exit point is to be provided from Pomeroy Street located at the southern end of the building. The underground car park of the building is accessible from the units via a lift and stairs. The vehicular driveway to the car park and pedestrian access point is clearly separated. Vehicular access off Pomeroy Street required by Council ensures that the more active street frontage along Underwood Road will not be affected.

### J – Bicycle and car parking

*Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.*

- *Minimum car parking requirements are to be provided based on requirements set out in Table the Design Criteria 3J-1.*
- *Parking and facilities are provided for other modes of transport.*
- *Excavation should be minimised through efficient car park layouts and ramp design.*
- *Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.*
- *Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.*
- *Natural ventilation should be provided to basement and sub basement car parking areas.*
- *Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.*
- *Car park design and access is safe and secure.*
- *Visual and environmental impacts of on-ground, above ground or underground car parking are minimised.*

Comment:

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The development is well serviced by public transport with bus routes along Parramatta Road. The site is within easy walking distance to Homebush and North Strathfield Railway Stations.

Secure car parking in compliance with Council's Parking Code requirements is to be provided for the development. The parking area is to be provided below ground in two basement car parking levels and in that respect the provision of parking on the site will not be intrusive or visible in the streetscape

Access to the car parking design is safe and secure and the layout efficient complying with Australian Standards.

Storage for twelve (12) bicycles will also be provided at the mezzanine basement floor level near the lift lobby to the building. The number of bicycle storage to be provided complies with Council's Code requirements.

## PART 4 – DESIGNING THE BUILDING

### 4A – Solar and Daylight Access

*"Optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:*

- 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.*
- 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at midwinter.*
- 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter.*
- 4. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months."*

#### Comment:

The building footprint has been designed to maximise the number of units facing north on the site. Thirty (32) out of 38 that is (91%) of the units provided have north orientation. The remainder 6 units south/east and south/west orientation and there are two south facing units.

Shadow Diagrams prepared for the development indicated that 91% of the apartments will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. The remainder 6 will receive at least 2hrs and only 4 will not receive direct sunlight during the winter period.

Shading and glare protection to the living areas to all units is provided by the provision of covered balconies.

### 4B – Natural Ventilation

*"All habitable rooms are naturally ventilated. The layout and design of single aspect apartments maximises natural ventilation. The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents:*

- 1. At least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.*

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2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

Comment:

The layout of the building and the use and the central lift lobby allows access to natural ventilation for all rooms. All apartments are provided with open plan shallow living spaces to facilitate cross ventilation and no apartment exceeds the maximum 18m depth between windows to the rear wall of units.

The layout of the plan has been designed so that the proposal satisfies the minimum 60% of the apartments to be naturally cross ventilated as required by the Apartment Design Guide. This has been achieved by the number of units that are located at the corners of the building and by slender unit layout which allows most habitable space to face the street frontages.

#### 4C – Ceiling Heights

*“Ceiling height achieves sufficient natural ventilation and daylight access. Ceilings are to comply with minimum ceiling heights set out in the Table under 4C-1. Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms. Ceiling heights contribute to the flexibility of building use over the life of the building”.*

Comment:

Floor to ceiling heights comply with the requirements specified in Table under 4C-1 of the Apartment Design Guide.

#### 4D – Apartment Size and Layout

*“The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.*

1. Apartments are required to have the minimum internal areas as set out under 4D-1.
1. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

*Environmental performance of the apartment is maximised.*

1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
1. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Apartment layouts are designed to accommodate a variety of household activities and needs.

1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
3. Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6m for studio and 1-bedroom apartments.
  - 4m for 2 and 3 bedroom apartments.

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4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.

Comment:

The proposed building satisfies the above requirements because:

- The width of all living rooms to 2 and 3 bedroom units is a minimum of 4m and not less than 3.5m for single bedroom units.
- The internal floor area of the 1-bedroom units is between 51m<sup>2</sup> and 56m<sup>2</sup>, 75m<sup>2</sup> to 81m<sup>2</sup> for 2 bedroom units and 95m<sup>2</sup> for three bedroom units.
- All bedrooms are at least 3m wide excluding wardrobes and the internal floor area of the main bedroom to all units is at least 10m<sup>2</sup>.
- All habitable rooms are provided with large glazing areas above the minimum size requirements and all units satisfy the minimum requirements regarding depth of units.
- The amenity achieved to all units is high. There are generous living areas open up to large balconies facing the two street frontages of the site or courtyard at the rear of the building.
- Kitchens are designed to supplement modern open plan living areas and no kitchen is more than 7 metres away from a window opening. The utility rooms and internal circulation are efficiently arranged away from the window to allow flexibility for furnishings.
- All the living rooms provided are not more than 7.5 deep which satisfies the maximum 8m depth required by the ADG.

#### 4E – Private Open Space and Balconies

*Apartments provide appropriately sized private open space and balconies to enhance residential amenity.*

1. All apartments are required to have primary balconies with minimum area and depth as set out under the Table 4E-1.
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.
3. Primary private open space and balconies are appropriately located to enhance liveability for residents. Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. Private open space and balcony design maximises safety."

1. Comment:

A large balcony is provided for each apartment at ground and at the upper floor levels located adjacent to the living room. Balconies are designed to maintain visual privacy for residents whilst providing opportunities for passive surveillance of the public domain.

The main balconies off the living areas are at least 2m deep and have a total area of at least 8m<sup>2</sup> and 10m<sup>2</sup> for the 1-bedroom and 2-bedroom units respectively.

#### 4F – Common Circulation and Spaces

*Common circulation spaces achieve good amenity and properly service the number of apartments.*

1. The maximum number of apartments off a circulation core on a single level is eight.

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2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.
3. Common circulation spaces promote safety and provide for social interaction between residents."

Comment:

Access to all units are provided off the main lift core to the building, which incorporates a void over the upper floor levels to facilitate light and air through the building. **Nine units are accessible off a single core. Although this exceeds the recommended eight, the Apartment Design Guide states that up to 12 units are acceptable provided that the corridors are generous and the apartment are appropriately oriented with ample solar access and natural light**

The width of the common circulation space complies with the minimum width of 2m required by the Apartment Design Guide.

#### 4G – Storage

*"Adequate, well designed storage is provided in each apartment.*

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided as set out under the table in 4G-1. At least 50% of the required storage is to be located within the apartment.
2. Additional storage is conveniently located, accessible and nominated for individual apartments."

Comment:

Adequate storage space is to be provided in the underground car parking levels for the respective use of each unit.

Each apartment is provided with one storage area of at least 3m<sup>3</sup>.

The storage area to be provided for each unit combined complies with the 6m<sup>3</sup> for 1-bedroom units and 8m<sup>3</sup> for 2-bedroom units respectively.

#### 4H – Acoustic Privacy

*"Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments."*

Comment:

Adequate building separation is provided to maintain acoustic privacy between apartments. No living rooms in any apartment overlook the living rooms in another apartment. Generally, the development has been designed to minimise overlooking into adjacent properties. Any affected balconies will be designed to screen noise and overlooking to and from adjacent apartments.

#### 4J – Noise and Pollution

*"In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission."*

Comment:

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The site is currently located in a relatively quiet precinct. However, the construction of the WestConnex Motorway is not far from the site to the south of Pomeroy Street so acoustic protection from vehicular noise may be required. An Acoustic Report to ascertain as to whether the development is affected has been commissioned and all the recommendations made in that report will be adopted for the development.

#### Configuration

##### 4K – Apartment Mix

*"A range of apartment types and sizes is provided to cater for different household types now and into the future.*

*The apartment mix is distributed to suitable locations within the building"*

#### Comment:

The objective has been to provide a variety of apartment types. The proposed development will incorporate 12 x 1 bedroom units, 21 x 2 bedroom units and 5 x 3 bedroom units - a total of 38 units with good amenity.

##### 4L – Ground Floor Apartments

*"Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents."*

#### Comment:

Two side-by-side residential units are to be provided on the respective street frontages of the site to enhance activity along the street.

The units are provided with secondary entries from Underwood Road and Pomeroy Street and are to be provided with secure and private terraces to ensure the amenity of future occupants.

##### 4M – Facades

*"Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the façade."*

#### Comment:

The building layout and configuration is expressed on the building facades through the articulation of balconies and fenestration pattern.

##### 4N – Roof Design

*"Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features."*

#### Comment:

The roof terrace at the fourth floor level is to be used to provide useful common open space and private open space for the enjoyment of future residents.

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The design utilises a flat roof form to reduce the apparent scale of the building and to ensure the overall height variation above the height limits is minimised as far as is possible.

#### 4O – Landscape Design

*"Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity."*

Comment:

Landscaped common open space comprising of at least 36% of the total site area is to be provided at ground floor and at the roof terrace of the fourth floor.

All landscaped areas will be provided with automatic watering systems to ensure the long-term sustainability.

#### 4P – Planting on Structure

*"Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces."*

Comment:

- Planting on structures is to be provided at ground and upper roof levels to enhance the amenity of the common open space that is proposed.
- The development provides units with generous size balconies and small courtyard at ground level, which can be embellished with planting at the discretion of individual owners.

#### 4Q – Universal Design

*"Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs."*

Comment:

The building will be constructed utilising a reinforced concrete structural frame with infill masonry external walls. Internal non-load bearing partitions will allow flexibility and make alterations to the internal layout of the building possible to allow flexibility in unit plan configuration

#### 4R – Adaptive Reuse

*"New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse."*

Comment:

The proposal is a residential mixed-use building. At ground level a generous commercial space is proposed to activate the public domain and the ground



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level units provide the opportunity to be converted to other uses based on market expectations.

#### 4S – Mixed Use

*"Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents."*

#### Comment:

The building is located within a Local Centre B2 zone. The pattern of development taking place in the area is predominantly residential with a portion of non-residential uses at ground level. The proposal responds to the provision of mixed uses and the building has been designed to incorporate a non-residential component to activate the corner of the site and to provide potential retail or commercial uses in the future.

#### 4T – Awnings and Signage

*"Awnings are well located and complement and integrate with the building design. Signage responds to the context and desired streetscape character."*

#### Comment:

No awning is proposed at this stage at the corner of the site in relation to the proposed commercial unit at ground level. Signage relating to future retail or commercial uses will be considered as part of any future DA.

#### Performance

#### 4U – Energy Efficiency

*"Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation."*

#### Comment:

The following energy efficiency principles are to be used in the design of the building:

- passive solar design techniques: insulation, sun control devices and maximisation of north-facing apartments,
- control of any mechanical space cooling and heating,
- use of efficient appliances and fittings, and
- maximisation of reliance on natural ventilation.

The Basix Report prepared for the development demonstrates that the design meets all the required energy targets

#### 4V – Water Management and Conservation

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*"Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design."*

Comment:

The following water conservation principles have been adopted:

- use of AAA rated appliances,
- use of rainwater storage tank, and
- grey water recycling will be considered.

#### 4W – Waste Management

*"Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  
Domestic waste is minimised by providing safe and convenient source separation and recycling."*

Comment:

The waste management storage area is to be provided adjacent the vehicular access driveway within an enclosed structure at the lower ground floor level with vehicular access arrangement as required by Council.

Waste Management is to be provided in accordance with Council's requirements. Refer to the waste management plan for details of waste management.

#### 4X – Building Maintenance

*"Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs."*

Comment:

The building will be constructed with materials that require less maintenance such as the use of concrete floors and masonry including metal cladding, aluminium windows and pre-finished surfaces where possible.

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WRITTEN REQUEST TO VARY THE BUILDING HEIGHT STANDARD  
PURSUANT TO CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT  
STANDARDS OF THE STRATHFIELD LOCAL ENVIRONMENTAL  
PLAN 2012

APPENDIX

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## 1.0 Introduction

This written statement has been prepared in support of the DA and to justify the marginal variation to the building height associated with the proposal, the design of which has been amended to ensure the development essentially complies with the controls and is entirely consistent with the provisions of Strathfield Local Environmental Plan 2012. (SLEP)

The written statement should be read in conjunction with the prepared Statement of Environmental Effects dated February 2018 that accompanies the DA.

### 1.1 Clause 4.6 Exceptions to Development Standards-Framework

Clause 4.6 Exceptions to Development Standards provides flexibility in the application of development standards. It enables a consent authority to vary a statutory development standard where strict compliance with the standard would be unreasonable or unnecessary, or where strict compliance would hinder the attainment of the objectives specified in Section 5(a) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Clause 4.6 of SLEP 2012 allows approval to be granted to a DA even though a proposed development contravenes a development standard in the LEP, including the building height limit in Clause 4.3A as is the case with this development.

Clause 4.6 part (3) requires:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and*

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- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Accordingly an exception in the form of a written request to vary the height of buildings standard is requested pursuant to Clause 4.6 Exceptions to Development Standards of the Strathfield Local Environmental Plan 2012.

The relevant matters raised above are addressed in the following sections of this written request and the justification to the proposed variation to the building height standard is assessed in accordance with the order of questions outlined in the Application Form to vary a development standard attached in Appendix 3 of the "Varying Development Standards: A Guide" (August 2011) published by the NSW Government and with a response to the provisions prescribed in the relevant clauses in the Strathfield Local Environmental Plan 2012.

## **2.0 Objectives of Clause 4.6 Exceptions to Development Standards**

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is considered that a degree of flexibility is warranted in this instance to ensure the development achieves the quality of building design expected by the Apartment Design Guide and a better outcome will result by the provision and accommodation of the waste management and operation below ground as required by Council.

## **3.0 Written Request – Assessment**

### **3.1 Affected Environmental Planning Instrument.**

The name of the environmental planning instrument that applies to the land is the Strathfield Local Environmental Plan 2012.

### **3.2 Zoning**

Under the provisions of the Strathfield Local Environmental Plan 2012 the zoning of the site is Zone B2 Local Centre.

Zone Objectives:

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is consistent with the objectives of the zone in that it:

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- will provide a potential retail use for people that live, work and visit the local area;
- will encourage short term and longer term job opportunities; and
- as the site is situated close to public transport it will encourage walking and cycling as it has been designed.

### 3.2 Standard that is to be varied

The development standard that is to be varied is the Height of Buildings pursuant to Clause 4.3 of the Strathfield Local Environmental Plan 2012.

The objectives of this Height of Buildings clause are as follows:

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

### 3.3 Maximum building height applying to the site

Under the provisions of Clause 4.3 of the Strathfield Local Environmental Plan 2012 the maximum building height applying to the site is 13m across the site and 16m at the corner measured as the vertical distance between the ground level (existing) to the highest point of the building or in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

### 3.4 Building Height of the proposal

The proposed building is above the prescribed maximum building height as follows:

On the Pomeroy Street frontage;

- at the northern corner of the midway of the building the overall height is 0.5m from the 16m height line and 0.9m from the 13m height line measured at the top of the roof.
- at the north-east corner of the building (next to the driveway) the overall building height is 0.65m from the 13m height line.

On the Underwood Street frontage;

- at midway and at the north-western corner of the building the overall height is 1.34m and 1.0m respectively from the 13m height line;
- at the north corner of the building the overall height is 0.5m from the 16m height line measured to the top of the roof.

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### 3.5 What is the variation expressed as a percentage?

On Underwood Road the variation is:

- 7.6% from the 13m height line at the north-western corner of the building next to the 3m setback;
- 8% from the 13m height line and 8% from the 16m height line midway of the building;
- 3% from the 13m height line at the north corner of the building.

On Pomeroy Street the variation is:

- 3% from the 16m height line at the north corner of the building;
- 3% from the 16m height line and 7% from the 13m height midway of the building; and
- 5% from the 13m height line at the north eastern corner of the building next to the driveway.

The breakdown of the building height variations as shown above clearly indicate that the building height variation overall is well below 10%.

### 4.0 How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the building height standard is unreasonable in this case because it is not possible to achieve the ceiling heights required by the Apartment Design Guide that apply to mixed-use/residential flat buildings.

As well the floor to ceiling height of the basement level had to be increased to accommodate Waste Management collection procedures as required by the Council. The requirement by Council for garbage trucks having to enter the basement of the building has had a considerable influence on setting the ground floor level of the building.

In addition given the slight variation in the slope of the site, it is not a practicable structure to spilt the levels of the building

As a consequence of all of the above a marginal variation to the building height standard is necessary.

Strict compliance with the building height standard is also considered unreasonable given these circumstances.

The marginal variation to the overall building height has no planning consequence and it does not detrimentally affect the relevant provisions of the SLEP nor does it detrimentally affect the purpose and objectives of the standard given that:

- the characteristics of the site (that is a large site under a single ownership with two street frontages) are such that it can accommodate the marginal

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excess in building height as part of an appropriate design response to the context of the site;

- the proposed development satisfies the purpose and meets the objectives of the building height standard as demonstrated in Section 6 of the Written Statement below;
- the proposal is consistent with the overall planning intent for the area;
- the proposed additional height will not appear unreasonable or out of character in the streetscape and is consistent with the scale of the building under construction directly opposite the subject site; and
- the environmental impacts associated with the marginal increase in height are not unreasonable or unacceptable.

## 6.0 What is the purpose/object of the standard?

The objectives of the Building height standards as outline in Clause 4.3 of the SLEP 2012 are:

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

## 5.2 Consistency with the objectives of the standard

Response in relation to Objective (a)

The site has been targeted to provide by (comparison to the existing development in the area) a larger scale mixed-use building to contribute to the creation of a new local centre in the area.

The maximum building height set for the site is 4-storeys over the whole site with a 5-storey portion extending halfway along the Underwood Road and Pomeroy Street frontages of the site.

The proposed development adopts the same building envelope envisaged by the LEP that is 5 storeys in height at the corner of the site with 4 storeys for the rest of the site.

The building form and the massing of the proposal overall is accordingly consistent with the prescribed controls notwithstanding the marginal variation in the maximum permissible height.

The development has a similar height and form and will be compatible with the scale of building that is currently under construction on the "sister site" located diagonally across on Pomeroy Street.

The scale of the building that is proposed will appropriately reinforce the corner qualities of the site and better define the streetscape and will positively contribute to the image of the precinct commensurate with Council's intention to achieve a Local Centre for the area.



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- The advent of the WestConnex Project and the State Government proposed Parramatta Urban Renewal Strategy.

The site is located within the designated Homebush precinct as identified in the Parramatta Urban Renewal Urban Design Guidelines which have been prepared to establish a new vision and to provide new built form controls for Homebush to guide new larger scale mixed-use development envisaged in the future. Refer to Figure 1 and Figure 2 below

*“Sitting between Sydney’s two main CBDs, Homebush can be transformed into an active and varied hub, blending higher density housing and a mix of different uses, supported by a network of green links and open spaces with walking access to four train stations”. (Extract from Parramatta Road Corridor – Planning and Design Guidelines)*

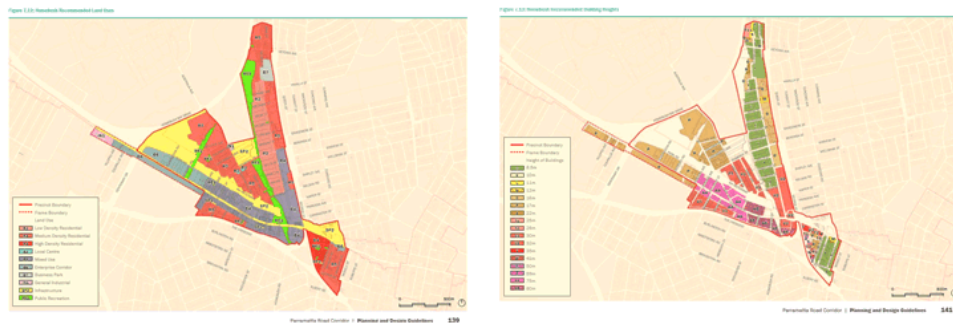


Figure 1 Recommended land uses Urban Design Guidelines for Homebush Figure 2 Recommended Building heights

Based on the maps shown above, the area where the site is situated is targeted to accommodate higher density residential development and a building height up to 30m ( up to 8 storeys) within 100m from the WestConnex project which is under construction near the site to the east.

Whether or not the above zoning and building height controls as indicated in the maps are actually adopted, it must be acknowledged that based on the State Government goals published to-date, noticeable urban change is most likely to occur.

The proposed development accordingly needs to be considered in that context and given such a planning scenario, the building height that is proposed which is only marginally higher than the prescribed building height currently applying to the site will be consistent with the scale and type of development that is likely to evolve.

Response in relation objective (b)

The site is one of only two large sites that have a B2 Local Centre zoning and in that respect the site does not require consolidation. However, given the size and proportions of the site, it provides the opportunity to achieve optimum and sustainable height appropriate for the area.

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The distribution of the building height towards the corner and the two street frontages of the site will ensure that the environmental capacity of the site is maximised with minimal impact on the adjacent properties.

Accordingly, the proposed development, notwithstanding the marginal variation to the prescribed building height, will not cause any significant or unreasonable overshadowing on any surrounding dwellings. Adequate building separation exists between the development and adjacent properties to ensure privacy impacts are minimised.

Response to objective (c)

The proposed development exactly conforms to the objective above because, together with the development taking place diagonally across the intersection, it will provide a different scale of building planned for the area thus adding to the diversity of small and large scale building type options.

### **6.0 How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act**

The relevant objects of the Act are:

*(a) to encourage:*

- (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 object of the Act as specified in Section 5(a)(i) and (ii) are in our opinion achieved by the proposed development in that it:

- constitutes 'proper management, development and conservation of natural and man-made resources;
- promotes 'the social and economic welfare of the community and a better environment' by better utilising the existing resources and infrastructure of the community' and
- results in 'the promotion and co-ordination of the orderly and economic use and development of land.'

Strict compliance with the building height standard would hinder the attainment of the above objects of the Act in that:

- the development would not take advantage of the site's opportunities and its ability to deliver a quality higher density development; and
- the orderly and economic use of the site would not be realised.

Furthermore, the development is entirely consistent with the stated aims of the Strathfield Local Environmental Plan in that:

- It achieves high quality urban form and exhibits design excellence that will positively contribute to the desired future character of the neighbourhood;

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- It promotes the efficient and spatially appropriate use of land and a sustainable integration of transport and land use with an appropriate mix of uses; and
- It will have reduced traffic and environmental impacts.

## **7.0 Is the development standard a performance based control?**

Development Standard is defined in the EP&A 1979 to mean "*provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect a number of development aspects as listed in the Act*".

The building height standard prescribed in the SLEP 2012 is one of the principal standards common to the standard format of Local Environmental Plans and as such it is not performance based. The building height standard however is not mutually exclusive and it does not operate in isolation to other development standards that apply to the site.

And its underlying purpose and the subsequent application of the development standards by the consent authority over time must be considered in light of changing planning and design circumstances that were not envisaged at the time the building height was drafted.

The building has been designed to comply with the Ceiling Height requirements that apply to mixed-use buildings under the provisions of the Apartment Design Guide. Refer to Section 4C Ceiling Heights.

Council's policy in respect to Waste Management has also changed over time. Council now requires garbage collection to be carried out on site and preferably underground as is the case with the subject development.

This together with ceiling heights required by the ADG has had considerable implications for the height of the building and compliance. In fact these requirements have led to non-compliance with the maximum building height.

The proposal accordingly, despite the marginal variation in the maximum building height which is less than 10%, achieves the underlying purpose of the standard.

The proposal complies with the maximum FSR that is permitted on the site. It has been designed to comply with the objectives pertaining to the floor space controls and to comply with the setback and open space requirements of Council's DCP and the proposal does not generate any different environmental impacts compared to a complying scheme.

## **8.0 Would strict compliance with the standard be unreasonable or necessary?**

### **8.1 The 'Five Part Test'**

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It has been well established by the Department's "Varying Development Standards – A Guide (August 2011) and by decisions of the Land Environment Law involving a variation to a development standard, that it is not the numerical amount that a development departs from the standard that is significant but rather it is whether the development achieves the underlying purpose of the standard and whether the development is consistent with the planning objectives of the locality, and in particular, with the underlying objectives of the standard.

The views of the Land and Environment Court expressed by Preston CJ in *Wehbe v Pittwater Council* (2007) NSWLEC 827 have been adopted by the Guide which outlines five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary.

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard:*

The proposed built form is essentially the same as the building envelope suggested by the LEP controls. Architecturally the building has been designed to define the streetscape and to establish a "landmark" at an important intersection significant for the future character of the local centre. That is consistent with the objectives of the building height standard to deliver higher density development that will improve the appearance of the existing streetscape with a building height that is compatible with the future character of the area.

The site is already a large consolidated site and in that respect it has an optimum height capacity established by the LEP building height controls that is for a 4-5 storey building which the development achieves.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary:*

The objectives of the building height control remain relevant, and the proposed development, notwithstanding the marginal building height variation, is consistent with the underlying purpose of the objectives. The proposed development does not contravene the outcome intended by the planning controls.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Notwithstanding that the proposed building marginally exceeds the height limit, it is considered that the built form and the bulk of the development overall will be compatible with the type and scale of building that is taking place in the precinct.

The proposed building together with the building under construction opposite the site on Pomeroy Street will introduce a suitable street wall height to enhance the streetscape and hence better define the identity of the proposed local centre.

It is therefore contended that the underlying purpose of the building height control as prescribed in the SLEP which is to regulate the height and scale of buildings and to ensure that the development reflects the desired character of

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the locality, is totally satisfied and in that respect the development passes the test as to whether it achieves the underlying purpose of the standard.

4. *The development standard has been virtually abandoned or destroyed by council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable and unnecessary;*

There is no evidence from other developments that have been approved in the area that the building height control has been abandoned or destroyed by Council's actions.

It appears that Council quite rightly has taken a flexible approach in the implementation of the building height control with the development across the site under construction where the Council supported a height variation.

By supporting a variation to the building height also on the subject site the Council can be confident that the objectives of the height controls will not be undermined.

5. *Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is the particular parcel of land should not have been included in the zone.*

The subject parcel of land is appropriately zoned to implement Council's intent to establish a local centre. However, there is nothing in the provisions of the zoning that restricts the number of residential uses that can be accommodated on site notwithstanding that the zoning objectives tend to suggest otherwise.

It is also accepted that purely commercial uses can be accommodated on the site with full compliance with the height controls that apply to the site.

Under the circumstances, however, strict application of the height control on behalf of Council in this instance would be unreasonable and unnecessary given that the building has not been designed to accommodate purely commercial functions as there is no market demand for such development.

In that respect, the numerical building height needs to be applied flexibly to ensure the impact on the amenity of adjacent properties is minimised.

## **8.2 Consistency with the planning Principle for Height, Bulk and Scale**

Roseth SC in *Veloshin v Randwick Council* (2007) NSW LEC 428 also established a planning principle in terms of a series of questions which could be applied in assessing issues affecting the height, bulk and scale of buildings.

- *Are the impacts consistent with impacts that may be reasonably expected under the controls?*
- *Where the planning controls are aimed at creating a new character, is the proposal consistent with the bulk and character intended by the planning controls?*

The response to both questions above is in the affirmative.

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The marginal variation in height is the result of having to comply with the required ceiling heights and the provision of waste collection in the basement of the building which has forced an increase in the floor to floor heights of the building overall which are not in effect numerically compatible with the prescribed 16m and 13m building height controls.

In that respect, the impacts of the development are consistent with impacts that are expected under controls and requirements affecting the development other than just the issue of building height.

The subject site together with one on the other side has been targeted by the SLEP to accommodate larger scale mixed use development intended to create a new scale and a new character for the area.

The proposal accordingly is consistent with the intent of the planning controls.

A similar scale development directly opposite the subject site has already being approved by Council and is currently under construction. The building height of this development also marginally exceeds the height controls.

Roseth SC differentiates between bulk and scale, stating that *"bulk refers to the mass of the building and scale is properly used when referring to the relative size of two or more things"*

The proposed development will have a scale relationship matching the scale of the building that is under construction diagonally opposite the site where Council approved a similar building height variation.

The building form, scale and character of the proposal will have similar proportions and in terms of use similar commercial/residential accommodation with its relative neighbour.

Given the provisions that apply to the site under the SLEP, the appearance of the proposal overall will be appropriate for the context and consistent with the scale and character of the streetscape.

As well Council's responsibility is to assess the development on its merits having regard to all the statutory and non-statutory controls that apply to the site in unison.

In that respect, it is considered that the objectives of the standard have been achieved notwithstanding the variation to the building height in that:

- the floor space of the proposal is well below the maximum permissible FSR;
- the development fully complies with Council's car parking and bicycle parking requirements;
- it complies with open space and landscaping requirements; and
- it has been designed to avoid adverse impacts on the adjacent properties.

**9.0 There are sufficient environmental planning grounds to justify contravening the Building Height Standard.**

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Apart from building height, Council's other LEP and DCP objectives and controls affecting the development of the area in effect allow the proposed development in the building form that it has taken. The development complies with the key floor space ratio permitted on the site and it complies with all other controls applying to the site.

Under these circumstances there is justification to contravene the development standard for the following reasons:

- From Underwood Road and Pomeroy Street the massing of the building height will match and will be consistent with the development opposite the subject site;
- The form of the building in terms of its building footprint and massing responds to the environmental conditions of the site and its context;
- The building height at the rear maintains a 4 storey scale so that the massing achieves an appropriate transition between the adjacent residential units to the south and east of the site;
- The building at the rear has been setback from the side boundaries to protect the amenity and privacy of the residential units to the south and east.

#### **10 Status of the Building Height Control**

In consideration of Clause 4.6(2) above, the building height control contained in the SLEP 2012 is a development standard and in that respect, it is not excluded from the operation of Clause 4.6(2) of the Strathfield Local Environmental Plan 2013.

#### **11 Has this written request adequately addressed the matters required to be demonstrated by sub-clause 4.6(3)?**

Yes

#### **12 Is the development in the public interest because it is consistent with the objectives of the building height standard and the objectives for development within the zone in which the development is proposed to be carried out?**

Yes

#### **12 Matters of State or regional significance**

The proposed variation to the building height standard does not raise any matters of State or regional significance.

#### **13 Conclusion**

Having regard to all of the above, it can be concluded that compliance with the building height standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient strategic planning and environmental

30-32 Pomeroy St, Homebush-EIS

planning grounds to justify the marginal non-compliance with the permissible building height.

- The development is consistent with the future planning direction in the area;
- The site is strategically located and has been targeted by Council and is suitable for the intensity of development that is proposed;
- The added height will have negligible adverse impacts;
- The proposed additional building height will not appear unreasonable or out of character with the streetscape and it is in the public interest because it is consistent with the objectives of the B2 Local Centre zone and in effect will complement and complete Council Plans for that intersection.



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30-32 Pomeroy St, Homebush-EIS

**BCA Compliance Assessment  
30-32 Pomeroy Street Homebush**

**BUILDING CODE OF AUSTRALIA COMPLIANCE ASSESSMENT**

**Prepared by Nexus Architecture P/L**

**PROPOSED NEW MIXED USE RESIDENTIAL BUILDING**

**30-32 POMEROY STREET HOMEBUSH**

1

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30-32 Pomeroy St, Homebush-EIS

**TO:** Strathfield Local Planning Panel Meeting - 5 April 2018  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** DA2017/186- 5 THE CRESCENT, STRATHFIELD NSW 2135  
LOT 1 DP 1021801  
**DA NO.** DA2017/186

## SUMMARY

**Proposal:** Extension of operating hours of an existing educational establishment to include Sunday from 8am to 9.15pm, and increase in student numbers from 240 to 350 for Thursday to Saturday classes.

**Applicant:** MOMA Architects

**Owner:** Richard and Thomas Pty Ltd atf Richard and Thomas Trust

**Date of lodgement:** 14 December 2017

**Notification period:** 09/01/2018 to 25/01/2018

**Submissions received:** Nine (9) including a petition of 5 signatories. (Note: Each signatory is counted as an objector.)

**Assessment officer:** External Consultant

**Estimated cost of works:** \$Nil

**Zoning:** R3 Medium Density Residential - SLEP 2012

**Heritage:** No

**Flood affected:** No

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

**RECOMMENDATION OF OFFICER:** REFUSAL

## EXECUTIVE SUMMARY

- 1.0 On 14 December 2017, DA No. 186/2017 was lodged to extend the existing operating hours of an existing educational establishment (“Pre-Uni College”) to include Sunday from 8am to 9.15 pm, and increase the student numbers from 240 to 350 for Thursday to Saturday classes.
- 2.0 The current application (DA 186/2017) relies upon existing use rights founded in the 2001 Land and Environment Court Appeal No. 10606/2001, granting consent to use of No’s 4-5 The Crescent, Homebush for the purposes of an educational establishment and associated car parking. There is no evidence to suggest that the existing use has been abandoned since approval was granted for Appeal No. 10606/2001 on 8 January 2001.
- 3.0 No physical works are proposed as part of the application.
- 4.0 Following notification of the application, nine (9) submissions were received including a petition containing five (5) signatories, raising concerns about the intensification of existing traffic and parking issues.

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

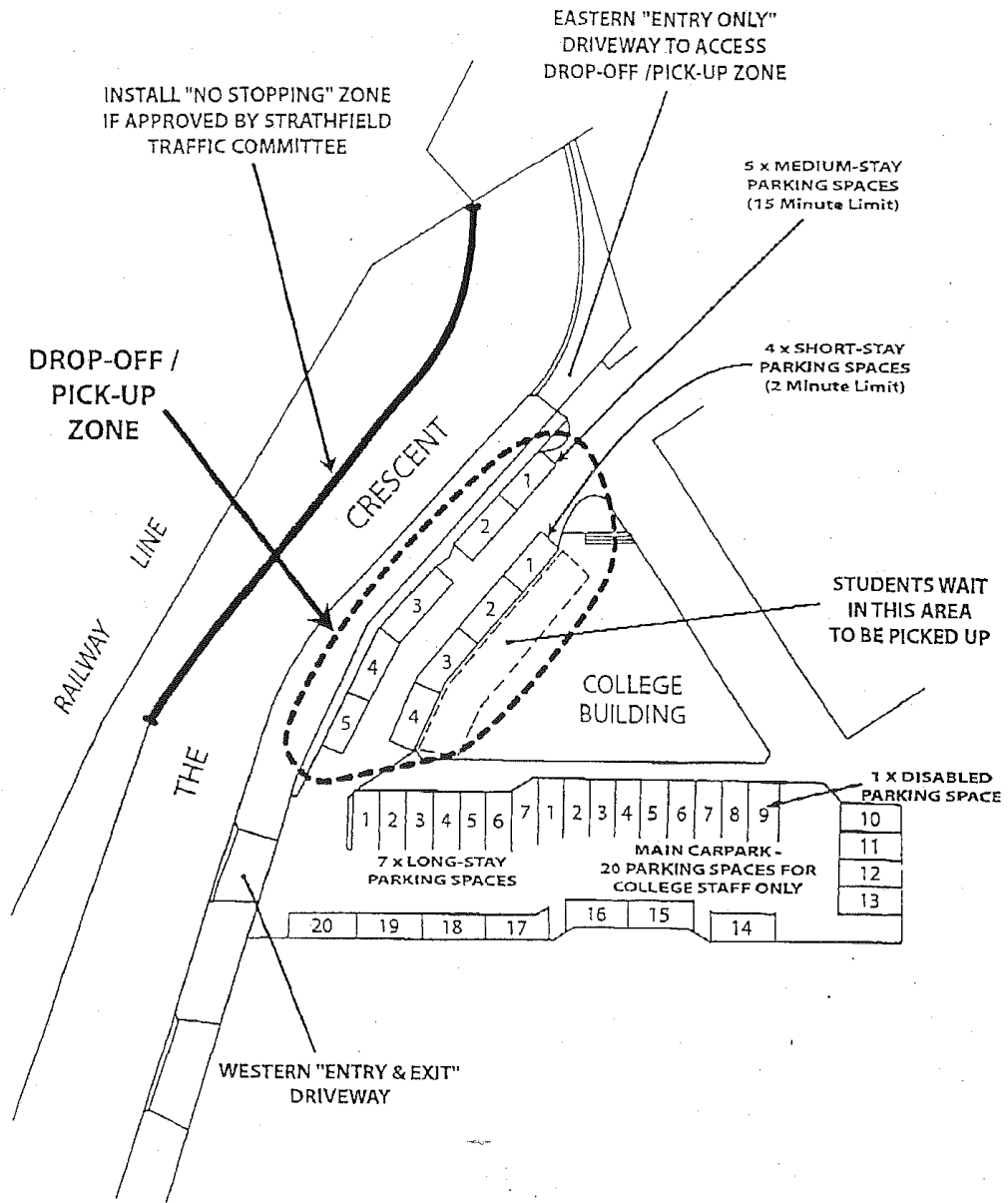
- 5.0 The application is accompanied by a Traffic and Parking Assessment Report, Acoustic Report, and Operational Management Plan for on-going use of the premises. Council's Traffic Engineer has identified a number of shortcomings in the Traffic Report required to make a proper assessment of the proposal.
- 6.0 The application is recommended for **REFUSAL**.

## **BACKGROUND**

- 7.0 Pre-Uni College is a privately owned coaching college, not registered as a school.
- 8.0 Appeal No. 10606/2001 was approved by the Land and Environment Court on 8 January 2002, granting consent to use of No's 4-5 The Crescent, Homebush for the purposes of an educational establishment and associated car parking, subject to and strictly in accordance with the conditions in Annexure B.
- Annexure B:
    2. The operating hours are restricted to 3.45 to 9.15pm Monday to Friday and 8.15am to 9.15pm Saturday for the coaching college (excluding public holidays).
    - 
    3. Not more than 240 students attending tuition are to be on the premises at any one time for the coaching clinic. Never at any time shall the total number of students in the building attending tuition exceed 240.
    - 
    4. The commencement and finishing times for classes are to be staggered at 15 minute intervals with not more than 2 classes commencing in each timeslot.
    - 
    5. The maximum number of students in each class is not to exceed 15.
    - 
    6. All staff and long term parking is to be conducted at the car park located on the western portion of the site.
    - 
    8. The use of the site is to be in accordance with the Traffic Management Plan at all times. The main features of the Plan, as shown at **Figure 1** below are:
      - 
      - Provision of 36 off-street parking spaces to serve the college with 9 of those spaces in a drop-off/pick-up area adjacent to the northern side of the building and 27 spaces in the main car park adjacent to the western site boundary.
      - 
      - 9 spaces in the drop/off/pick-up area comprised of 4 short stay spaces subject to a 2 minute time limit adjacent the building and 5 spaces along The Crescent frontage subject to a 15 minute time limit. Students who are dropped-off or picked-up
      - 
      - The 27 spaces in the main car park will consist of 20 parking spaces allocated for teacher/staff parking including 1 x disabled space, and 7 spaces allocated as long-stay drop-off/pick-up parking spaces for parents who stay for the duration of classes.
      - 
      - A person employed by the college will supervise the operation of the drop-off/pick-up zone to enforce the parking time limits and oversee the transfer of students between the college and cars.
      -

DA2017/186- 5 The Crescent, Strathfield NSW 2135  
 LOT 1 DP 1021801 (Cont'd)

- Vehicular access for the site is from The Crescent via the existing driveways adjacent to the eastern and western site boundaries. The eastern driveway will provide entry-only access to the drop off/pick-up area adjacent to the northern side of the building while the western driveway will be extended and used to exit the drop-off/pick-up area, and also allow a combined entry/exit to the car park on the western side of the building.



TRAFFIC MANAGEMENT PLAN  
 FOR No 4-5 THE CRESCENT, STRATHFIELD

Figure 1. Traffic Management Plan (Source: L&E Court Appeal No. 10606/2001)

9.0 A second College is located in close proximity to the site at 29 The Crescent Homebush, as shown at Figure 2.

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

10.0 On 1 April 2014, a Complying Development Certificate No. 2998/0 (Council ref: CDC2017/7030) was issued for internal works at 5 The Crescent, Strathfield.

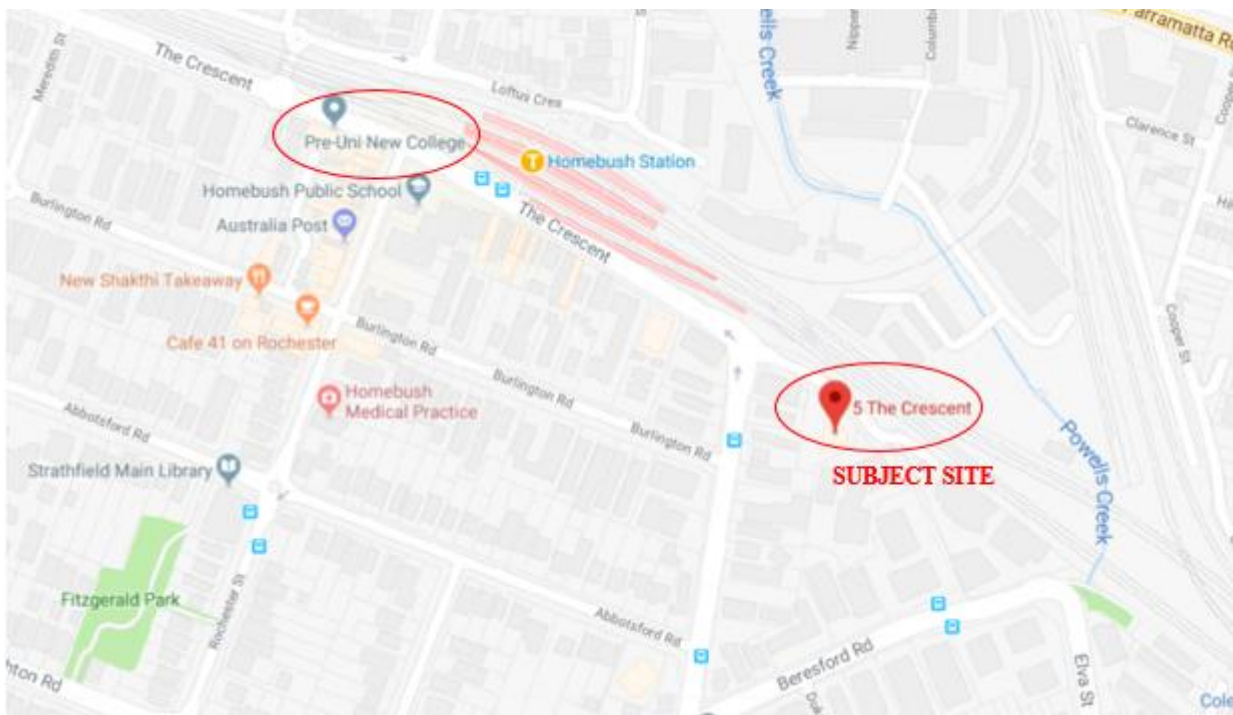
**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 1 within DP 1021801 and is commonly known as 5 The Crescent, Homebush. The site is located on the south-western side of The Crescent and has an area of 1847m<sup>2</sup>.

The site is an irregular shaped allotment with a curvilinear frontage of approximately 51m to The Crescent and narrow width at the rear. The site has a moderate fall from the southern rear boundary to the street.

Existing development on the site comprises a 4-storey building with an entry driveway at the eastern end and entry/exit driveway at the western end. An at-grade car parking area for 27 vehicles is provided adjacent the western side of the building, and pick-up/drop-off short/medium stay parking area adjacent the front (northern) side for 9 vehicles.

The current streetscape is characterised by medium density development to the south-east and west of the site. Railway lines are located opposite the site, with Homebush Station located in close vicinity, as shown at **Figure 2**.



**Figure 2.** Locality Plan (Source: Google Maps)

DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)



Figure 3. Aerial view of the subject site (Source: Six Maps)



Figure 4. Subject site as viewed from The Crescent. The area adjacent the front boundary currently functions as a drop-off/pick-up short-stay car parking area for (9) vehicles (4 spaces X 2 minute time limit and 5 spaces x 15 minute time limit). Vehicles entering this driveway must exit via the western driveway and can only travel in one direction.

- 
-



DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)



**Figure 5.** Northern elevation of the subject site looking in a south-westerly direction and railway lines opposite the site.



**Figure 6.** Existing main car parking area for 27 vehicles adjacent the western side of the building and adjoining 3-storey residential flat buildings fronting Homebush Road to the west.

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LOT 1 DP 1021801 (Cont'd)



**Figure 7.** Existing residential development to the south-east of the subject site.



**Figure 8.** Cul-de-sac at the eastern end of The Crescent and eastern entry to the College.

DA2017/186- 5 The Crescent, Strathfield NSW 2135  
 LOT 1 DP 1021801 (Cont'd)

- 



**Figure 9.** Designated waiting area near the main entry on the north-eastern side of the building.



**Figure 10.** Existing seating along the northern side of the building in the designated pick-up/drop-off area.

**PROPERTY BURDENS AND CONSTRAINTS**

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

DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The application seeks Council approval for the extension of operating hours of an existing educational establishment to include Sunday from 8am to 9.15 pm (core hours between 8:30am – 5:30pm), and increase of student numbers from 240 to 350 for Thursday to Saturday classes.
- No changes are proposed to the peak staffing level of 15 persons at any one time.
- No physical works are proposed.
- It is also proposed to amend the existing class timetable.
- The report is accompanied by a Traffic and Parking Impact Assessment Report, Acoustic Report, and Operational Management Plan for on-going use of the premises.
- The application proposes five (5) traffic and parking improvement solutions to facilitate a favourable outcome of the application, as follows:
  - i. Use of car stackers for staff car parking, located at the end of the driveway where there is less potential for vehicular conflict and congestion. In association with this, upgrading of the boundary fencing adjoining the stackers with appropriate noise attenuation properties.
  - ii. Extension of the eastern entry driveway to allow cars to loop around the southern side of the building to exit via the western entry/exit driveway. This will reduce the number of cars queuing up to access the entry driveways and pick-up/drop-off zone during peak hours. Car parking attendants will assist and divert cars as required.
  - iii. The applicant proposes to fund a carpooling or car share scheme for carers/parents of students attending the college in addition to the existing shuttle bus scheme.
  - iv. Provision may be made for bicycle storage racks for 50 x bicycles within the southern setback of the building.
  - v. Acceptance of a Section 94 contribution payment imposed by Council as a condition of consent.
- The options above are not discussed in the submitted Traffic and Parking Impact Assessment Report.

## REFERRALS

### INTERNAL REFERRALS

#### Traffic Comments

Council's Engineer has commented on the proposal as follows:

*I refer to the Traffic Report and the architectural drawings to DA2017/101 for the proposed extension of operating hours and student numbers at the "Pre-Uni New College" at 5 The Crescent, Strathfield.*

*The site is located on The Crescent and is near the cul-de-sac. The nearest intersection is a roundabout at Homebush Road. The vehicles heading to Parramatta Road will have the*

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

*option to use Subway Lane or Bridge Road depending upon the destination of the vehicle. The site is also in close vicinity of Homebush Train Station.*

*The report submitted for this site is based on assumptions and does not contain any real time data. The traffic report should indicate actual data collected on The Crescent that would reflect the traffic volumes on the street. Traffic impact assessment should be done to indicate actual capacity of the site in terms of traffic volumes while taking into considerations the impacts of developments and potential growth in the area. Given the vicinity of the train station, the commuters' traffic volume should be taken into account as well. The changed train time-table may also have some effect on traffic generation at this location.*

*The report indicates that there will be the addition of 2 vehicle movements every 3 minutes while not taking into account the cumulative effect arising out of changes on the street.*

*Section 5 of the report reads that weekday's peak will present the greatest overlap in terms of traffic generation; however the Peak Traffic Generation Model indicates that Saturday peak generation was 126% compared to Thursday peak. (RMS Guide to Traffic Generating Developments). Considering this, the peak hour volumes for Saturday should also be taken into account and the effect of traffic generated at this site should reflect the effect on access roads to Parramatta Road and Homebush Road as well.*

*The location of the site will create chaotic traffic conditions at the start and end timings of the college sessions particularly creating accessibility issues for emergency vehicles.*

**Conclusion:**

*In light of the above arguments, no decision can be formed based on the submitted traffic report and the report is deemed to be incomplete in nature.*

**Environmental Health / Compliance Comments**

Council's Environmental Health/Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent, as follows:

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

*Other matters for consideration and conditions to be considered:*

- *A complaints hotline shall be setup and maintained by the Pre-Uni College with a report submitted to Council every 3 months for compliance.*
- 
- *No loitering of students shall occur outside the building or outside of the premises.*
- 
- *The proposed hours of operation and number of students on Sundays shall be less than weekday and Saturday operations.*

**EXISTING USE RIGHTS**

DA2017/186- 5 The Crescent, Strathfield NSW 2135  
 LOT 1 DP 1021801 (Cont'd)

***Division 10 of the Environmental Planning and Assessment Act 1979 (EPA Act), and clauses 41 and 43 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation).***

The proposed development involves extending the operating hours and increasing the student capacity of an existing coaching College on land Zoned R3 Medium Density Residential under SLEP 2012. The use falls under the definition of 'business premises' and is prohibited in the R3 Zone, thus, the proposal relies upon existing use rights.

Existing use rights are regulated under Division 10 of the EPA Act and Part 5 of the EPA Regulation, with relevant sections discussed below:

**Sections 41: Certain Development Allowed and 43: Development Consent Required for Alteration or Extension of Buildings and Works (EPA Regulation)**

Pursuant to Clause 41(1)(b) of the *Environmental Planning and Assessment Regulation 2000 (EPA Regulation)*, an existing use may be altered or extended.

Clause 43 of the EPA Regulation is satisfied in that:

- development consent is being sought for the proposed works involving an existing use; and
- the proposed extension of hours and increased student capacity relate to the existing use of the building and pertain solely to the land to which existing use rights apply.

**Section 106: Definition of "existing use"**

Section 106 of the *Environmental Planning and Assessment Act 1979 (EPA Act)* provides that an "existing use" means:

- a) *"the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 of this Part, have the effect of prohibiting that use, and*
  -
- b) *the use of a building, work or land:*
  - 
  - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
    -
  - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

The proposal satisfies the definition of existing use rights in that:

- the use was lawfully commenced under Appeal No. 10606/2001 approved by the Land and Environment Court on 8 January 2002, granting consent to use of No's 4-5 The Crescent, Homebush for the purposes of an educational establishment and associated car parking, subject to and strictly in accordance with the conditions in Annexure B;
- 
- the use was made prohibited by a subsequent Local Environmental Plan;
-

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

- the use has been continuous and consistent with the terms of the consent.

The current application (DA 186/2017) relies upon existing use rights founded in the 2001 Land and Environment Court Approval to apply to the whole of the site. There is no evidence to suggest that the existing use has been abandoned since approval was granted for Appeal No. 10606/2001 on 8 January 2001.

In light of the above, there is no reason to question the validity of existing use rights pertaining to the subject site.

Existing use rights are regulated under Sections 107 and 108 of the *Environmental Planning and Assessment Act (EP&A Act1 1979)*, and Clauses 40-43 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*.

**Clause 107: Continuance of and Limitations on Existing Use**

- 1) *“Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.*
  -
- 2) *Nothing in subsection (1) authorises:*
  - - a) *any alteration or extension to or rebuilding of a building work, or*
      -
    - b) *any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or*
      -
    - c) *without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or*
      -
    - d) *the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or*
      -
    - e) *the continuance of the use therein mentioned where that use is abandoned.*
- 3) *Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of twelve months.*

The current application (DA 186/2017) relies on existing use rights founded in the 2001 Land and Environment Court Approval. There is no evidence to suggest that the existing use has been abandoned since approval was granted for Appeal No. 10606/2001 on 8 January 2001.

On this basis, existing use rights are considered to continue to apply to the whole of the site.

**Clause 108: Regulations respecting existing use**

- 1) *“The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:*
  - - a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
      -

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

- b) *the change of an existing use to another use, and*
- 
- c) *the enlargement or expansion or intensification of an existing use.*
- 
- 2) *The provisions (in this section referred to as “the incorporated provisions”) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- 
- 3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provision have no force or effect while the incorporated provisions remain in force.*
- 
- 4) *Any right or authority granted by the incorporated provisions or any other provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under Section 809 to a development application for consent to carry out a prohibited development.*

Section 108(3) of the *Environmental Planning and Assessment Act, 1979* states that the provisions of any environmental planning instrument that derogate (detract) from the existing use rights provisions have no force or effect whilst existing rights remain.

As such planning objectives and controls that limit the size of a proposal such as height, setbacks, building footprint, number of storeys, minimum allotment size, minimum site frontage and floor space ratio cannot be applied to proposals on land with existing use rights. This is verified in established case law, notably the Land and Environment Court judgment by Pain J in *Stromness Pty Ltd v Woollahra Municipal Council [2006] NSWLEC 587*.

It is noted by Pain J, in para 89 *that it is acceptable to consider the relevant planning instruments as these apply to the area surrounding the proposed development because these determine the nature of development in that area. However, care must be exercised in the application of these principles to ensure that there is not a de facto application of standards in environmental planning instruments, as that is prohibited by s 108(3) of the Environmental Planning and Assessment Act 1979. Failure to comply with standards in an environmental planning instrument cannot be a consideration in the assessment of the application based on existing use rights.*

In this regard, the planning principles established in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71* provide a guide to a merit based assessment under s 79C of the EPA Act.

**Planning Principles: Assessment of Proposals on Land with Existing Use Rights**

An assessment of the proposal is made having regard to the planning principles to be considered when undertaking a merit assessment of a proposed development of a site with existing use rights, established by Roseth SC in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71*, and confirmed by Pain J 83-89 in *Stromness Pty Ltd v Woollahra Municipal Council [2006] NSWLEC 587*.

The four (4) principles are outlined below:

***Principle 1: How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?***



**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

*While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls that apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.*

There is no change proposed to the existing height, floor space ration and setbacks of the existing building on the site.

No physical works are proposed.

**Principle 2: What is the relevance of the building in which the existing use takes place?**

*Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.*

The existing use will be maintained. No physical works are proposed. The associated car parking was approved as part of the original, lawful use.

**Principle 3: What are the impacts on adjoining land?**

*The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.*

Solar Access

None.

•

Acoustic and Visual Privacy

An acoustic report has been submitted with the application. This concludes that noise emissions from the proposed extension of operating hours and increased student capacity are capable of complying with the nominated noise emission requirements.

Council's Environmental Health Officer has raised no objections to the proposal on acoustic impacts grounds, subject to recommended conditions.

View Loss

None.

Sense of Enclosure, Visual Bulk and Scale

None.

Excavation, Demolition and Construction

None.

Parking Provision and Traffic Impacts

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

No changes are proposed to the existing/approved on-site car parking provision, despite the proposed increase in student capacity for Thursday to Saturday classes.

Council's Traffic Engineer has stated that the submitted Traffic and Parking Impact Assessment Report is insufficient to enable a proper assessment.

The proposed changes to the timetable, increase in student capacity and extension of the operating hours are contrary to the terms of the Court approval.

Condition 4 of the Court Approval states that the commencement and finishing times for classes are to be staggered at 15 minute intervals with not more than 2 classes commencing in each timeslot. The revised timetable proposes three (3) classes commencing within each timeslot in some instances. Additionally, the proposal contravenes Condition 5, which states that the maximum number of students in each class is not to exceed 15.

**Principle 4: What is the internal amenity?**

*Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.*

The proposed increase in student numbers is contrary to the Court approval in terms of the student capacity and maximum number of students per class.

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

**(i) any environmental planning instrument**

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

As the site benefits from existing use rights, the provisions contained within Strathfield LEP 2012 do not strictly apply to the proposal. Albeit, a consideration of the LEP controls that would otherwise apply to the site is included below:

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>	n/a
<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>	No
<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>	Yes
<b>(d)</b> <i>To provide opportunities for economic growth that will enhance the local community</i>	No
<b>(e)</b> <i>To promote future development that integrates land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
<b>(f)</b> <i>To identify and protect environmental and cultural heritage</i>	n/a

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

<b>(g)</b>	<i>To promote opportunities for social, cultural and community activities</i>	Yes
<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	n/a

**Comments:** The proposal is not considered to satisfy objectives (b) and (d). The location of the subject site in a residential cul-de-sac and insufficient on-site parking does not support an increase in operating hours and student capacity.

### **Permissibility**

The use of the site as a 'business premises' is not permissible within the R3 Medium Density Residential zone under SLEP 2012, however, as discussed earlier in this report, the site benefits from existing use rights as an educational establishment.

The proposed development is assessed under the existing use rights provisions contained within Division 10 of the *Environmental Planning and Assessment Act, 1979*, and part 5 of the *Environmental Planning and Assessment Regulation 2000*.

Note: The definition of 'educational establishment', which previously included a Coaching College under Strathfield Planning Scheme Ordinance has been modified under the standardised LEP instrument to mean a building or place used for education that provides formal education and is constituted by or under an Act. Under the current LEP instrument, the use is defined as a 'business premises'.

### **79C(1)(a)(ii) any draft environmental planning instruments**

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

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

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

As the site benefits from existing use rights, the provisions contained within SCDCP 2005 do not strictly apply to the proposal. Albeit, a consideration of the DCP controls that would otherwise apply to the site are included below:

### **Part 1.9 Definitions**

Educational establishment is defined as follows:

***Educational establishment*** means a building used or intended for use as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used or intended for use wholly or principally as an institution.

*Note: For the purposes of this Consolidated Plan the following applies to the definition of 'educational establishments':*

- *The terms 'college' and 'academy' includes reference to coaching, language or other college with more than 25 students in attendance at any one time.*
- *The definition includes pre-school/kindergarten classes where part of a school.*
- *The definition does not include child care centres and libraries.*

The proposal is consistent with the definition of 'educational establishment' above. Although SCDCP 2005 has no force with regard to the proposal, an assessment of the proposal against the relevant provisions of Part I are discussed below:

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 LOT 1 DP 1021801 (Cont'd)

## PART I – PROVISION OF OFF STREET PARKING FACILITIES

### Part 3.3 Office and Commercial

#### 3.3.1 Commercial Premises

<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
1 space / 40m <sup>2</sup> GFA (35 spaces / approx. 1429.7m <sup>2</sup> )	36 (9 spaces in pick-up drop off area and 27 spaces in main car park)	Yes
10% spaces / designated short stay (customer, visitor)	25%	No – Court approved rate
90% spaces / long stay (employees)	75%	No – Court approved rate
At least 1 courier car parking space	A courier space is not considered necessary.  No parking bay for the shuttle bus is indicated.	No
Driveways – in accordance with Appendix B	Existing eastern and western entry unchanged.	Unchanged

Note: The submitted Traffic and Parking Impact Assessment Report incorrectly applies the parking rate for Primary and Secondary schools under Part 3.9.

#### Assessing Officer's Comments:

- No waiting area for the shuttle-bus is shown on the submitted plans.
- The proposed car parking layout is not considered to provide a safe area for students to wait/disembark safely in the designated pick-up/drop-off area. Insufficient details are provided of how parking attendants will provide supervision, particularly during peak periods.
- There is a high risk for vehicle/pedestrian conflict and high risk to pedestrian/student safety, even if car parking attendants are available to supervise the operation of the drop-off/pick-up zone as indicated in the submitted Operational Management Plan.
- The car stacker option for staff at the rear of the site proposed in the SEE is not addressed in the Traffic and Parking assessment report.

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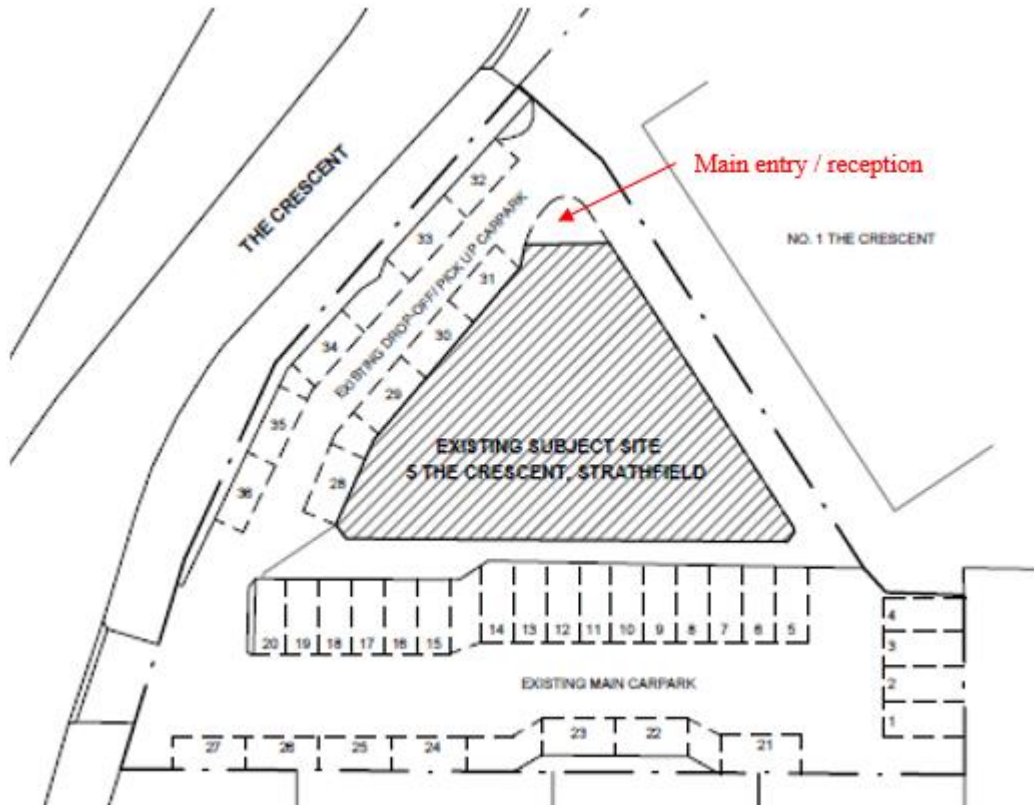


Figure 11. Site Plan accompanying the application showing existing car parking on the site.

## PART M – EDUCATIONAL ESTABLISHMENTS

### Part 1.2 Objectives of Part M

The proposal is considered to be inconsistent with the relevant objectives of Part M of SCDP 2005 in the following manner:

- the proposed increase in student capacity and operating hours is not considered to maintain pedestrian and traffic safety for both those associated with the educational establishment as well as neighbours and other road and footpath users, in accordance with objective 3;
- the proposed increase in operating hours and student capacity is not considered to operate with acceptable traffic impact on the local and regional road network, in accordance with objective 4; and
- the proposal is not considered to satisfactorily demonstrate how the College will take active on-going responsibility for the maintenance of traffic and pedestrian safety, the appropriate control of generated vehicular and pedestrian traffic, the dissemination of relevant safety and traffic procedures and requirements information and the ongoing monitoring and minimisation of traffic impacts, in accordance with objective 5;

### Part 4.3 Site Requirements

The proposal is inconsistent with the objectives and relevant guidelines for site requirements contained within Part 4.3, in the following manner:

- the proposal is considered to adversely impact upon the amenity of surrounding development in terms of traffic and parking impacts;

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

- the submitted traffic and parking impact assessment report is insufficient to enable a proper assessment of the traffic impacts on the local and regional road network; and
- The subject site is located in a residential cul-de-sac. Subclause (d) states that education establishments are discouraged in residential cul-de-sacs due to traffic circulation issues.

**Part 4.15 Traffic, Parking and Access**

The proposal is inconsistent with the objectives and guidelines for traffic, parking and access contained within Part 4.3, in the following manner:

- the proposal does not provide sufficient levels of car parking on-site for staff, students and visitors in accordance with objective 1;
- the proposal does not provide details of access for people with disabilities into and through the site in accordance with objective 2;
- the proposal is not considered to provide a safe and secure operation for all parking, drop off, entry and access points in accordance with objective 3;
- the proposed increase in student capacity and additional operating day will not minimise the impact of parking and traffic on nearby properties and the surrounding local and regional road network in accordance with objectives 4 and 5;
- the proposal does not segregate pedestrian access from vehicular access with clearly defined paths to and from the facility in accordance with guideline (h);
- the College is not considered to allow the safe drop of and collection of students and safe movement of staff, parents, visitors and service vehicles in accordance with guideline (m);
- the educational establishment does not provide details of standing areas for the dropping off and collecting of students as required by guideline (o); and
- the proposal does not include pedestrian safety measures such as pedestrian crossings and refuges in accordance with guideline (q).

**Part 4.16 External Impacts Management Plan**

Part 4.16 requires an External Impacts Management Plan to be prepared, that details the operational processes to fully address the objectives contained within Part 4.16.

An Operational Management Plan has been submitted with the application, however, this does not adequately address the matters required to be taken into account under Part 4.16 including details of an operational system for receiving and actioning complaints during educational establishment operating hours and other times of use.

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

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

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

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian

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Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

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

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

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

**79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The proposal is considered to adversely impact upon the amenity of surrounding development in terms of traffic and parking impacts.

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

The proposed development is considered to be unsuitable to the site for the following reasons:

- The proposal does not provide any additional on-site parking beyond that approved for the existing operating hours and student capacity.
- The proposal is contrary to the terms of the Land and Environment Court Appeal No. 10606/2001 approved by the Land and Environment Court on 8 January 2002, granting consent to use of No's 4-5 The Crescent, Homebush for the purposes of an educational establishment and associated car parking.
- The submitted Traffic and Parking Assessment Report is insufficient to enable a proper assessment of the parking and traffic impacts on the surrounding locality.
- Although SCDCP 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regard to the following, thereby making it unsuitable to the site:
  - (i) The subject site is located in a residential cul-de-sac. Subclause (d) of Section 4.3 of Part M of SCDCP 2005 states that education establishments are discouraged in residential cul-de-sacs due to traffic circulation issues. (Note: educational establishments are defined differently under SLEP 2012 and SCDCP 2005).
  - (ii) The proposal does not segregate pedestrian access from vehicular access with clearly defined paths to and from the facility. In this regard, the education establishment is not considered to allow the safe drop of and collection of students and safe movement of staff, parents, visitors and service vehicles within the site.

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

The application was notified in accordance with Part L of the SCDCP 2005 from 4 January 2018 to 25 January 2018, with nine (9) submissions received including a petition of 5 signatories, raising the following concerns:

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**LOT 1 DP 1021801 (Cont'd)**

1. Rebecca Sue, 60/1-4 The Crescent, STRATHFIELD
2. Patricia Madigan (Principal Signatory), Unit 12, 6-8 The Crescent, HOMEBUSH and four (4) signatories residing at 6-8 The Crescent, STRATHFIELD
3. Uma Thandur, 1/6 Homebush Road, STRATHFIELD
4. Strata Committee Members on behalf of the Owners Corporation of SP 69865, 1-4 The Crescent, STRATHFIELD.
5. Bin Lin

**Issues**

<b>Issue</b>	<b>Comments</b>
Parking impacts in the locality	<ul style="list-style-type: none"> <li>- Customers of the College park on private property, block driveways and obstruct access to the unit blocks at 1-3 Beresford Road and 1-4 The Crescent.</li> <li>- The Police have been called on occasions to resolve these issues.</li> </ul>
Damage to pedestrian pathways	<ul style="list-style-type: none"> <li>- Damage has occurred to concrete shields on pathways due to the weight of cars parked in this area.</li> </ul>
High traffic volume during operation hours	<ul style="list-style-type: none"> <li>- Traffic is bumper to bumper due to the College, along Homebush Road and down to Homebush Station.</li> <li>- Cars queue outside the premises along The Crescent, making it a one way street.</li> <li>- Conflicted entry/egress from 6-8 The Crescent due to traffic congestion.</li> <li>- Traffic congestion is exacerbated by the location of the site in a residential cul-de-sac.</li> <li>- Increasing the student capacity from 240 to 350 will exacerbate existing major traffic issues and the safety of residents of neighbouring residential flat buildings.</li> </ul>
Noise impacts	<ul style="list-style-type: none"> <li>- The application does not address the congestion and noise which occurs at the nearby roundabout.</li> <li>- Use of car horns gives rise to offensive noise.</li> </ul>
Sunday hours	<ul style="list-style-type: none"> <li>- Sundays are quieter and this provides a welcome break from the traffic/noise impacts.</li> <li>- It is recommended that there are no Sunday Classes in accordance with the existing operating hours.</li> </ul>
Damage to adjoining properties	<ul style="list-style-type: none"> <li>- Students of the College play in and cause damage to the gardens of common areas at No. 1-4 The Crescent.</li> <li>- Increasing the student capacity will intensity existing issues including litter.</li> </ul>

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



**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
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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 94 CONTRIBUTIONS**

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

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
  - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

Should this application be approved, a condition requiring payment of a section 94 contribution may be imposed by Council in lieu of any car parking shortfall calculated by Council.

**RECOMMENDATION**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be unsatisfactory for approval. Accordingly, the application is recommended for REFUSAL for the following reasons:

1. The proposal is contrary to Conditions 2, 3, 4 and 5 of the Land and Environment Court Appeal No. 10606/2001 approved by the Court on 8 January 2002, granting consent to use of No's 4-5 The Crescent, Homebush for the purposes of an educational establishment and associated car parking.
2. Although Strathfield Local Environmental Plan (SLEP) 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regards to aims (b) and (d) of SLEP 2012, as it does not contribute towards the orderly and sustainable development of land. (Section 79C(1)(a)(i), of the Environmental Planning and Assessment Act, 1979)
3. Although SCDCP 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regards to objectives 3, 4 and 5 of Section 1.2 of Part M of Strathfield Consolidated Development Control Plan (SCDCP 2005 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).
4. Although SCDCP 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regards to objectives 1 and 2 and guideline (d) of Section 4.3 of Part M of Strathfield Consolidated Development Control Plan (SCDCP 2005 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).
5. Although SCDCP 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regards to objectives 1, 2, 3, 4 & 5 and guidelines

**DA2017/186- 5 The Crescent, Strathfield NSW 2135  
LOT 1 DP 1021801 (Cont'd)**

(m), (o) and (q) of Section 4.15 of Part M of Strathfield Consolidated Development Control Plan (SCDCP 2005 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

6. Although SCDCP 2005 has no force with regard to the proposal, it is considered that the proposal would be unsatisfactory with regards to Section 4.16 of Part M of Strathfield Consolidated Development Control Plan (SCDCP 2005 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).
7. The submitted Traffic and Parking Impact Assessment Report is insufficient to make a proper assessment of the application.
8. The proposed extended hours and increased student capacity is not considered to be suitable to the location of the site within a residential cul-de-sac (Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979).
9. The proposal is not considered to be in the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979).

**ATTACHMENTS**

1. [↓](#) DA2017.186- Architectural Plans - 5 The Crescent, Strathfield



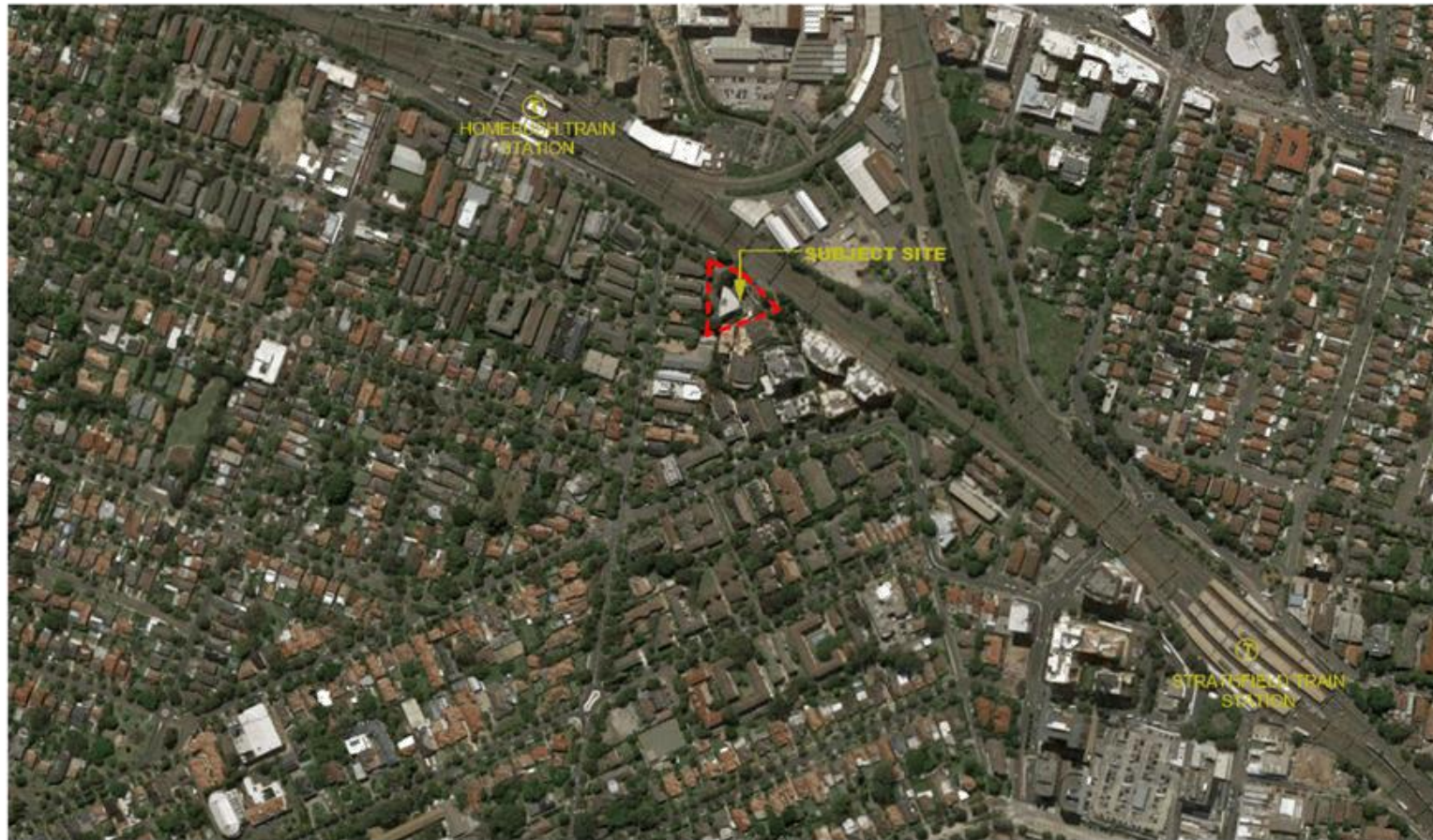
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**DEVELOPMENT APPLICATION      ISSUE A**

PRE-UNIVERSITY COLLEGE  
 5 THE CRESCENT, STRATHFIELD

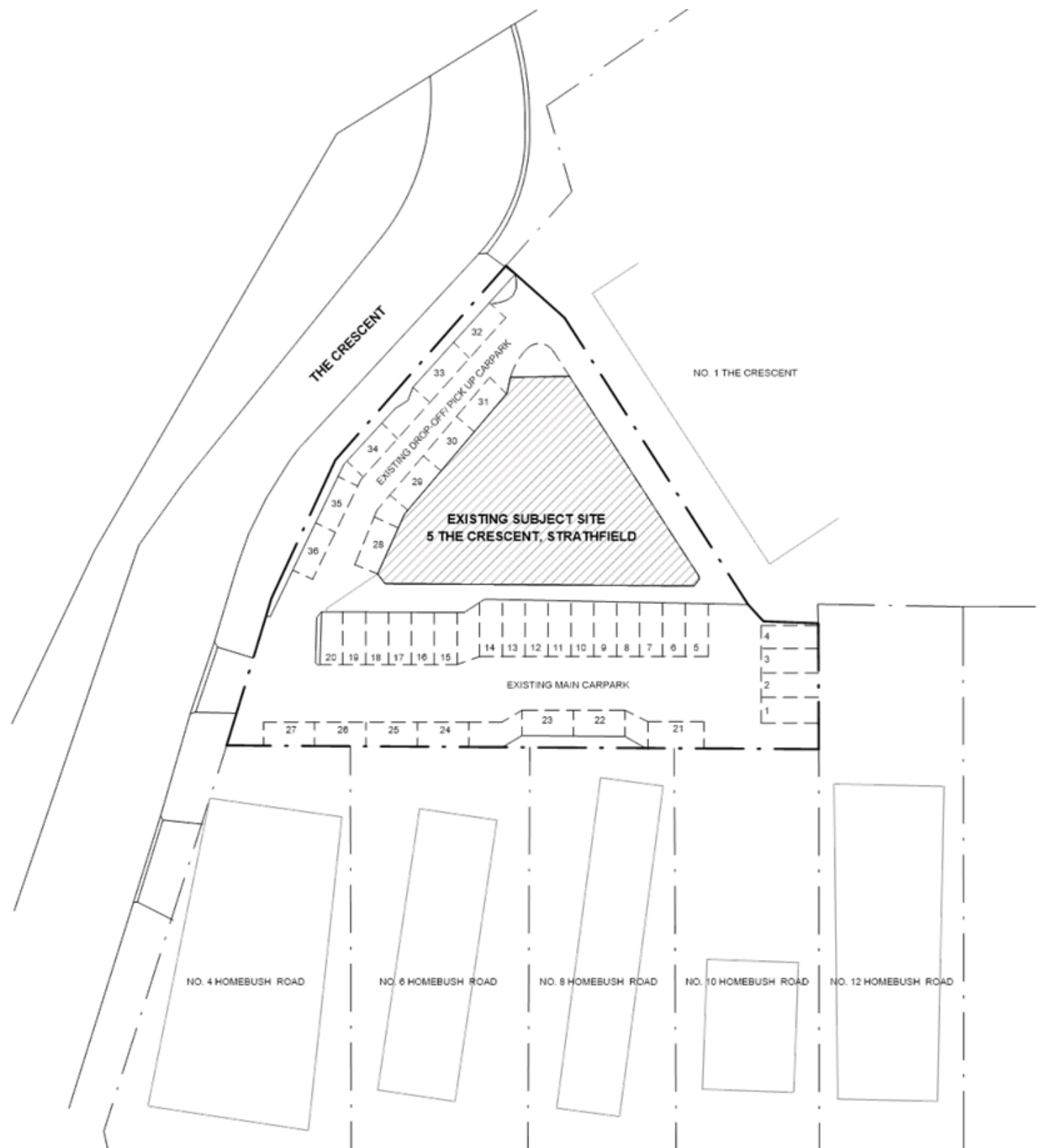


- A 0.00 COVER
- A 1.00 SITE PLAN
- A 1.01 EXISTING FLOOR PLAN - GROUND LEVEL
- A 1.02 EXISTING FLOOR PLAN - LEVEL 1
- A 1.03 EXISTING FLOOR PLAN - LEVEL 2
- A 1.04 EXISTING FLOOR PLAN - LEVEL 3

**SITE ANALYSIS PLAN**  
 NTS

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14 December 2017**



**EXISTING PLAN ONLY  
NO NEW WORK PROPOSED**

**1 SITE PLAN**  
1 : 500

ARCHITECTURE  
**mo**  
**MA**  
Nominated Architects

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Issue	Description	Date
1	FOR INFORMATION	27.11.17
A	FOR DEVELOPMENT APPLICATION	05.12.17

Client Name  
**PRE-UNI COLLEGE**

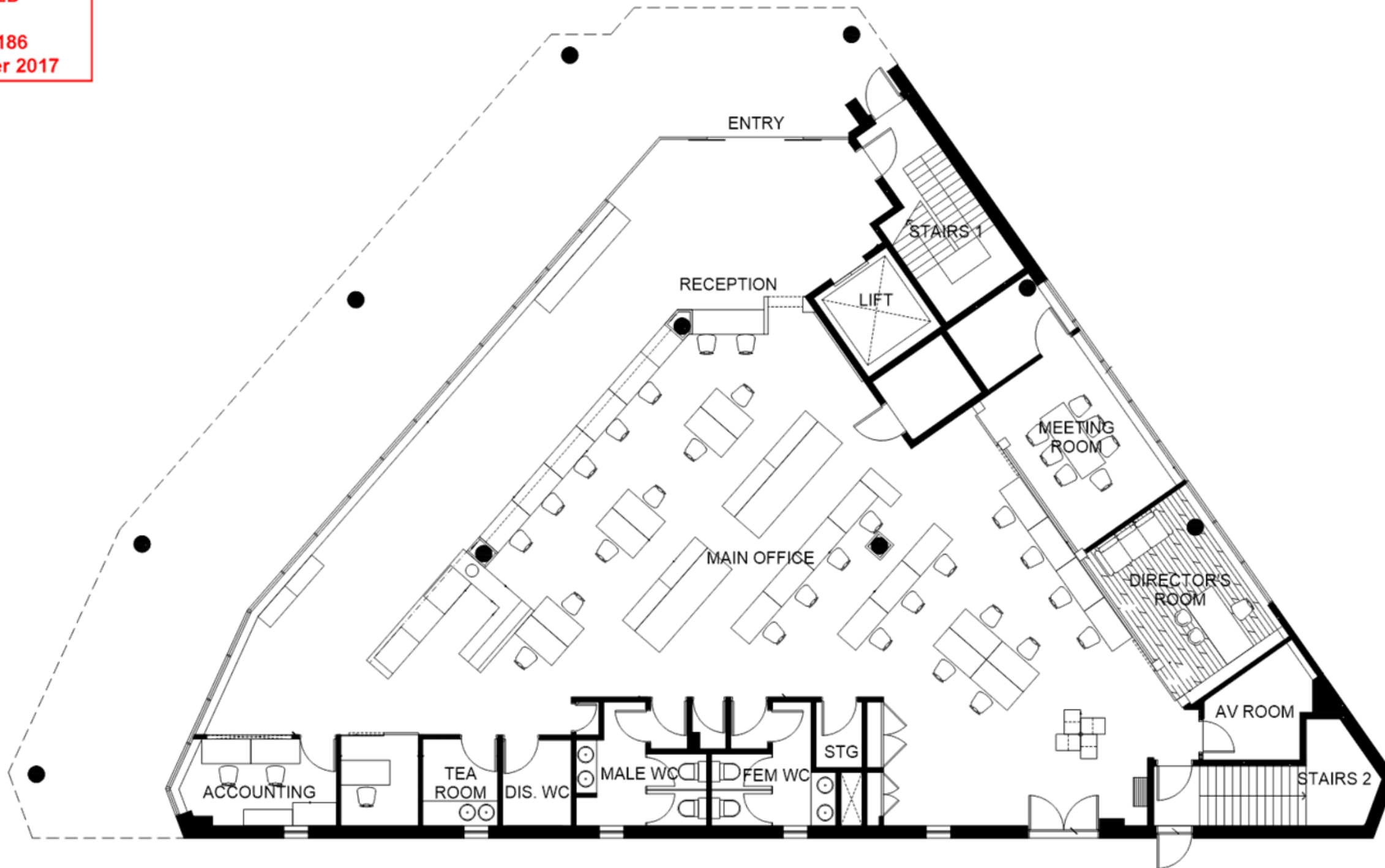
Project Name  
**5 THE CRESCENT, STRATHFIELD**



Drawing Title			
SITE PLAN			
Job No.	Scale	Drawing no.	ISSUE
A17014	1 : 500 @A3	A 1 00	A

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14 December 2017**



EXISTING PLAN ONLY  
NO NEW WORK PROPOSED

**1** EXISTING FLOOR PLAN - GROUND FLOOR  
1 : 100

ARCHITECTURE  
**mo**  
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1	FOR INFORMATION	27.11.17
A	FOR DEVELOPMENT APPLICATION	05.12.17

Client Name  
**PRE-UNI COLLEGE**

Project Name  
**5 THE CRESCENT STRATHFIELD**



Drawing Title			
EXISTING FLOOR PLAN - GROUND LEVEL			
Job No.	Scale	Drawing no.	ISSUE
A17014	1 : 100 @A3	A 1 01	A

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14 December 2017**



**EXISTING PLAN ONLY  
NO NEW WORK PROPOSED**

**1** EXISTING FLOOR PLAN - LEVEL 1  
1 : 100



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Issue	Description	Date
1	FOR INFORMATION	27.11.17
A	FOR DEVELOPMENT APPLICATION	05.12.17

Client Name  
**PRE-UNI COLLEGE**

Project Name  
**5 THE CRESCENT STRATHFIELD**



Drawing Title			
EXISTING FLOOR PLAN - LEVEL 1			
Job No.	Scale	Drawing no.	ISSUE
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14 December 2017



EXISTING PLAN ONLY  
NO NEW WORK PROPOSED

1 EXISTING FLOOR PLAN - LEVEL 2  
1 : 100

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Issue	Description	Date
1	FOR INFORMATION	27.11.17
A	FOR DEVELOPMENT APPLICATION	05.12.17

Client Name  
**PRE-UNI COLLEGE**

Project Name  
**5 THE CRESCENT STRATHFIELD**



Drawing Title			
EXISTING FLOOR PLAN - LEVEL 2			
Job No.	Scale	Drawing no.	ISSUE
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14 December 2017



EXISTING PLAN ONLY  
NO NEW WORK PROPOSED

1 EXISTING FLOOR PLAN - LEVEL 3  
1 : 100

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Issue	Description	Date
1	FOR INFORMATION	27.11.17
A	FOR DEVELOPMENT APPLICATION	05.12.17

Client Name  
**PRE-UNI COLLEGE**  
Project Name  
**5 THE CRESCENT STRATHFIELD**



Drawing Title			
EXISTING FLOOR PLAN - LEVEL 3			
Job No.	Scale	Drawing no.	ISSUE
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