

## 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, 6 December 2018**

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

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

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**TO:** Strathfield Local Planning Panel Meeting - 6 December 2018  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** DA2016/180/01- 22-28 COURALLIE AVENUE, HOMEBUSH WEST  
LOTS 11-14 IN DP 11427  
**DA NO.** DA2016/180/01

## SUMMARY

**Proposal:** Section 4.55 (2) application to modify the building height of the approved residential flat building and reconfigure the unit layout of Level 3.

**Applicant:** Moderinn Pty Ltd

**Owner:** Fusion Sydney Home Pty Ltd

**Date of lodgement:** 19 July 2018

**Notification period:** 30 July 2018 to 16 August 2018

**Submissions received:** One (1) written submission received

**Assessment officer:** ND

**Zoning:** R3 Medium Density Residential - *SLEP 2012*

**Heritage:** N/A

**Flood affected:** No

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

**Extent of the variation supported?** 6.8% (750mm including the lift overrun).

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

**Reason for SLPP referral:** The application seeks to delete Condition DASP007 imposed by the SLPP at its meeting of 4 May 2017

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

## EXECUTIVE SUMMARY

- 1.0 On 4 May 2017 SIHAP approved Development Application No. 2016/180 for demolition of existing structures and construction of a four (4) storey residential flat building containing 32 units comprised of eight (8) x 1 bedroom, (20) x 2 bedroom and four (4) x 3 bedroom units over two (2) levels of basement.
- 2.0 The subject application was lodged under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, seeking the deletion of Condition DASP007 requiring the removal of the uppermost level (Level 3) of the approved residential flat building and to reduce the floor to ceiling heights of all levels of the building.
- 3.0 The application and plans were notified from 30 July to 16 August 2018 where one (1) written submission received raising concerns regarding the building height.

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- 4.0 A Height of buildings development standard variation under Clause 4.6 of the *SLEP 2012* accompanies the application. The proposed variation is considered well founded and supported.
- 5.0 During the assessment process, Council worked with the applicant to amend the Level 3 floor plate and provide an improved residential amenity for future occupation to include large private open spaces and optimised solar access.
- 6.0 The development as modified will result in a building that is consistent with its context and is of an appropriate scale and height.
- 7.0 Subsequently, the development application is recommended for APPROVAL, subject to recommended conditions.

## BACKGROUND

4 May 2017: The Strathfield Independent Hearing and Assessment Panel (SIHAP) granted approval to Development Application No. 2016/180 for the demolition of existing structures and construction of a four (4) storey residential flat building containing 32 units comprising eight (8) x 1 bedroom, (20) x 2 bedroom and four (4) x 3 bedroom units over two (2) levels of basement.

The SIHAP imposed Special Condition No. DASP007 Building Height as follows:

*“The height of the building shall not exceed the maximum building height of 11m permitted under Clause 4.3 of the SLEP 2012. The reduction in height is to be achieved by deletion the top floor of the development. Plans shall be amended and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.*

*(Reason: The Clause 4.6 variation relating to height is not supported and not well founded. It is noted that the ground floor of the building is below natural ground level.)”*

19 July 2018: The current Section 4.55(1A) modification application was lodged.

30 July 2018

to 16 August 2018: The plans and accompanying documentation were placed on public notification. One (1) written submission was received as a result.

11 September 2018: A meeting was held with Council Planners and the applicant's project team to discuss the merits of the application. Issues raised included residential amenity, building height non-compliance, the merits of the Clause 4.6 statement and the appearance of the building from the public domain.

23 October 2018: Amended plans were submitted to Council in response to the issues raised.

## DESCRIPTION OF THE SITE AND LOCALITY

The site is located on the eastern side of Courallie Avenue comprising four (4) allotments, 22 - 28 Courallie Avenue (Figures 1 and 2) with a total area of 1,932m<sup>2</sup>. The site has a gentle slope with a cross fall of approximately 2.8m from the highest point at the rear south east corner to the lowest point at the north west corner.

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The subject site presently comprises four (4) single storey detached dwelling houses (one dwelling house on each allotment) and ancillary structures. Courallie Avenue contains a mix of detached dwellings and residential flat buildings with detached houses on the western side and a mix of residential flat buildings and detached dwellings to the east.

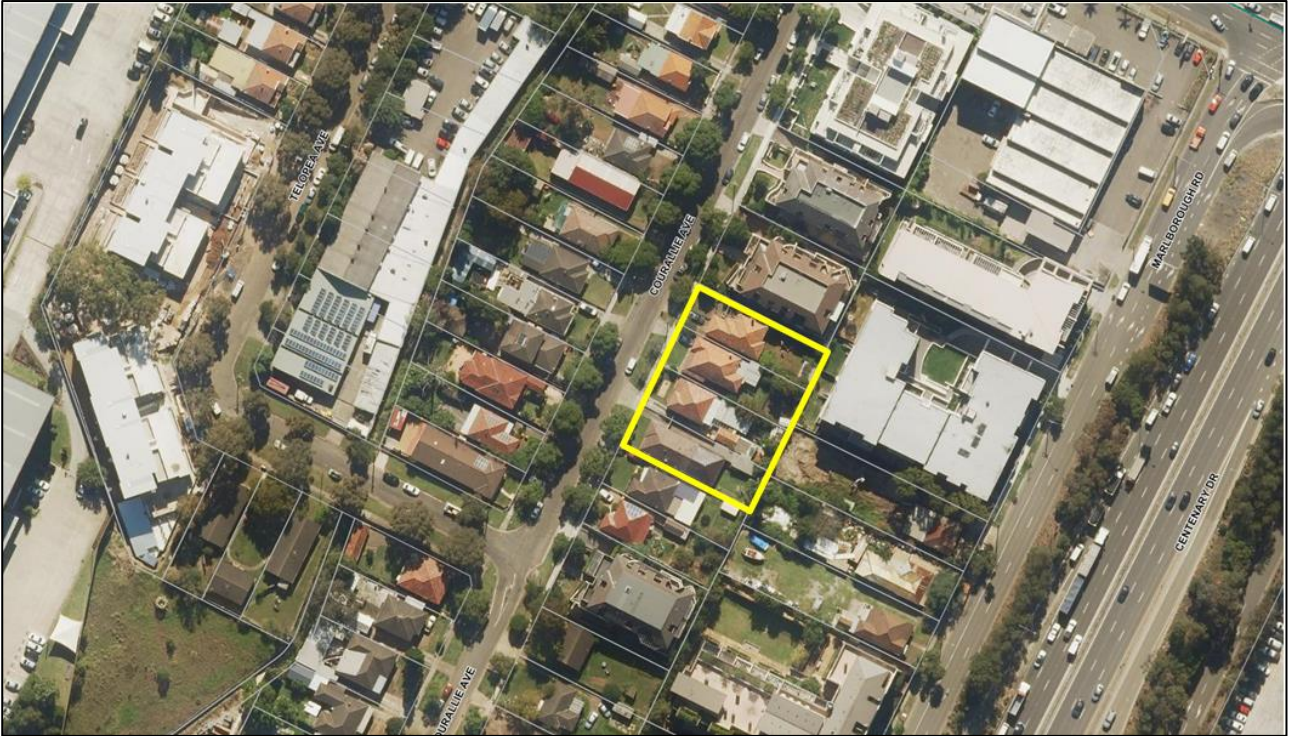


Figure 1: Locality plan. The subject site is outlined in yellow.



Figure 2: Existing dwellings at 22, 24, 26, and 28 Courallie Avenue.

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Figure 3: Eastern side of Courallie Avenue.



Figure 4: Western side of Courallie Avenue.

### DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

- Reduction of the floor to ceiling height of the Ground Level, Level 1 and 2 from 3m to 2.92m;
- Deletion of Condition DASP007 Building Height, requiring the removal of the uppermost floor;

#### "DASP007 Building Height"

*The height of the building shall not exceed the maximum building height of 11m permitted under Clause 4.3 of the SLEP 2012. The reduction in height is to be achieved by deletion the top floor of the development. Plans shall be amended and details demonstrating*

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*compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.*

*(Reason: The Clause 4.6 variation relating to height is not supported and not well founded. It is noted that the ground floor of the building is below natural ground level.)"*

- Construction of level 3 comprising two (2) x 3-bedroom adaptable units and one (1) x 2-bedroom adaptable unit.

The modifications will result in an amended apartment mix of:

- 8 x 1 bedroom units;
- 21 x 2 bedroom units; and
- 2 x 3 bedroom units.

TOTAL: 31 units

## REFERRALS

### INTERNAL REFERRALS

The approved development provided for (32) residential units. The application as modified reduces the yield by one unit, seeking (31) units with no change to the approved parking arrangements. Accordingly, the modifications did not warrant future referral.

## SECTION 4.55(2) OF THE EP&A ACT 1979

The modification as presented as assessed under Section 4.55(2) of the Environmental Planning and Assessment 1979 which states as follows:

### **4.55 Modifications of consents - generally**

#### **(2) Other modifications**

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

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

**Comment:** The intent of the development of the site for a residential flat building has not changed. The modified building envelope of Level 3 is substantially setback from the public domain to minimise its visibility and reduce the extent of non-compliance with the Height of Buildings development standard. The revised building envelope in conjunction with dark toned external finishes creates a built form consistent with the intended outcome originally approved. The Level 3 units are generously setback from the common boundaries, optimising separation distances and mitigating privacy impacts.

The modified upper level ensures the physical elements of the development remain intact. The modifications are considered to provide a high level of residential amenity for the future occupants with optimal solar access and privacy contained to the adjoining properties.

It is satisfied that the proposal is 'substantially the same development' as that which was originally approved.

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*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Comment:** The approved development was not Integrated Development. No referral to a public authority or approval body was required.

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

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

**Comment:** In accordance with Part L of the SDCDP 2005 the application was notified from 30 July 2018 to 16 August 2018. The issues raised in the submission are discussed in this report.

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

**Comment:** One (1) submission was received as a result of the notification period.

**(3)** *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.*

**Comment:** An assessment of the application as modified against the matters referred in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is contained in this report.

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

**Comment:** consent for the approved development was granted on 4 May 2017 by the SIHAP. In accordance with Clause 4.55(3), the resolution has been taken into consideration.

*"In consideration of Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that compliance with the development standard contained within Clause 4.3 (Height of Building) of the SLEP 2012 is well founded and considers that there are insufficient environmental planning grounds to justify contravening the development standard. The application be approved, subject to the recommended conditions of consent."*

The application as modified proposes to reduce the floor to ceiling heights on each level by 80mm resulting in an overall reduction to the approved residential flat building of 240mm. In addition to the proposed layout of Level 3, the development proposes a building height with a reduced breach (9% as per the original application 4.36% as modified). A revised Clause 4.6 variation accompanies this application.

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

In determining a modification 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*.



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

**(i) any environmental planning instrument**

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

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

The subject application was accompanied by an amended BASIX Certificate indicating that the modified development meets the targets for water, thermal comfort and energy. Accordingly, the relevant conditions of consent relating to the BASIX Certificate are modified to reflect the amended Certificate.

**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 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.

The design principles of the SEPP have been taken into consideration with regards to the proposed modification application.

**Apartment Design Guide Quality Design of Residential flat buildings**

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>
<b>1. 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 street is currently in a state of transition from low to medium density residential resulting in a shift from detached dwellings to residential flat buildings.</p> <p>The residential flat development is of contemporary design incorporating rendered masonry, metal cladding and exposed face brick finishes which is consistent with the external finishes of surrounding residential flat buildings and dwellings.</p>

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Principle	Objective	Proposed
<b>2. 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. 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 built form incorporates a mixture of external finishes (exposed face brick, cement render and metal cladding), articulation and textures to create visual interest and street level scale.</p> <p>The proposed uppermost level is substantially setback from primary building line largely presenting as a three storey building from the public domain, and minimising its perceived scale.</p> <p>Visual interest is on the main building façade and not the roof or sides, thereby creating a street level focus.</p>
<b>3. 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 uppermost level comprises three units (two x 3-bedroom and one x 2-bedroom unit).</p> <p>The proposed density is consistent with the medium density residential zoning of the site. The site is within good walking distance to Council's community bus service route at Centenary Drive and Marlborough Road.</p>
<b>4. Sustainability</b>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposed layout of Level 3 maximises the orientation of the site so the living rooms achieve the minimum solar access requirements under the ADG. All bedrooms are provided with windows to present opportunities for natural cross ventilation.</p> <p>The proposed layout has utilised the floor plate of the level below to provide unit and private open space areas which exceed the minimum unit and balcony requirements under the ADG. The two, 3-bedroom units are provided with two balconies, one off the open plan living area and the other off the bedroom.</p>

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Principle	Objective	Proposed
<b>5. 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>	<p>Planter boxes are proposed around the edges of the balconies on the rooftop adjacent to the private open space areas.</p>
<b>6. 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 well-being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The design of the uppermost level provides a high level of internal and external amenity. The layout optimises solar access for the open plan living areas whilst providing shade in the afternoon to the bedrooms.</p> <p>All three units are proposed as adaptable units with larger than the minimum requirements under the ADG for total unit size and private open space.</p>
<b>7. Safety</b>	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined</i></p>	<p>The private open spaces and windows of the level 3 units meet or exceed the visual privacy requirements under the ADG, minimising direct overlooking opportunities.</p>

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Principle	Objective	Proposed
	<i>secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	
<b>8. 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 seeks to provide an additional three units, two x 3-bedroom and one x 2-bedroom with all three proposed as ad[atable units. Resulting in the following apartment mix:</p> <ul style="list-style-type: none"> <li>• 8 x 1 bedroom units;</li> <li>• 21 x 2 bedroom units; and</li> <li>• 2 x 3 bedroom units.</li> </ul> <p>The proposed modifications introduce three bedroom units to the development, diversifying the apartment mix.</p>
<b>9. 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 residential flat building provides a built form of appropriate proportion and visual interest through the use of articulation, different building materials and finishes in its facades including rendered masonry, cladding, glass and exposed face brick. The overall visual appearance of the building is consistent with the existing residential flat buildings on Courallie Avenue.</p>

Design Criteria/Guidance	Required	Proposed	Compliance
3B – Orientation	2 hours solar access retained to neighbouring buildings.	The neighbouring building will retain at least two hours of solar access.	Yes.
3C – Public Domain Interface	<p>Balconies/windows oriented to overlook the public domain.</p> <p>Services concealed.</p> <p>Access ramps minimised</p>	The balconies of the proposed new units overlook the public domain (Courallie Avenue).	Yes
3F – Visual Privacy	<p>One to four storeys:                      6m between habitable rooms/balconies and boundary.                      3m between non-habitable rooms and boundary.</p>	All of the windows and private open spaces of the proposed units exceed 6m.	Yes
3J – Bicycle and	Vehicle access is integrated	The modification does not alter	Yes.

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Design Criteria/Guidance	Required	Proposed	Compliance
Car Parking	into building design, minimum width and provides adequate sight lines.  RMS parking rates apply within 800m of a railway station, otherwise car parking rates prescribed by the relevant council apply.	the approved car parking arrangement. 53 car parking spaces will remain within the basement level as approved.	
4A – Solar and Daylight Access	Min. 70% (22) receive 2 hours solar access.  Max. 15% units have no solar access	Twenty-two (71% of the total number of units in the development receive a minimum of two hours of solar access.  All three units proposed on the uppermost level will receive more than 2 hours of solar access.	Yes  Yes.
4B – Natural Ventilation	Min. 60% (19) are naturally cross ventilated in first 9 storeys.	Twenty-five (68%) of the total number of units in the development are naturally cross ventilated.  All three units proposed on the uppermost level are naturally cross ventilated.	Yes.
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m	All units are provided with a minimum of 2.7m ceiling heights to habitable rooms.	Yes.
4D – Apartment Size and Layout	Studio: 35m <sup>2</sup> 1 bed: 50m <sup>2</sup> 2 bed: 70m <sup>2</sup> 3 bed: 90m <sup>2</sup>  Habitable room depths max. 2.5 x ceiling height. Open plan layout: max. 8m from a window.  Master bed: min. 10m <sup>2</sup> Other bedroom: min. 9m <sup>2</sup>	All (31) units meet the minimum unit size requirements.  All habitable rooms are provided with at least one (1) window.  All bedrooms meet the minimum area requirements.	Yes.  Yes.  Yes.
4E – Private Open Space and Balconies	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 Min. dimension 2m.	All units are provided with a private open space area, meeting the area and depth size requirements.	Yes.
4F – Common Circulation and Spaces	Max. 8 apartments off a single core.	No more than five (5) apartments are accessed off a single core.	Yes
4G – Storage	Studio: 4m <sup>3</sup> 1 bed: 6m <sup>3</sup> 2 bed: 8m <sup>3</sup> 3 bed: 10m <sup>3</sup> At least 50% within the basement	The approved basement levels provide sufficient residential storage.	Yes.

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Design Criteria/Guidance	Required	Proposed	Compliance
4H – Acoustic Privacy	Orientate building away from noise sources. Party walls limited or insulated, like rooms together. Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms.	The subject site is located away from significant noise sources. Level 3 is configured with all bedrooms orientated away from the driveway and Courallie Avenue.	Yes
4J – Noise and Pollution	Site building to maximise noise insulation. Noise attenuation utilised where necessary.	Condition DAOU019 of the original consent requires all recommendations contained in the approved Acoustic Assessment Report to be adopted and implemented.	Yes
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal seeks to modify the apartment mix to the following: <ul style="list-style-type: none"> <li>• (8) x 1 bedroom units;</li> <li>• (21) x 2 bedroom units; and</li> <li>• (2) x 3 bedroom units.</li> </ul> The proposed modification seeks to provide an additional two x 3 bedroom and one x 2 bedroom units. No 3 bedroom units are provided to the approved building. All three (3) units are adaptable.	Yes
4M – Facades	Composition of building elements. Defined base, middle and top Building services integrated into the façade.	The overall building design has a defined base, middle and top components through the incorporation of modulated and articulated elements. The façade colours and use of articulated features to create interest are compatible with those used in residential flat buildings in Courallie Avenue.	Yes.
4N – Roof Design	Roof design integrated into the building. Incorporates sustainability features. May include common open space.	The top component, being the third level incorporates a dark blue metal cladding that is of similar tone to the roof structures of residential flat buildings in Courallie Avenue.	Yes.
4Q – Universal Design	At least 20% of units to achieve silver level universal design requirements for adaptability.	The proposal seeks to provide four (4) adaptable units (13%), three (3) of which are located on the proposed uppermost level.	No.
4U – Energy Efficiency	Adequate natural light to habitable areas. Adequate natural ventilation. Screened areas for clothes	The proposed units have been configured to optimise solar access and cross ventilation.	Yes.

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Design Criteria/Guidance	Required	Proposed	Compliance
	drying. Shading on northern and western elevations.		

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

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

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

**Comments:** The modified development provides residential housing with a high level of amenity for the future occupants. The building form is compatible with adjacent land uses in terms of the building height and design as well as the desired future character of the streetscape.

#### **Permissibility**

The site is zoned R3 Medium Density Residential, pursuant to *SLEP 2012* "residential flat building" is permissible with consent. No change is proposed to the approved land use of the site.

#### **Zone Objectives**

The proposed modifications to the height of the building and configuration of level 3 are consistent with the objectives of the R3 Medium Density Residential zone, providing for the housing needs of the community.

#### **PART 4: PRINCIPAL DEVELOPMENT STANDARDS**

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

##### **Height of building**

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	11m	11.75m (including the lift overrun).	<b>No</b>
<b>Objectives</b>				<b>Complies</b>
(a)	<i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>			<b>Yes</b>

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(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c)	To achieve a diversity of small and large development options.	Yes

**Comments:** Refer to Clause 4.6 exception to development standards assessment below.

**Floor space ratio**

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	1.2:1 (2,318.4m <sup>2</sup> )	1.18:1 (2,289.56m <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	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	Yes

**Comments:** The proposed modification will result in a compliant FSR of 1.18:1, providing a residential flat building with generous setback and appropriately distributed density across the site. Level 3 adopts recessed setbacks and a floor plat half of the size of the floor below, minimising its visibility from the public domain.

**Clause 4.6 Exceptions to Development Standards**

The application seeks a variation to a development standard pursuant to Clause 4.6 of the *SLEP* 2012. However, the application is made under Section 4.55 of the EP&A Act 1979, which is a free standing provision and which in itself authorises the development to be approved notwithstanding any breach of development standards. Nonetheless, the applicant submitted a Clause 4.6 variation statement and it is considered below.

- (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*

**Comments:** The applicant has provided a written request to justify the contravention of the building height standard on the following grounds:



DA2016/180/01- 22-28 Courallie Avenue, Homebush West  
 Lots 11-14 in DP 11427 (Cont'd)

- *“The variation to the height control arises from the topography of the property. The exceedance does not result in a building that is excessively bulky and indeed the variation will be largely subsumed into the bulk of the overall development with the areas of variation being located centrally within the building form and well recessed from the footprint of the floor level below.*
- *The development achieves the SEPP 65 design principles and readily complies with ADG requirements. The development presents ‘good design’.*
- *A compliant development would have a similar performance in regards to overshadowing, and bulk/scale, yet would require amendments to the development which would compromise social benefits and urban design outcomes.*
- *The variation enables the permitted floor space ratio to be achieved (but not exceeded) facilitating the orderly and economic development of the land.*
- *The variation is limited to part of the upper level only as a consequence of differing existing natural ground levels. The departure to the statutory height control is minor in a numeric sense and is beneficial from a town planning perspective having specific regard to the objectives of the control and the objectives of the zone. Compliance requiring the deletion of the upper floor level would also compromise the architectural integrity and urban design merit of the development, as previously discussed.*
- *The proposed height scale and massing of the development is considered to be compatible with the evolving and desired built character of the area. The minor variation to the height control would not be discernible to the casual passer-by and visually the proposed development will sit comfortably within its context.*
- *Importantly the area and configuration of the consolidated site promotes a design solution that minimises the visual and amenity impacts of the upper floor level enabling substantial setbacks to the street and side property boundaries. The limited footprint of the upper level and its substantial setbacks minimise its visual influence on the streetscape. The predominant visible or ‘read’ scale of the building will be three storeys rather than four storeys.*
- *In terms of amenity the upper level does not result in any significant shadow impacts and given the substantial setbacks of windows and balconies from the common property boundaries excellent physical separation is maintained for visual privacy.”*

The applicant’s written request is considered to have adequately addressed the relevant matters required to be demonstrated by sub-clause (3).

*(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*

**Comments:** To be satisfied that the proposed development will be in the public interest, an assessment against the objectives of the development standard (building height) and the R3 Medium Density Residential zoning of the site is provided below:

Land Use: R3 Medium Density Residential

<b>Objectives</b>	<b>Complies</b>
<b>To provide for the housing needs of the community within a medium density</b>	<b>Yes</b>

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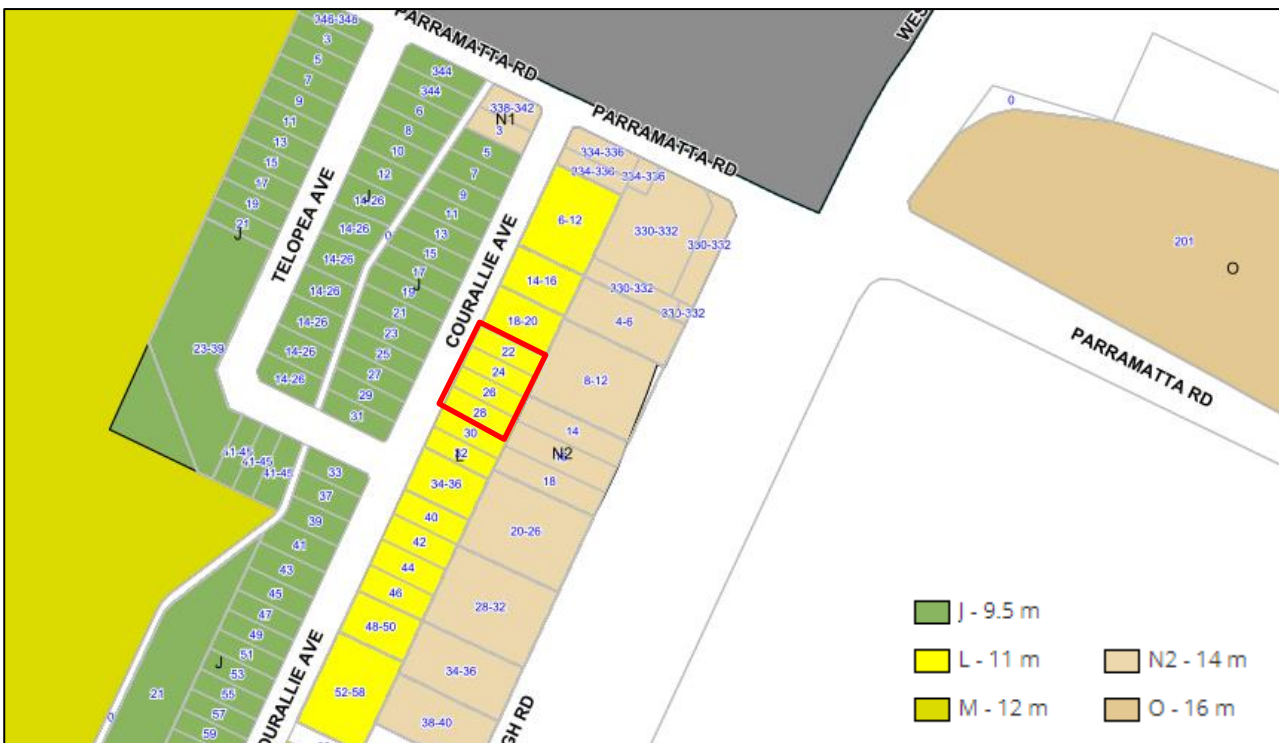
<i>residential environment.</i>	
<i>To provide a variety of housing types within a medium density residential environment.</i>	Yes
<i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i>	Yes

The development is of a form and scale (including a compliant FSR) that will provide for the housing needs of the community in a manner that is consistent with the medium density housing zoning of the land. The development as proposed to be modified provides a variety of housing types in that Level 3 comprises of two (2) x 3 bedroom units and one (1) x 2 bedroom units all of which are adaptable and exceed the minimum unit size, private open space and visual privacy requirements prescribed by the ADG.

Development Standard: Clause 4.3 Height of Building

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

The streetscape immediately surrounding the subject site is undergoing transition. As shown in Figure 5, there is a distinctive height transition from Marlborough Road (14m), the eastern side of Courallie Avenue (11m) and the western side of Courallie Avenue (9.5m). Marlborough Road comprises a mixture of residential flat buildings on consolidated and single allotments as well as undeveloped detached dwelling houses, similar to the eastern side of Courallie Avenue.

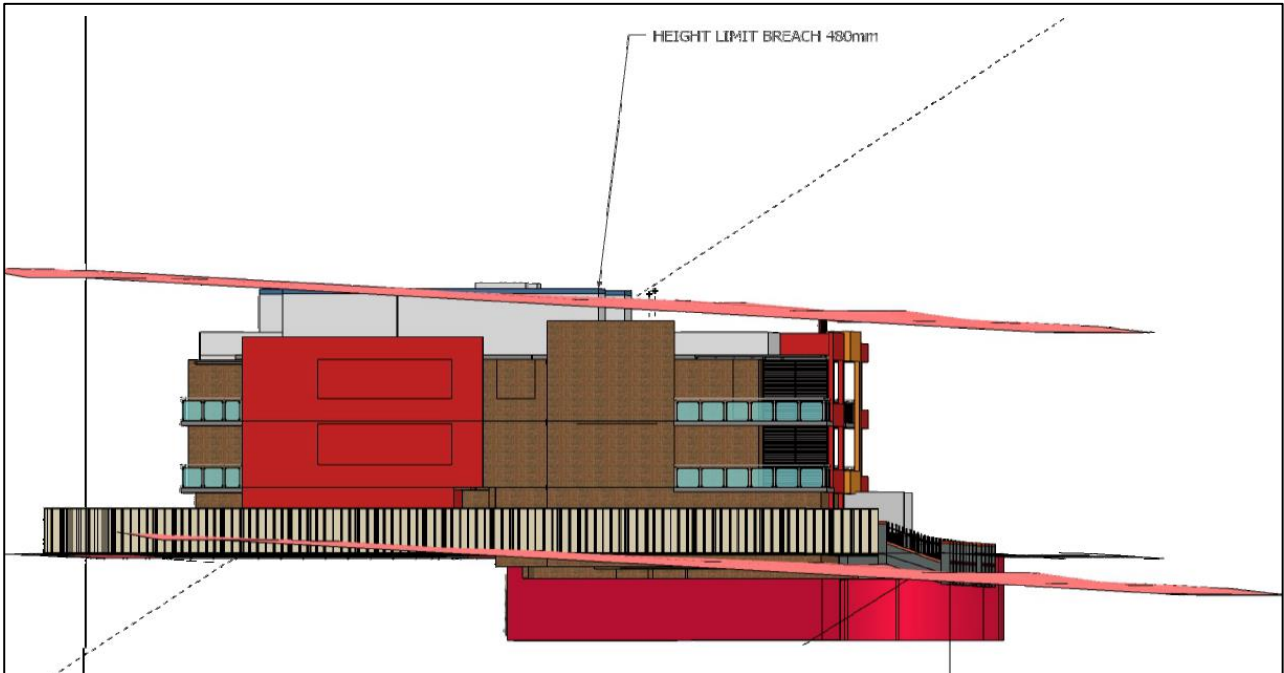


**Figure 5:** Building height map extract from the SLEP 2012. The subject site is outlined in red.

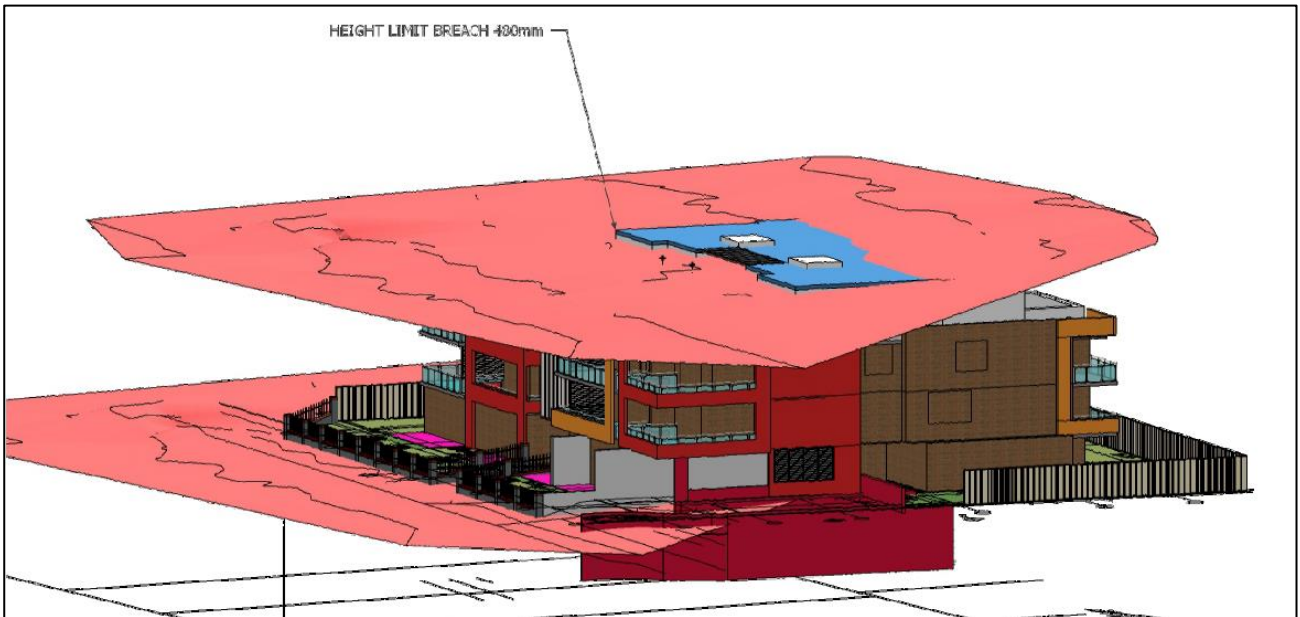
The subject site comprises four (4) residential allotments. The proposed building height variation of 6.8% (750mm) is confined to the lift overrun and the ceiling space of Level 3 (Figures 6 and 7) and

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 Lots 11-14 in DP 11427 (Cont'd)

is setback 16.159m from Courallie Avenue. The extent of the height non-compliance is attributed to the sloping nature of the site and the proposed flat roof plane.



**Figure 6:** North-eastern view of the areas exceeding the building height standard.



**Figure 7:** Western view of the areas exceeding the building height standard.

The prevailing streetscape scale for residential flat buildings along Courallie Avenue is four storeys. The proposed modifications provide a four storey development where the main building wall is recessed 10.15m from the level below and a total 16.15m from the front property boundary. Such setback provides an upper level that is minimally visible from the public domain. In addition, the materiality of level 3 is to be finished in vertical metal cladding, dark grey/blue in colour; a similar colour tone to the roof tiles of the residential flat buildings on Courallie Avenue.

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**Figure 7:** View of the existing dwellings at 22 and 24 Courallie Avenue, existing residential flat building at 18-20 Courallie Avenue and 8-12 Marlborough Road.

The proposed building height is consistent in establishing a height transition from Marlborough Road (14m) to the western side of Courallie and Telopea Avenue (9.5m). In regards to the eastern side of Courallie Avenue, the proposed modifications are generally compatible with the building height of residential flat buildings along the eastern side of Courallie Avenue. The extent and scale of the variation is considered to achieve an appropriate height transition from Marlborough Road to the western side of Courallie Avenue as envisaged by the SLEP 2012.

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

**Comments:** Clause 64 of the Environmental Planning and Assessment Regulation (2000), states the Council's LEP includes Clause 4.6-Exceptions to Development Standards, the Director General's [Secretary's] concurrence can be assumed subject to the Council being notified by the Director General [Secretary] of such. On 9 May 2008 the Department of Planning issued a Planning Circular (no PS08 – 003) notifying Councils that they may assume the Director General's [Secretary's] concurrence under environmental planning instruments that adopt clause 4.6(4)(b).

## **PART 5: MISCELLANEOUS PROVISIONS**

This modification application involves no changes to the assessment of the original application against Part 5 of the *SLEP 2012*.

## **PART 6: LOCAL PROVISIONS**

This modification application involves no changes to the assessment of the original application against Part 5 of the *SLEP 2012*.

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

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

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Lots 11-14 in DP 11427 (Cont'd)

#### 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.

### STRATHFIELD DEVELOPMENT CONTROL PLAN NO 20 – PARRAMATTA ROAD CORRIDOR AREA

DCP – 20 is of relevance to the assessment of an application for a residential flat building within the Parramatta Road Corridor Area and as such applies to the subject modification 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.

Section	Development Control	Required	Proposed	Compliance
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Refer to previous discussion of building height under SLEP 2012	N/A
2.4	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes:  1 bed – 70m <sup>2</sup> 2 bed - 85m <sup>2</sup> 3 bed - 100m <sup>2</sup>	The unit sizes of the ADG prevail.	N/A
2.5	Roof Form	Lift and service plants should be concealed within well designed roof structures.  Roof designs should consider generating an interesting skyline and enhancing views from adjoining developments.	A simple roof structure is proposed, diminishing visibility from the public domain. Di  The roof design is contained to the building of the upper most floor and a portion of the balcony to function as a shade structure.	Yes.
2.6	Façade Composition	To ensure that new development have well-articulated and harmonious built edges defining the public domain.  To encourage materials used in new developments to be compatible with adjoining developments and the streetscape in terms of type, form and colour.	The blue/grey metal cladding proposed for the uppermost level is compatible with the dark colour tones of the roof tiles of nearby residential flat buildings.	Yes.

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Section	Development Control	Required	Proposed	Compliance
2.8	Visual and acoustic privacy	Visual privacy to be provided by separation or screening.	ADG prevails	N/A
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	N/A
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Passive surveillance of the public domain is achieved through balcony orientation to Courallie Avenue.	Yes
2.9	Private Open Space	Common open space: 10% of site or 100m <sup>2</sup> (whichever is greater); Min dimensions of 7m.	ADG prevails	N/A
	Balconies	Min requirements: <ul style="list-style-type: none"> <li>12m<sup>2</sup> up to 2 bed; and</li> <li>15m<sup>2</sup> for 3 or more bed;</li> </ul> Min. depth 2.0m;  Located off living areas and with good solar access; and  Balcony designed to provide visual privacy.	ADG prevails.	N/A
	Energy Efficiency	Achieve required BASIX rating.	An amended BASIX Certificate accompanied the application.	Yes.
2.10	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails	N/A
2.12	Access for people with mobility disabilities	Car parking rates:  1 and 2 bed = 1 space <b>8 + 21 = 29 spaces</b>  3 bed = 1.5 spaces <b>2 x 1.5 = 3 spaces</b>  Visitor = 1 space per 5 units <b>31 / 5 units = 6.2</b>	As the site is located more than 800m from a train station, DCP 20 applies. The proposal provides 53 car parking spaces, 14 more than required.	Yes.

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Lots 11-14 in DP 11427 (Cont'd)

Section	Development Control	Required	Proposed	Compliance
		spaces <b>TOTAL = 39 spaces required.</b>		
		15% of units designed to allow occupation by older people and people with disabilities.	ADG prevails	Yes – subject to conditions.

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

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

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

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.

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

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

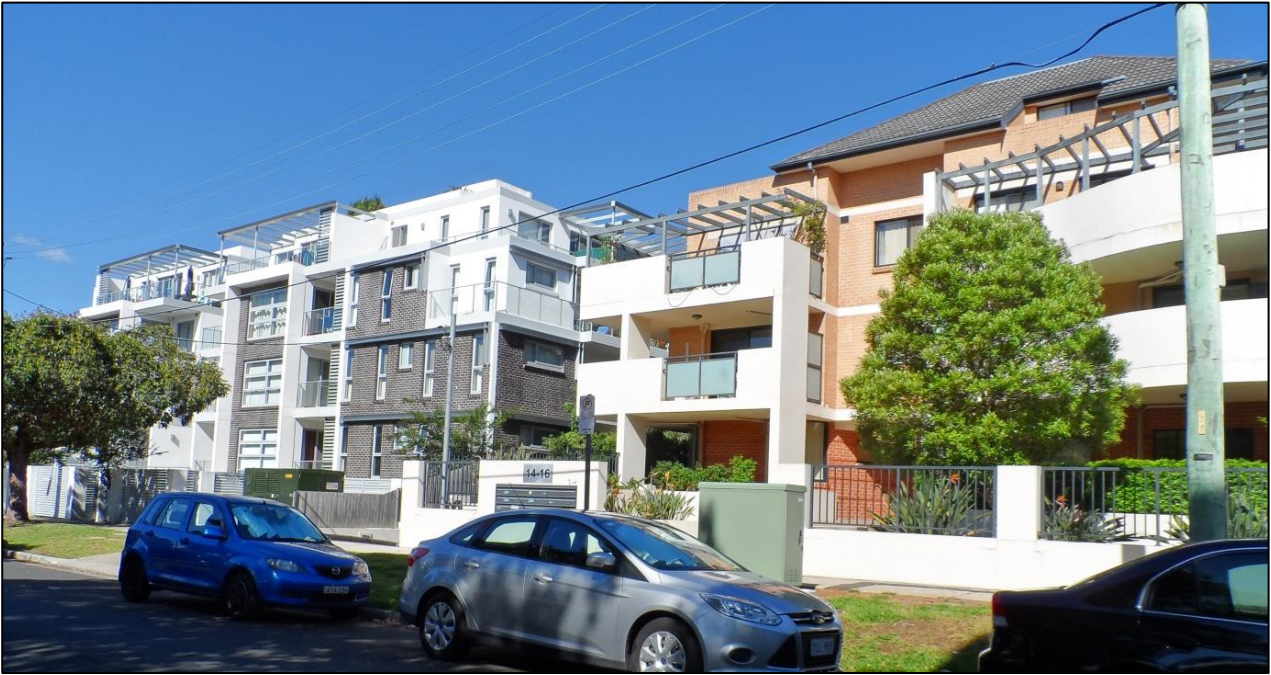
The proposed development is not located on a site that is subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

#### **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 Height and Streetscape Compatibility**

The modification application seeks to delete Special Condition No. DASP007, requiring the removal of the uppermost level of the approved residential flat building. The variation sought (6.8% or 750mm) is reduced to the variation (9% or 1m) proposed under the original consent. The modification provides three (3) adaptable units with a high level of residential amenity that exceeds the unit size, private open space and visual privacy requirements of the ADG. The development as proposed to be modified is compatible with the form and building heights of the residential flat buildings on the eastern side of Courallie Avenue (Figure 8 and 9). Overall, the extent and scale of the variation will achieve an appropriate height transition from Marlborough Road to the western side of Courallie Avenue as envisaged by the SLEP 2012.

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**Figure 8:** Existing residential flat buildings at No. 6-12 and 14-16 Courallie Avenue.



**Figure 9:** Photomontage of the modified development.

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

The approved development as modified does not change the suitability of the development on the site.

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

In accordance with Part 'L' of the Strathfield Consolidated Development Control Plan 2005, the subject application was notified from 30 July 2018 to 16 August 2018 with one (1) written submission received raising the following concerns:

1. *Building Height*



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*What justification has been provided by the applicant for the proposed building height breach and thereby not complying with the 11 maximum building height?*

Assessing Officer's Comment: As previously commented, the majority of the residential flat buildings along the eastern side of Courallie Avenue are four storeys, with the uppermost level setback, thereby presenting within the streetscape as a three storey form. The proposed building height non-compliance is primarily attributed to the topography of the site, with the non-compliant component of the development confined to a small portion of level 3. The variation is considered acceptable and the applicant's justification is well founded.

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

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

Provision of Community Facilities	\$ 53,186.35
Provision of Major Open Space	\$241,981.95
Provision of Local Open Space	\$102,359.83
Provision Roads and traffic Management	\$ 11,494.66
Administration	\$ 4,586.13

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**TOTAL** **\$413,608.91**

**CONCLUSION**

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

**PEER REVIEW**

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

**RECOMMENDATION**

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2016/180 to reduce the building height of the residential flat development, configure unit layout on level 3 at 22-28 Courallie Avenue,

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Lots 11-14 in DP 11427 (Cont'd)**

Homebush be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. 2017/033 as approved by SIHAP on 4 May 2017 for demolition of existing structures and construction of a four (4) storey residential flat building containing (32) units comprised of eight (8) x 1 bedroom, (20) x 2 bedroom and four (4) x 3 bedroom units over two (2) levels of basement.
2. As modified by the Section 4.55(2) application (DA2016/180/01) application to modify the building height of the approved residential flat building and reconfigure the unit layout of Level 3 involving:
  - Modify DAGC005 Building Height;
  - Delete DASP007 Building Height;
  - Modify DACC050 Section 7.11 Contributions

The conditions that have been modified as part of this application are highlighted in blue.

Accordingly, Development Consent No. 2016/180 is approved as follows:

**Development Description:**

Demolition of existing structures and construction of a four (4) storey residential flat building containing (31) units comprised of eight (8) x 1 bedroom, (21) x 2 bedroom and two (2) x 3 bedroom units over two (2) levels of basement.

**Special Conditions (DASP)**

**DASP001 Side Boundary Fence**

A 1.8m high solid fence is to be maintained or provided along the southern side boundary of the property to a distance of 2m from the front of the property. A 1m high solid fence is to be provided along the southern side boundary to a distance of 2m from the front of the property.

Details of the above measures shall be annotated on the plans and submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

(Reason: To maintain the amenity of adjoining properties)

**DASP002 Fencing Damage During Construction**

The existing fence along the northern side boundary is to remain in place and be repaired or reinstated as needed after completion of construction to match its condition prior to construction.

(Reason: To ensure any fencing damaged during construction is repaired)

**DASP003 Visual Privacy**

All windows on the side (north and south) elevations of the building on Levels 1 and 2 are to be either opaque glass to a height of 1.7m from the finished floor level or have external fitted privacy screens. This comprises windows in Units 11, 13, 17, 19, 20, 22, 26 and 28.

Details of the above measures shall be annotated on the plans and submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

(Reason: To maintain visual privacy)

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**DASP004 Visual Privacy**

All the balcony edges on the side (north and south) elevations of the building on Levels 1 and 2 are to be fitted with floor to ceiling privacy screens with maximum 25mm apertures (gaps). This comprises the balconies in Units 11, 13, 17, 19, 20, 22, 26 and 28.

Details of the above measures shall be annotated on the plans and submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

(Reason: To maintain visual privacy)

**DASP005 Balustrades**

The glass balustrades at first floor level on the western elevation are to be obscured glass. Details demonstrating compliance shall be submitted to the Principal Certifying Authority and drawings notated accordingly, prior to the issue of the Construction Certificate.

(Reason: To enhance privacy of the units.)

**DASP006 Solar Devices**

Solar devices are to be introduced to the northern and western sides of the building. Details demonstrating compliance shall be submitted to the Principal Certifying Authority and drawings notated accordingly, prior to the issue of the Construction Certificate.

(Reason: To improve the amenity of the development and achieve compliance with ADG requirements.)

**DASP007 DELETED**

**DASP008 Road Widening**

Prior to the issue of any Occupation Certificate (including any Interim Occupation Certificate) the road carriageway along the western side of the development is to be widened to match the existing kerb line north of 22 Courallie Avenue, Homebush West. Works must be carried out by a suitable contractor in accordance with an approved Works Permit at no cost to Council.

(Reason: To provide adequate vehicular access.)

**General Conditions (DAGC)**

**DAGC001 Approved plans and reference documentation**

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. 2016/180:

<b>Drawing No.</b>	<b>Title/Description</b>	<b>Prepared by</b>	<b>Issue / Revision &amp; Date</b>	<b>Date received by Council</b>
1001	Basement 2 Floor Plan	Moderinn Pty Ltd	C	7 February 2017
1002	Basement 1 Floor Plan	Moderinn Pty Ltd	D	7 February 2017
1003	Ground Floor Plan	Moderinn Pty Ltd	D	7 February 2017
S4.55 - 1004	Level 1 & 2 Floor Plan	Moderinn Pty Ltd	A	6 December 2016
<b>S4.55 - 1005</b>	<b>Level 3 Floor Plan</b>	<b>Moderinn Pty Ltd</b>	<b>B</b>	<b>23 October 2018</b>
<b>S4.55 - 1006</b>	<b>Roof/Site Plan</b>	<b>Moderinn Pty Ltd</b>	<b>B</b>	<b>23 October</b>

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Lots 11-14 in DP 11427 (Cont'd)

				2018
S4.55 - 1007	Adaptable Floor Plan	Moderinn Pty Ltd	B	23 October 2018
S4.55 - 1008	Elevations 1	Moderinn Pty Ltd	B	23 October 2018
S4.55 - 1009	Elevations 2	Moderinn Pty Ltd	B	23 October 2018
S4.55 - 1010	Sections	Moderinn Pty Ltd	A	23 October 2018
C01 (sheet 1)	Concept Stormwater Drainage	Development Engineering Solutions	03	29 March 2017
C02 (sheet 2)	Concept Stormwater Drainage	Development Engineering Solutions	03	29 March 2017
C03 (sheet 3)	Concept Stormwater Drainage	Development Engineering Solutions	03	29 March 2017
160009	Waste Management Plan	Moderinn Pty Ltd	B	7 February 2017
C03	Sedimentation & Erosion Control	Development Engineering Solutions	A	7 February 2017
5000	Finishes Schedule	Moderinn Pty Ltd	A	6 December 2016
DP	Demolition Plan	Moderinn Pty Ltd	A	6 December 2016
LPDA17-029 Page 1	Landscape Plan	Conzept	July 2016	6 December 2016
LPDA17-029 Page 2	Specification & Detail	Conzept	July 2016	6 December 2016

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/180:

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
Waste Management Plan	Moderinn Pty Ltd	7 February 2017	7 February 2017
Work Method Statement	Moderinn Pty Ltd	Issue A	7 February 2017
<b>BASIX Certificate</b>	<b>No. 754782M_07</b>	<b>Issued 22 October 2018</b>	<b>23 October 2018</b>
Acoustic Assessment	SLR Global Environmental Solutions	V.10 / 14 September 2016	6 December 2016
Geotechnical Investigation Report	Alliance Geotechnical	14 July 2016	6 December 2016
Arboricultural Assessment	Arboreport	9 September 2016	6 December 2016
BCA Report	Essential Certifiers	18 November 2016	6 December 2016
Stage 2 Environmental Assessment	Alliance Geotechnical	11 July 2016	6 December 2016
Access Report	Accessible Building Solutions	29 September 2016	6 December 2016
Traffic and Parking Assessment Report	Varga Traffic Planning	10 October 2016	6 December 2016

In the event of any inconsistency between the approved plans and supplementary

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Lots 11-14 in DP 11427 (Cont'd)**

documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

**DAGC005 Building height (maximum RL to be complied with)**

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) **23.08AHD**.

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

**DAGC007 Construction hours**

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)

**DAGC008 Construction within boundaries**

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).

**DAGC009 Demolition (generally)**

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)

**DAGC011 Demolition (site safety fencing)**

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

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

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

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(Reasons: Statutory requirement and health and safety)

**DAGC017 Landscaping (irrigation of common and private landscape areas)**

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance)

**DAGC021 Lighting**

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)

**DAGC022 Materials (external materials and reflectivity)**

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)

**DAGC023 Materials (schedule of external materials, finishes and colours)**

The 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)

**DAGC024 Principal certifying authority (PCA) identification sign**

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)

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**DAGC025 Privacy (screen planting to side and rear boundaries)**

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)

**DAGC027 Site management (during demolition and construction works)**

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

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

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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)

**DAGC028 Stormwater management plan (certification requirement)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority 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)

**DAGC029 Sydney water (stamped plans prior to commencement)**

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)

**DAGC030 Utilities and services (protection of)**

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

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

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

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



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

(Reason: To ensure protection of Council assets)

**DAGC031 Waste (trackable)**

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

Reason: To ensure compliance with legislation)

**Conditions to be satisfied prior to the issue of a Construction Certificate (DACC)**

**DACC001 Access (access for people with disabilities)**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards)

**DACC007 BASIX commitments**

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)

**DACC008 Bicycle storage provision**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options)

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**DACC010 Building code of Australia (compliance with)**

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)

**DACC011 Car parking (basement car parking requirements)**

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)

**DACC012 Car parking (disabled car parking spaces)**

6 (5 for residents and 1 for visitors) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability)

**DACC013 Car parking**

The following car parking and service vehicle requirements apply:-

- (i) 53 car spaces shall be provided on the development site. This shall consist of:
  - 1 car wash bay
  - 45 residential spaces (including 5 disabled);
  - 7 visitor spaces (including 1 disabled);

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- (i) All car spaces shall be allocated and marked according to this requirement.
- (ii) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (iii) 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.
- (iv) The parking bays shall be delineated by line marking.
- (v) 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.
- (vi) 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)

**DACC015 Car parking (vehicular access ramps)**

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)

**DACC016 Car parking (compliance with AS/NZS 2890.1:2004)**

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS

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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)

**DACC017 Car parking (vehicular circulation, aisle and ramp widths)**

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)

**DACC019 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)

**DACC020 Construction and environmental management plan**

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

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

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

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commencement of asbestos removal works and remain in place until works are completed.

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

**DACC021 Dilapidation report (pre-commencement)**

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)

**DACC022 Driveway width (multi-unit development)**

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)

**DACC023 Driveway design (speed hump and stop sign on exit)**

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)

**DACC024 Erosion and sedimentation control plan**

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.

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- (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)

**DACC025 Excavation (affecting adjoining land)**

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)

**DAGC026 Excavation (dewatering)**

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- (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.

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- (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)

**DAGC027 Excavation (shoring)**

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)

**DACC036 Hoardings**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

(Reason: Public safety)

**DACC038 Landscaping (maintenance strategy)**

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)

**DACC039 Landscaping (on slab)**

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



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Authority with the Construction Certificate application.

(Reason: Ensure landscape survival)

#### **DACC040A Landscaping – Trees for retention**

The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
Tristaniopsis laurina (Water Gum)	6m x 7m	Nature strip	2.9m	2.0m

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

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

#### **DACC040B Landscaping – Trees for removal**

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

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>
Plumeria rubra (Frangipani)	8m x 5m	Within development footprint
Lagerstroemia indica (Crepe Myrtle)	9m x 4m	Within development footprint
Lophostemon confertus (Brush Box)	7m x 10m	Within development footprint

#### **DACC042 Noise and vibration management plan**

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

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demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

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

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

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

**DACC045 Privacy (obscure glazing in wet areas)**

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)

**DACC050 Section 7.11 contributions (direct contributions plan)**

In accordance with the provisions of Section 7.11 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	\$ 53,186.35
Provision of Major Open Space	\$241,981.95
Provision of Local Open Space	\$102,359.83
Provision Roads and traffic Management	\$ 11,494.66
Administration	\$ 4,586.13
<hr/>	
<b>TOTAL</b>	<b>\$413,608.91</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.

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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)

**DACC052 Security payment (damage deposit for council infrastructure)**

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

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

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

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

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

(Reason: Protection of Council infrastructure)

**DACC053 Stormwater (rainwater re-use)**

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)

**DACC054 Stormwater (silt arrestors and gross pollutant traps)**

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Environmental protection)

**DACC059 Works permit**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior

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any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

*(Reason: Council requirement)*

**DACC060 Works (within the road reserve)**

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

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

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

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

All civil engineering works adjacent/near/outside 22-28 Courallie Avenue are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

**DACC061 Traffic (construction traffic management plan)**

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;

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

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

**DACC062 Utilities and telecommunications (electricity connection)**

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

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

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

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

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

(Reason: Environmental amenity)

**DACC063 Utilities and telecommunications (electricity substation)**

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.

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(Reason: Access to utility)

**DACC064 Utilities and telecommunications (telecommunications assets)**

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

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

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

**DACC065 Vehicular crossings (works permit for construction of)**

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)

**DACC066 Ventilation systems (mechanical)**

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).

**DACC067 Waste Management Plan**

The approved Waste Management Plan (WMP) is to be implemented during demolition, construction and on-going use of the premises.

(Reason: To ensure appropriate management of waste)

**DACC069 Waste (garbage rooms or grease arrestor rooms)**

Garbage rooms or grease arrestor rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health)

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**DACC071 Water sustainability (generally)**

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- (i) toilet flushing;
- (ii) clothes washing;
- (iii) garden irrigation;
- (iv) car washing and similar outdoor uses;
- (v) filling swimming pools, spa pools and ornamental ponds; and
- (vi) fire fighting.

(Reason: To promote sustainable water management practices)

**DACC072 Water heating systems (location of)**

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)

**DACC073 Works zone (approval by council's traffic committee)**

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 (DAPC)**

**DAPC001 Appointment of a Principal Certifying Authority**

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

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- 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)

**DAPC002Home building compensation fund**

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

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

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



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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)

**DAPC003 Notice of commencement**

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 (DADW)**

**DADW001 Contaminated land unexpected finds**

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

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

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

(Reason: To ensure compliance with statutory requirements)

**DADW002 Fill material**

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)

**DADW006 Obstruction of public way (not permitted during works)**

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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)

**DADW007 Public infrastructure and services**

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)

**DADW010 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 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

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- 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)

**DADW011 Survey report of approved levels (during and post construction)**

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

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

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

(Reason: To ensure compliance with the approved plans)

**Conditions to be satisfied prior to the issue of an Occupation Certificate (DAOC)****DAOC003 Car parking (surplus vehicular crossings)**

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure)

**DAOC004 Car parking (visitor car parking signage)**

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)

**DAOC006 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

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- (ii) the car parking arrangement and area; and/or
- (iii) any related footpath crossing works; and/or
- (iv) the proposed basement pump and well system; and/or
- (v) the proposed driveway and layback; and/or
- (vi) any other civil works

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management)

**DAOC007 Fire Safety (certification)**

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)

**DAOC011 Landscaping (arborist's follow up report of tree/s to be retained)**

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:

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- (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)

**DAOC013 Occupation of building**

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)

**DAOC014 RAINWATER TANKS**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- (i) Australian/New Zealand Standard AS/NZS 3500:2003;
- (ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- (iii) Council's rainwater tank policy.

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

(Reason: To protect public health and amenity)

**DAOC017 Stormwater (certification of the constructed drainage system)**

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)

**DAOC018 Stormwater (covenant and restriction as to user for stormwater controlled systems)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E of the Conveyancing Act shall be created on the title of the property detailing the :

- (a) On-site stormwater detention

Where any drainage line or service conduit is to traverse any property other than that which

**DA2016/180/01- 22-28 Courallie Avenue, Homebush West  
Lots 11-14 in DP 11427 (Cont'd)**

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)

**DAOC019 Subdivision (evidence of consolidation)**

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land)

**DAOC021 Ventilation systems (mechanical)**

The mechanical ventilation system is to comply with the following:

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

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

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

**DAOC022 Ventilation systems (natural)**

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 (DASC)****DASC005 Separate application (for strata subdivision)**

This consent does not imply approval to create a separate title, by subdivision or otherwise.

**DA2016/180/01- 22-28 Courallie Avenue, Homebush West  
Lots 11-14 in DP 11427 (Cont'd)**

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)

**Conditions to be satisfied during ongoing use of the premises (DAOU)**

**DAOU006 Fire Safety (annual statement)**

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)

**DAOU019 Noise (compliance with acoustic assessment report)**

All recommendations contained in the approved Acoustic Assessment Report prepared by SLR Consulting dated 14 September 2016 shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

(Reason: Noise control and amenity)

**DAOU036 Visitor parking restriction**

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)

**DAOU037 Waste and recycling (collection hours)**

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

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

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

**DA2016/180/01- 22-28 Courallie Avenue, Homebush West  
Lots 11-14 in DP 11427 (Cont'd)**

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

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

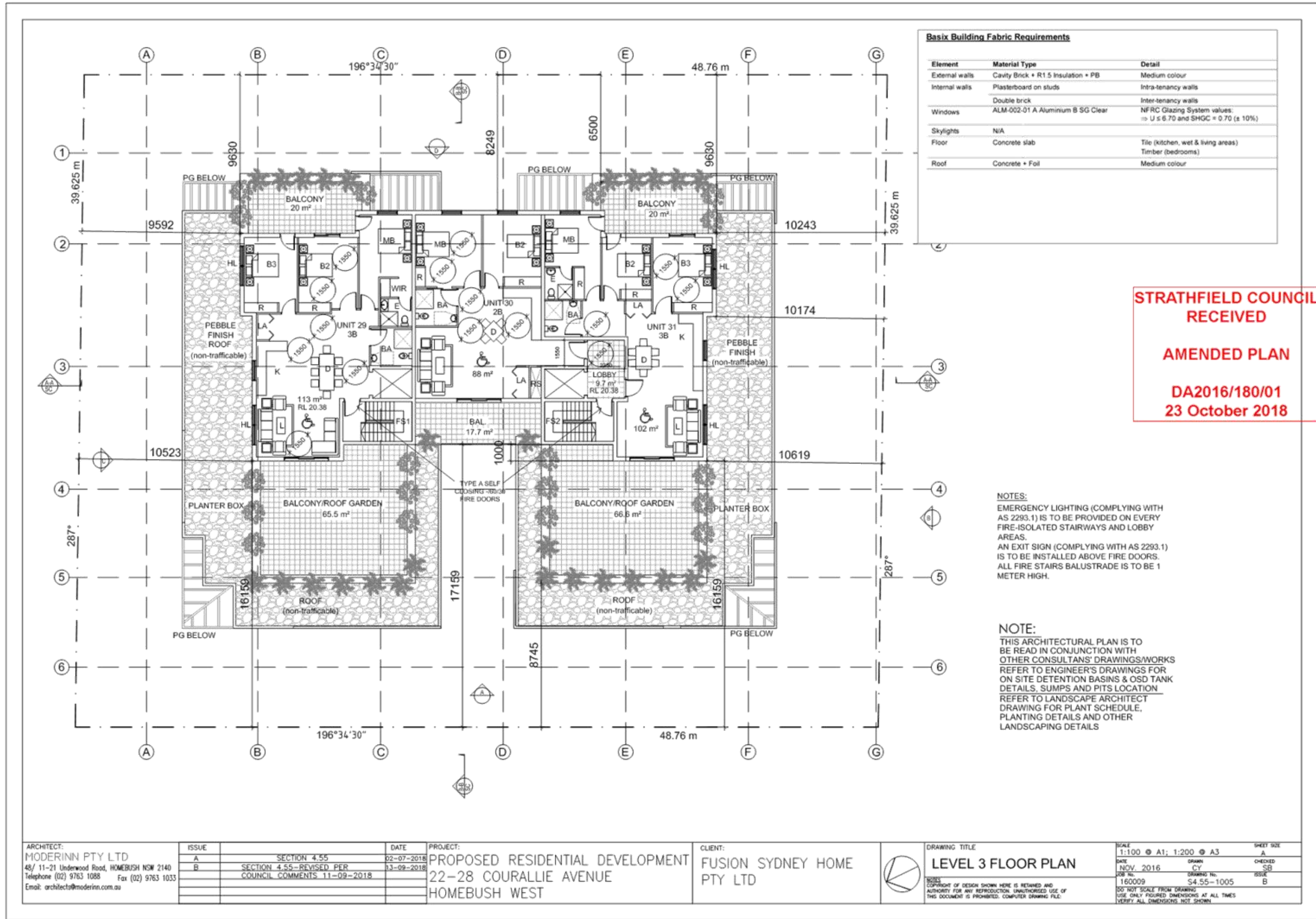
(Reason: To regulate noise and garbage collection arrangements)

**ATTACHMENTS**

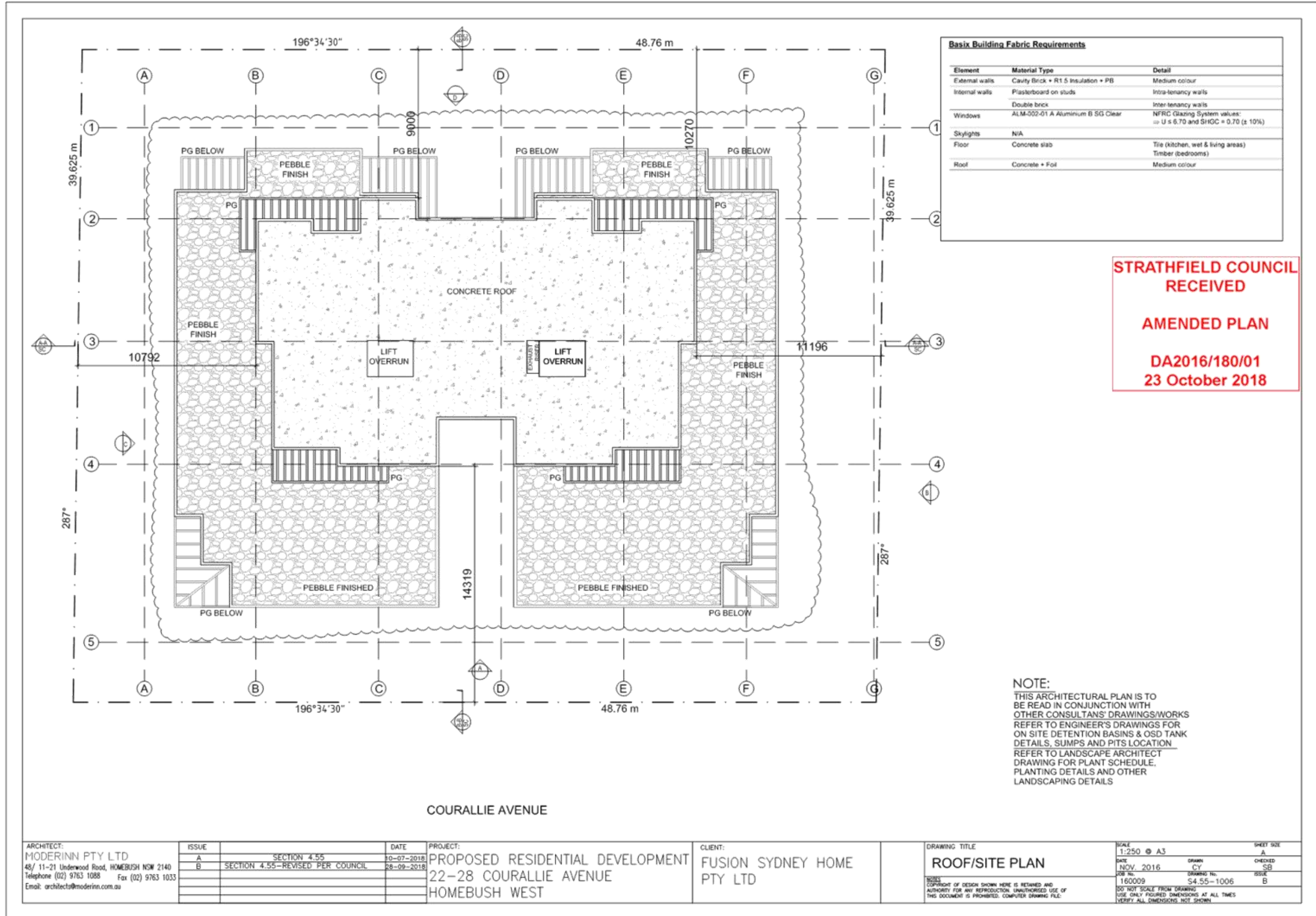
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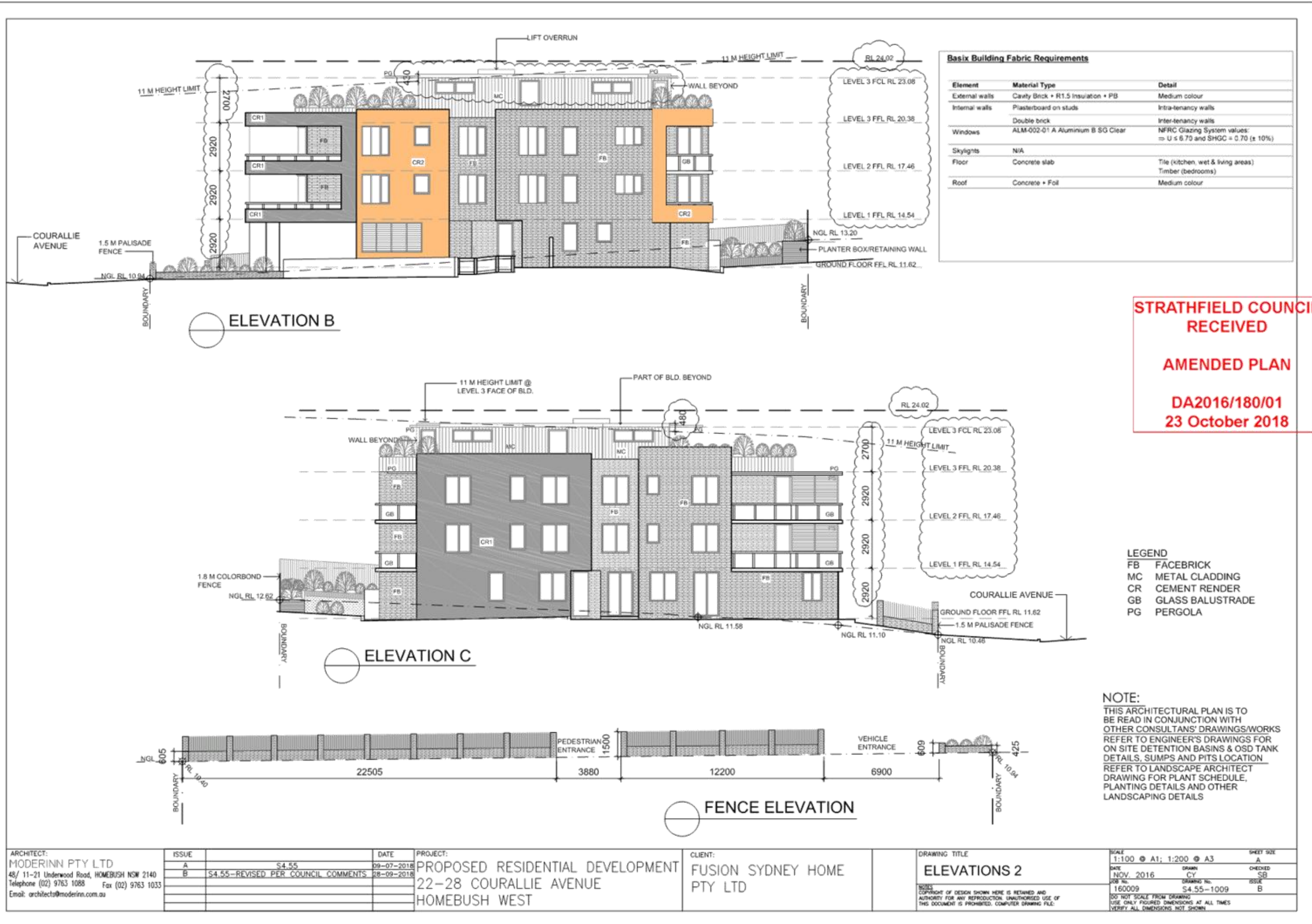


ARCHITECT: <b>MODERINN PTY LTD</b> 48/ 11-21 Underwood Road, HOMEBUSH NSW 2140 Telephone (02) 9763 1088 Fax (02) 9763 1033 Email: architects@moderinn.com.au	ISSUE	DATE	PROJECT: <b>PROPOSED RESIDENTIAL DEVELOPMENT                  22-28 COURALLIE AVENUE                  HOMEBUSH WEST</b>	CLIENT: <b>FUSION SYDNEY HOME                  PTY LTD</b>	DRAWING TITLE <b>LEVEL 3 FLOOR PLAN</b>	SCALE 1:100 @ A1; 1:200 @ A3	SHEET SIZE A	
	A	SECTION 4.55						02-07-2018
	B	SECTION 4.55-REVISED PER COUNCIL COMMENTS 11-09-2018	DATE 13-09-2018			JOB NO. 160009	DRAWING NO. 54.55-1005	ISSUE B



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	A	SECTION 4.55				10-07-2018	1:250 @ A3	A
	B	SECTION 4.55-REVISED PER COUNCIL	28-09-2018			DATE	DRAWN	CHECKED
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						NOTES: COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND AUTHORITY FOR ANY REPRODUCTION, UNAUTHORISED USE OF THIS DOCUMENT IS PROHIBITED. COMPUTER DRAWING FILE. DO NOT SCALE FROM DRAWING. USE ONLY FIGURED DIMENSIONS AT ALL TIMES. VERIFY ALL DIMENSIONS NOT SHOWN.		





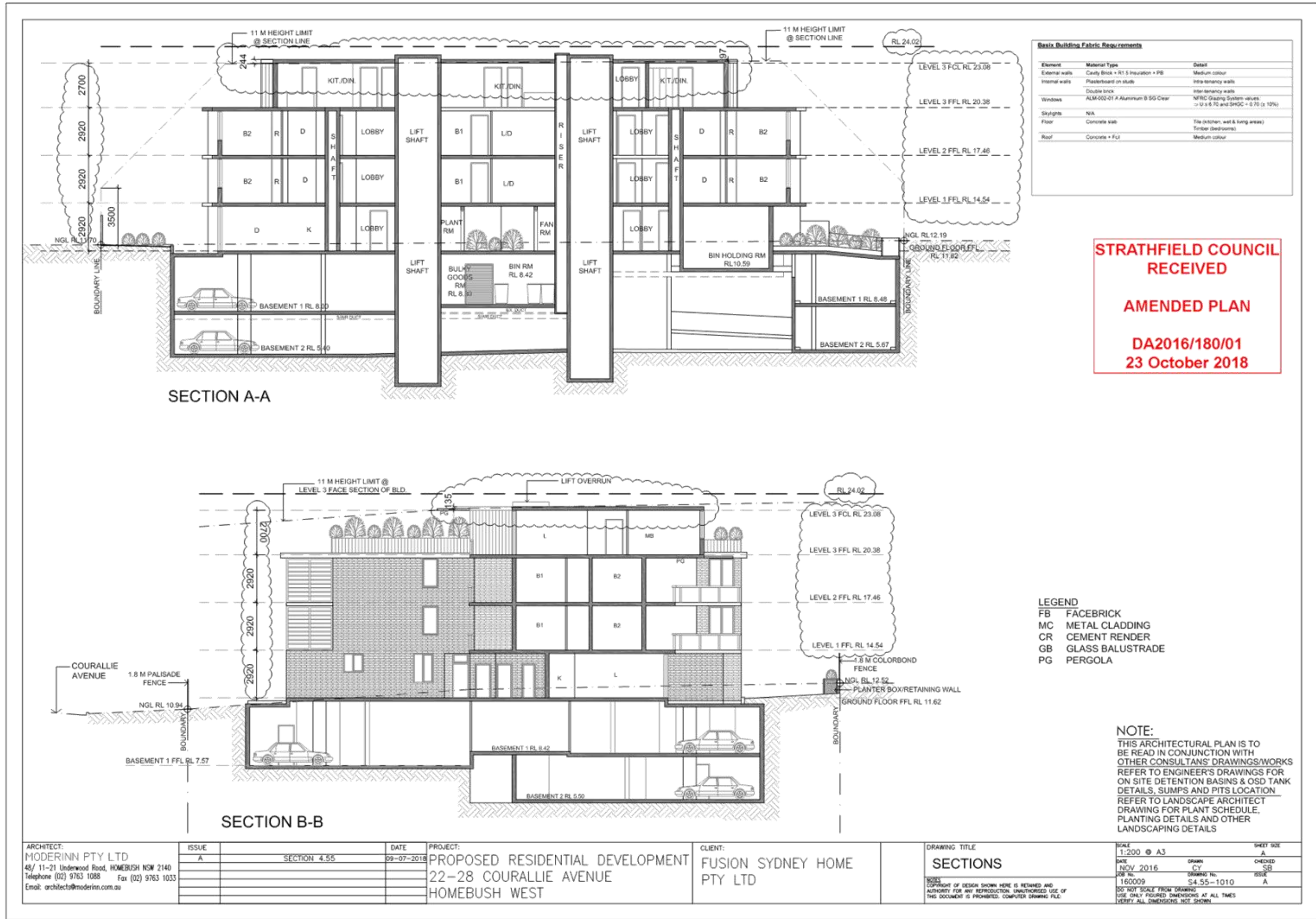
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	A	S4.55	09-07-2018	PROPOSED RESIDENTIAL DEVELOPMENT	FUSION SYDNEY HOME	1:100 @ A1; 1:200 @ A3	A
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			HOMEBUSH WEST			JOB NO. 160009	ISSUE B
						DRAWING No. S4.55-1009	

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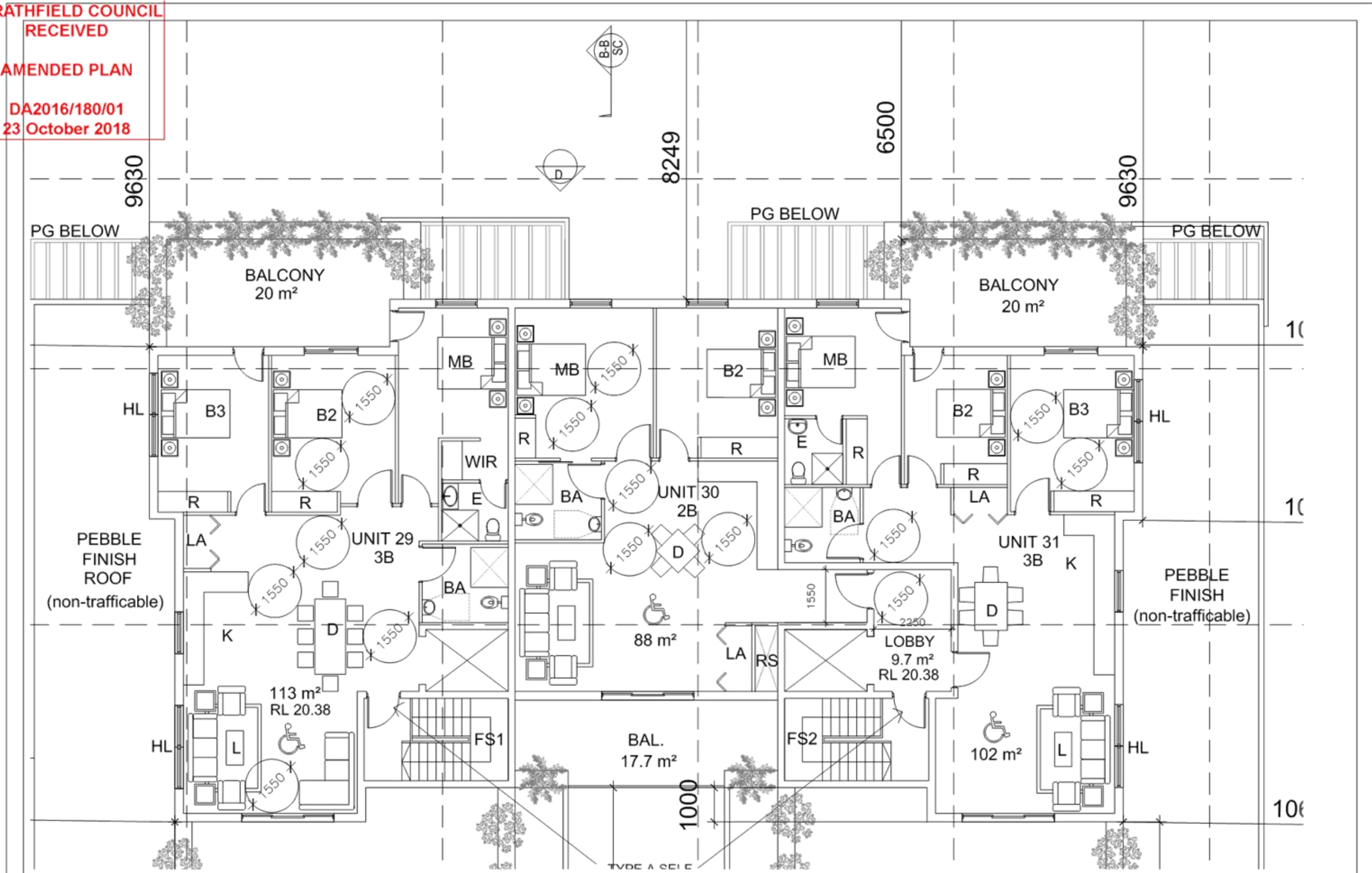


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**23 October 2018**



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Email: architects@moderinn.com.au

ISSUE	SECTION	DATE
A	SECTION 4.55	02-07-2018
B	SECTION 4.55-REVISED PER COUNCIL COMMENTS 11-09-2018	13-09-2018

PROJECT:  
PROPOSED RESIDENTIAL DEVELOPMENT  
22-28 COURALLIE AVENUE  
HOMEBUSH WEST

CLIENT:  
FUSION SYDNEY HOME  
PTY LTD

DRAWING TITLE  
**ADAPTABLE PLAN**

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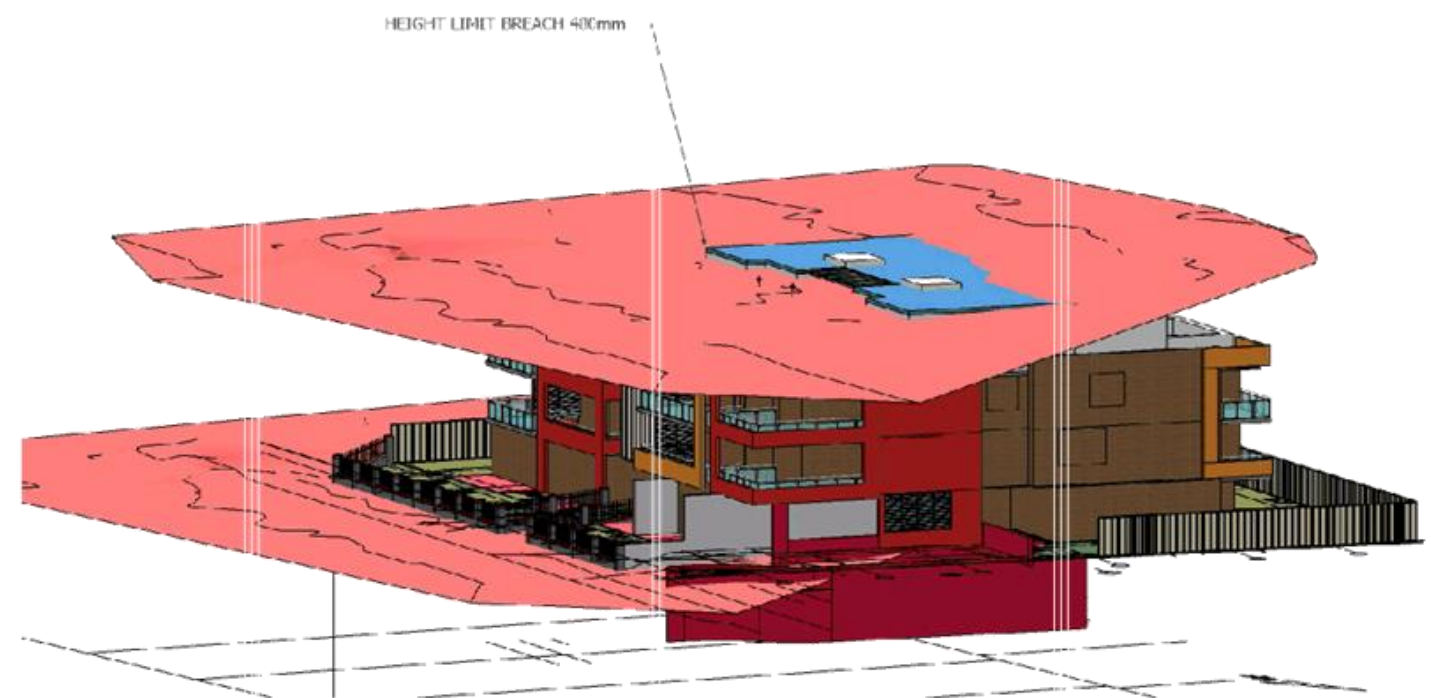
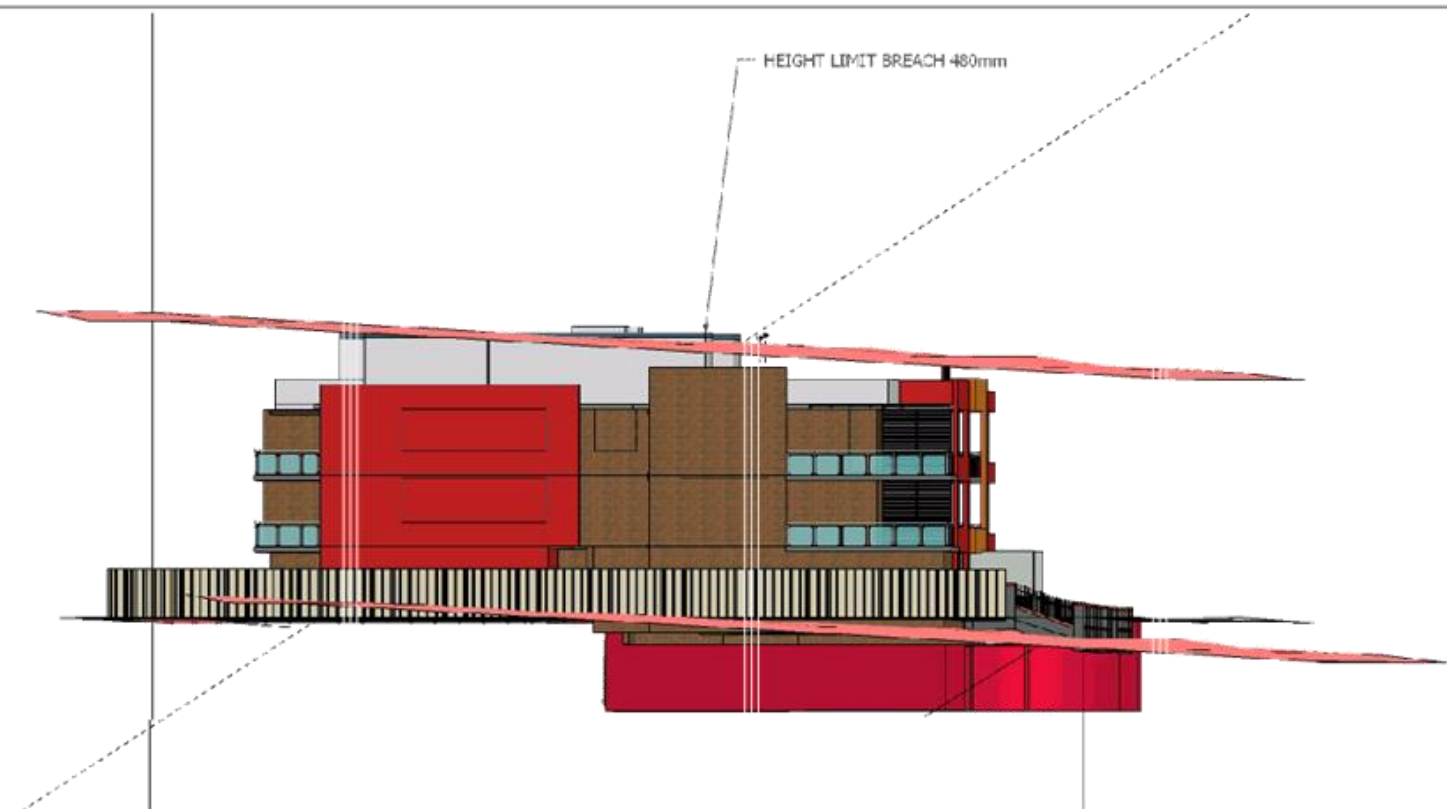
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DATE: NOV. 2016	DRAWN: CY
JOB NO: 160009	CHECKED: SB
	ISSUE: A
	DRAWING NO: 54.55-1005

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	A	SECTION 4.55				72-07-2018	NTS	A
	B	SECTION 4.55_REVISD HEIGHT	02-10-2018			DATE	DRAWN	CHECKED
						NOV. 2016	CY	SB
						JOB NO.	DRAWING NO.	ISSUE
						160009	S4.55-4002	B
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PERSPECTIVE FROM COURALLIE AVENUE

**NOTES:**  
 THIS ARCHITECTURAL PLAN IS TO BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS.  
 REFER TO ENGINEER'S DRAWINGS FOR ON SITE DETENTION BASINS & OSD TANK DETAILS, SUMPS AND PITS LOCATION.  
 REFER TO LANDSCAPE ARCHITECT DRAWING FOR PLANT SCHEDULE, PLANTING DETAILS, AND OTHER LANDSCAPING DETAILS.

ARCHITECT: MODERINN PTY LTD 48/ 11-21 Underwood Road, HOMEBUSH NSW 2140 Telephone (02) 9763 1088 Fax (02) 9763 1033 Email: architects@moderinn.com.au	ISSUE	DATE	PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 22-28 COURALLIE AVENUE HOMEBUSH WEST	CLIENT: FUSION SYDNEY HOME PTY LTD	DRAWING TITLE PERSPECTIVE	SCALE	SHEET SIZE	
	A	SECTION 4.55				04-07-2018	NTS	A
	B	SECTION 4.55-REVISED PER COUNCIL COMMENTS	28-10-2018			DATE	DRAWN	CHECKED
						06-06-2018	MMT	SB
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						160009	54-55-3000	B
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**TO:** Strathfield Local Planning Panel Meeting - 6 December 2018  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** DA2018/067 - 31 THE CRESCENT, HOMEBUSH  
LOT A IN DP 391764  
**DA NO.** DA2018/067

## SUMMARY

**Proposal:** Demolition of existing structures and construction of a boarding house containing 48 rooms and one manager's room above three levels of basement parking under the State Environmental Planning Policy Affordable Rental Housing 2009.

**Applicant:** Urban Link Pty Ltd

**Owner:** S. Venglinsky

**Date of lodgement:** 18 May 2018  
First Round: 5 June 2018 - 6 July 2018

**Notification period:** Second Round: 13 November 2018 - 27 November 2018

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

**Assessment officer:** ND

**Estimated cost of works:** \$5,624,491

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

**Heritage:** Adjoining subject site

**Flood affected:** Yes

**Is a Clause 4.6 variation proposed?** Yes – Height of Buildings

**Extent of the variation supported?** 16% (2.56m) including lift  
3.25% (520mm) excluding lift

**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

**Reason for SLPP referral:** The application (i) results in a variation to a development standard greater than 10% (ii) seeks consent for a contentious development being a boarding house under the State Environmental Planning Policy Affordable Rental Housing 2009.

**RECOMMENDATION OF OFFICER:** **DEFERRED COMMENCEMENT**

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

## EXECUTIVE SUMMARY

- 1.0 Approval is sought for demolition of existing structures and construction of a boarding house containing 48 rooms and one (1) manager's room above three (3) levels of basement parking pursuant to the Affordable Rental Housing SEPP 2009.
- 2.0 The application was initially notified from 5 June to 6 July 2018, however the application necessitated significant re-design and amendments which were notified from 13 November to 27 November 2018. A total of two (2) written submissions were received raising concerns relating to off-street car parking, streetscape compatibility and diminishing value of property assets.
- 3.0 A variation to the Height of Buildings development standard under Clause 4.6 of the *SLEP 2012* accompanies the application. The proposed variation is considered well founded and is supported.
- 4.0 The proposed development underwent multiple design amendments including the insertion of an additional basement level, inclusion of a rooftop communal open space and an internal reconfiguration of the lodger rooms to provide enhanced amenity for future occupants.
- 5.0 The proposal anticipates a development that provides a balance between a traditional and contemporary stylistic outcome that contributes positively to the future character of the Homebush neighbourhood and respects the existing heritage character of the Retail Conservation Area and the RSL Memorial Park.
- 6.0 Due to the proximity of the site to the north-west rail line, the application was forwarded to Sydney Trains for concurrence pursuant to Clause 86(1) of the Infrastructure SEPP. Further information is required by Sydney Trains to ensure the protection of the high voltage power lines adjacent to the site during construction phases of the development.
- 7.0 Consequently, the development application is recommended for DEFERRED COMMENCEMENT approval subject to the recommended conditions of consent.

## BACKGROUND

18 May 2018: The subject development application was lodged.

5 June 2018 to 6 July 2018: The plans and accompanying documentation were placed on public notification. One (1) written submission was received as a result.

5 July 2018: Correspondence received from Sydney Trains requesting the submission of a revised Geotechnical and Structural report including rail specific impacts, construction methodology (with details pertaining to structure support during excavation), cross sectional drawings, detailed survey plan identifying rail infrastructure and affected land and a Blow-Out report.

19 September 2018: The application was reviewed by Council's Design Review Panel for advice concerning the quality and coherence of the architectural design. The recommendations including modifications to the front setback, lodger room configuration, external finishes and streetscape orientation were forwarded to the applicant.

28 September 2018: A letter was received from WaterNSW providing the General Terms of Approval.

19 October 2018: Amended plans were submitted to Council in response to the comments provided by the Design Review Panel.

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

13 November 2018 to 27 November 2018: The amended plans were re-notified. One (1) written submission was received as a result.

19 and 27 November 2018: Correspondence was sent to the two objectors addressing the concerns raised in their submissions.

27 November 2018: Sydney Trains advises Council of Deferred Commencement concurrence subject to the applicant submitting additional information and not limited to a request for the potential shutdown of the high voltage aerial line opposite the subject site.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the southern side of The Crescent, directly opposite the Homebush Train Station railway corridor, near the intersection of The Crescent and Subway Lane (Figure 1). The site has a 15.24m frontage with a total site area of 697m<sup>2</sup> and is presently occupied by a two storey residential flat building (Figure 2).

The site is bounded to the east by shop-top commercial landuses which form part of the Homebush town centre, residential dwellings and residential flat buildings are located to the western and southern boundaries and to the north, on the opposite side of The Crescent is a railway corridor. The site is within walking distance of Homebush train station, being approximately 150m to the north-east.



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

DA2018/067 - 31 The Crescent, Homebush  
 Lot A in DP 391764 (Cont'd)



Figure 2: View of the subject site from The Crescent.

**PROPERTY BURDENS AND CONSTRAINTS**

The subject site is constrained by a Council owned stormwater channel traversing the south-west corner of the site (Figure 3). In accordance with Section 4.31 of the Strathfield Council Stormwater Management Code 2007 *“new buildings, structures and tennis courts will not be permitted over drainage lines, within easement and overland flow paths.”* The articulated rear elevation has been designed in response to the location and constraint of the easement.

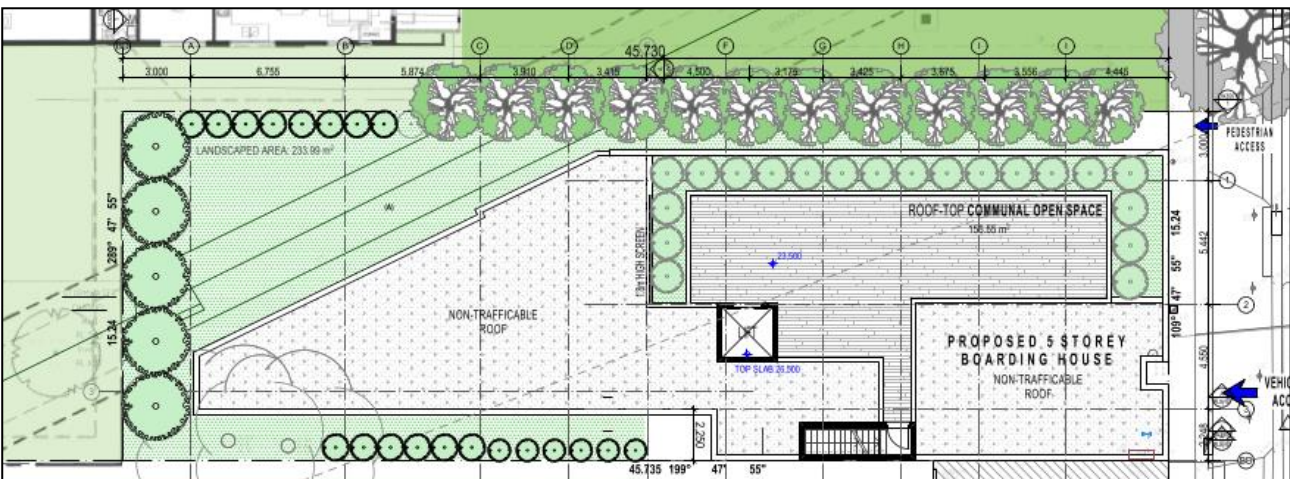


Figure 3: Site plan, note the easement traversing the rear corner.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

In its initial form, the development application sought the demolition of the existing structures and construction of a boarding house containing 50 rooms above two levels of basement parking under the Affordable Rental Housing SEPP 2009. During the assessment process various components of the proposal were amended in response to the requirements of the State Environmental Planning

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

Policy Affordable Rental Housing (ARH SEPP) 2009 and the recommendations of the Design Review Panel. The proposal was amended and involves the following:

- Demolition of the existing site structures;
- Construction of a five storey boarding house with 48 double lodger rooms and one manager's room;
- Rooftop communal open space;
- Ground floor communal living room;
- On-site waste storage and collection area;
- Excavation for three (3) levels of basement with a total of 25 car parking spaces, 8 motorbikes and 10 bicycles; and
- Associated stormwater and landscaping works.

A photomontage of the amended proposed development is shown below.



Figure 4: Photomontage of the proposed development (amended design) as viewed from The Crescent.

## REFERRALS

### INTERNAL REFERRALS

#### Hydraulic Engineering

Council's Engineer offered no objections to the proposal, subject to the imposition the recommended conditions of consent including the following special condition:

***"Flooding - comply with flood impact report (cc)***

*The applicant shall comply with the flood recommendations provided in the Flood Study prepared by S&G Consultants Pty Ltd ref: 2018.0113-L02 [A] dated May 18, 2018. A certificate*

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

*from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate."*

## Waste

Council's Waste Officer offered no objections to the proposal, subject to the standard conditions of consent and the following special conditions:

### **"Waste - On-site waste collection:**

*Prior to the issue of the Construction Certificate the following amended plans and additional information is to be submitted and approved by Council:*

- i. The property is to be serviced by a private contractor. Written confirmation shall be provided by a private waste contractor confirming that waste (general waste and recycling) collections can occur within the boundaries of the site without obstructing vehicle access to or from the site.*
- ii. The warning light depicted on the Ground Floor Plan shall be moved so that whilst the waste collection vehicle is on site, vision of the warning light is not obstructed."*

## Traffic

Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent, including but not limited to the following special conditions:

### **"Traffic Island (SC)**

*The traffic island located on the westbound approach of the roundabout at the intersection of The Crescent and Subway Lane is to be modified to ensure adequate vehicular access to and from the site (including waste collection vehicle access) at no cost to Council.*

*Amended plans detailing the necessary modifications to the driveway and traffic island including swept path analysis are to comply with the relevant Australian standards and demonstrate the safety of the roundabout.*

*The plans and specifications shall be submitted to Council to the satisfaction and endorsement of the Strathfield Council Traffic Committee. Any conditions or requirements imposed by the Traffic Committee including hold point inspections must be complied with."*

## Trees and Landscape

Council's Tree Management Officer offered no objections to the proposed removal of the three (3) trees located within the front setback, subject to replacement planting. During the site inspection it was noted that two (2) trees identified for retention had been removed.

## Heritage

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

*"The proposal seeks consent for the construction of an affordable housing development over 5 stories and 3 levels of basement. The site is located immediately to the west of the development site at 29-35 Burlington Road which incorporates the Homebush RSL Memorial Garden on the site formerly known as 32 The Crescent. Item 144, the site is identified as significant for the following reasons:*

*"This memorial planting in memory of fallen Comrades in World War II was opened on 5 May 1947. The landscape items are arranged as an alley with roses, lawns, cypresses to each side of the axis. It is of local significance as a memorial to the local men who died during the war."*

*The proposal as amended is out of scale with the item and the form of development in its locality and though the scale and form is out of character with the nearby development, it is acknowledged that this is an area in transition. The amended design of the building pays respect to the garden by addressing them with the private open space and the additional landscaping proposed increases the buffer between*



**DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)**

*the site and he item to the west. The materials and finishes proposed in the amended design provide visual interest to the backdrop of the item and would not unduly detract from its significance.*

*Recommendation:*

*The proposal is acceptable on heritage grounds. No specific heritage conditions are required, however the standard materials and finishes, and dilapidation report conditions should be applied”.*

## **EXTERNAL REFERRALS**

### **Sydney Trains**

The application was referred to Sydney Trains and Deferred Commencement concurrence was received. The following additional information is required to be submitted to the satisfaction of Sydney Trains:

- (a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Applicant shall demonstrate compliance with relevant guidelines regarding construction within close proximity to electricity infrastructure (including high voltage aerial lines).

As concurrence is required by Sydney Trains under in accordance with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, the development application has been recommended by the authority for Deferred Commencement.

### **Water NSW**

The application was referred to Water NSW. The following comments have been received:

*“WaterNSW has determined that the proposed development will encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. If there is ongoing take of groundwater during the post construction phase, a Water Supply Work Approval and a Water Access Licence will be required. This determination is subject to appropriate construction methods to be employed to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval attached.”*

### **Design Review Panel**

The application was referred to the Design Review Panel. The following comments have been provided:

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

“Building Siting and Setbacks

The Panel raises concerns about the siting of the building in terms of its orientation and setbacks. The design does not take advantage of the outlook over an open area adjacent to the site to the west, nor does it respond appropriately to the noise impacts of the railway corridor and roadway to the north. The Panel considers that the design should not be based on an infill building typology as proposed, but instead developed as a corner building form adjacent to a “park” that transitions into a residential precinct further to the west. Further elaboration is provided below:

1. The open landscaped area adjacent to the street on the adjoining site to the west at 32 The Crescent is protected by a heritage listing. This open area is therefore unlikely ever be able to be built upon and therefore provides an excellent opportunity to orient living areas of the proposed development towards this (side) frontage, thereby enabling treatment of the northwest and street front elevations together as a corner building form.
2. The zone boundary changes from B4 to R3 between 32 and 33 The Crescent to the west. The character of the streetscape in that direction is one of established lower scale residential flat buildings set back from the street with generous, front gardens. This further supports the Panel’s suggestion to prioritise orientation and outlook in that direction, and to treat the proposed building as a corner element, seen in the round as a termination to the B4 mixed use precinct near the station.
3. To maximise outlook to the northwest, the side setback of the development on that boundary should be increased sufficiently to allow for compliant introduction of large windows and balconies or wintergardens, instead of a predominantly blank wall as currently proposed.
4. The front setback of the building should be reduced to zero, to reflect the existing commercial character and built form of the current buildings to the east along The Crescent.
5. These revised setbacks would allow most of the proposed north-facing units exposed to rail and road noise to be reoriented to the north-west, thereby achieving significantly improved amenity and aspect. Facade composition and articulation should be carefully reconsidered and designed to ensure a high-quality, “in-the-round” building presentation to The Crescent and adjacent park.
6. A nil setback to the eastern side boundary is acceptable in the context of the commercial character and built form of the existing buildings. The depth of the building on this eastern interface should anticipate a future RFB and therefore not exceed the overall depth of 20 metres.

Ground Floor Planning

Reconfiguration of the building siting and setbacks as discussed above would necessitate re-planning of the ground floor level, and the following matters should be further addressed in this context:

1. By setting back the western edge of the building by 3 metres min, the main entry can be moved to a more central location in the plan. The lift core and stair location will also need to be moved to facilitate this.
2. It is also recommended that a ground floor café/retail space replaces the two ground floor units and courtyards, noting that restroom/s, waste handling, kitchen exhaust and the like would need to be provided. The café could utilise part of the increased side setback with outdoor seating and awning to provide protection to residents and patrons. This would provide a genuine active “corner” frontage to the street and the open space adjoining the common boundary.
3. Notwithstanding that the entry is relocated as described above, almost half of the street frontage is occupied by the driveway ramp. High quality design of this area must be carefully considered in terms lighting and materials to all visible surfaces.
4. Reconfiguration of the ground floor entry as described will require a further review of pedestrian safety, sight lines for the driveway ramp and waste storage and handling arrangements.

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Internal planning

*There is evidence that similar new boarding houses already operating in the inner city are being used more for longer term permanent tenancies and less for shorter term transitional occupation. The Panel acknowledges that whilst compliance with the ADG is not required for this type of development, there is nevertheless merit in using ADG principles and objectives to maximise amenity and usability of the rooms that are likely to be used as "micro" apartments as follows:*

- 1. Because of the compact size of these dwellings, internal room planning must particularly aim to make every part of the floor plan usable to maximise liveability and to facilitate furnishing with options to function as a combined living and sleeping space, ie not just a bedroom.*
- 2. The Panel recommends that a more systematic approach be taken to services, bulkheads, and ceiling heights for improved efficiency of layouts. Kitchens and bathrooms should be located together, and access corridors shared with kitchen galley, laundry and storage wherever possible. Likewise, bedrooms and wardrobes should be co-located.*
- 3. Common internal spaces should be afforded natural light and fresh air if at all possible.*
- 4. Larger double rooms should be designed to allow for a separate seating/lounge area where possible.*
- 5. The provision of balconies to the rooms is supported in general.*

External design

- 1. The Panel supports the use of face-brick for the façades but does not support the extensive use of metal "timber look" cladding. Simpler elevational treatments with face brick as the predominant material would be preferred for this small building.*
- 2. The proposal to rotate most or all of the proposed street facing units towards the park will require a careful design approach to avoid the street façade appearing as a side elevation. One approach is to develop a compositional and material strategy that can be applied to both visible facades, with the balance between openings and solid varied according to the orientation and use of each room behind. The street elevation above awning could be a quite simple abstraction of brick panels separated by full height, staggered window slots as an example.*
- 3. Extensive use of louvres along the full height (three levels) of the western elevation is unnecessary given separation to nearest building and landscape screening, and should be reconsidered to provide a more interesting articulated elevation and improve the outlook and internal amenity for residents of these rooms. The incorporation of balconies on the north western façade will provide sunshading and a degree of privacy to the rooms.*

Other matters

- 1. A broader context analysis plan should be provided showing all buildings to the corner of Rochester Street to the east, and other adjoining buildings including the building under construction at 2 The Crescent.*
- 2. The intersection, underpass, roundabout, proposed driveway location, levels, street width, railway corridor and all pedestrian and traffic management devices need to be drawn to establish and clarify access and the relationship between the proposed building and the street.*
- 3. Some units appear undersize under the provisions of the SEPP, particularly those shown as having the smallest net areas. The Panel queries whether the excludable areas under SEPP are correctly identified and calculated particularly in relation to areas within each kitchen zone to stand at the bench. Some excluded areas appear to be inconsistent across the levels and should be checked.*
- 4. Provision of rooftop communal open space should be considered.*
- 5. Trees to be retained to be identified and agreed with Council's landscape architect."*

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

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

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

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

### **STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND**

The development application was accompanied by a Stage 1 Environmental Investigation prepared by Dirt Doctors Pty Ltd and concluded the following:

*“Based on the finding of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination is low in relation to the proposed development for the subject site. The site can be made suitable for the proposed development in its current state, subject to the following recommendations.*

- *Site investigation by DD post demolition to identify and potential areas of contamination;*
- *Preparation of a clearance certificate by a suitably qualified individual to confirm the absence of asbestos contamination;”*

A condition of consent has been included incorporating the recommendations in the Stage 1 Environmental Investigation Report be endorsed. Overall, the objectives outlined within SEPP55 are considered to be satisfied.

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The proposed development was referred to Sydney Trains (formerly Rail Corp) in accordance with the requirements of Clause 86(1) of the Infrastructure SEPP as the subject site is within 25m of a Railway Corridor and the development includes excavation for three (3) levels of basement car parking. During the assessment process additional information was requested by Sydney Trains including a revised Geotechnical and Structural Report, Construction Methodology Report and Shoring Plan.

In addition to the rail line, a high voltage aerial line is positioned forward of the site necessitating a Blow-Out Report to be subsequently submitted. Concurrence could not be provided until submission of additional information was received to the satisfaction of the authority.

Clause 87 of the Infrastructure SEPP also requires Council to assess the impact of rail noise on the amenity of the proposed boarding house. The amended design minimizes the extent of openings and private open space orientated to the railway line in order to maximise acoustic amenity. A condition of consent is recommended requiring the development to be acoustically treated to achieve interior noise levels as per the ‘Development near Rail Corridors and Busy Roads – Interim Guideline’ published by the NSW Department of Planning.

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## 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 submitted plans propose the removal of multiple cypress trees within the front setback. The proposal was referred to Council's Tree Management Officer who states no objection to the removal of the trees, subject to replacement planting. As the existing site contains very little deep soil landscaping and vegetation, the proposed development provides an opportunity to improve upon the existing landscaping conditions of the site.

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

The proposed development has been lodged under Part 2, Division 3 of the *ARH SEPP 2009* which relates to the provision of 'Boarding Houses'. An assessment of the development against the development standards for boarding houses under the *ARH SEPP 2009* is presented in the table below.

Clause	Development Control	Required	Proposal	Compliance
26	Permissibility	Permissible in the following zones: <ul style="list-style-type: none"> <li>• R2 Low Density Residential</li> <li>• R3 Medium Density Residential</li> <li>• R4 High Density Residential</li> <li>• B1 Neighbourhood Centre</li> <li>• B2 Local Centre</li> <li>• B4 Mixed Use</li> </ul>	The site is located within B4 Mixed Use zone.	Yes
29	FSR	Max as per SLEP 2012: 3:1 (2,091m <sup>2</sup> )  PLUS incentive of 20% (418.2m <sup>2</sup> ) if the max FSR is >2.5:1  = 3.6:1 (2,509.2m <sup>2</sup> )	2.37:1 (1,658.22m <sup>2</sup> )	Yes
	Height	Max as per SLEP: 16m	18.56m including the lift.	No. Refer to SLEP 2012 discussion.
	Landscaping	Landscape treatment of the front setback is compatible with the streetscape.	The development proposes a nil front setback, achieving street frontage activation to reflect the existing commercial character of the current building to the east of the site.	Acceptable on merit. Whilst the front setback is not landscaped, it is in keeping with the streetscape.
	Solar Access	At least one (1) common area receives at least three (3) hours	The communal living room located on the ground floor	Yes

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	Private Open Space	of direct sunlight between 9am and 3pm, mid-winter  Lodgers: Min 20m <sup>2</sup> with min. dimension of 3m  Manager: Min 8m <sup>2</sup> with min dimension of 2.5m <sup>2</sup>	receives at least three hours of direct sunlight during mid-winter.  Lodgers have access to the rear setback area (50m <sup>2</sup> of usable space) and a roof top open space (101m <sup>2</sup> ) for use.	Yes
	Parking	0.5 spaces per room plus one per employee that resides on-site. = as (48) rooms are proposed, plus one (1) manager. Therefore, (25) spaces are required.	A private open space area is directly accessible from the manager's room.  A total of 25 car parking spaces are provided over three levels of basement.	Yes
	Dwelling size	Single: min 12m <sup>2</sup> Other: min 16m <sup>2</sup> (excluding any area used for the purposes of private kitchen or bathroom)	All (48) lodger rooms are double rooms exceeding the 16m <sup>2</sup> minimum requirement.	Yes
		May have a kitchen/bathroom however is not required to.	Each room is provided with a kitchen, laundry and bathroom facilities.	Yes
30	Standards for Boarding Houses	One (1) communal living room required where there are five (5) or more rooms  No boarding room > 25m <sup>2</sup> (excluding any area used for the purposes of private kitchen or bathroom)  No boarding room occupied by > two (2) adult lodgers  Adequate bathroom and kitchen facilities available for the use of each lodger.  Boarding House Manager where capacity of > 20 lodgers  One (1) bicycle space and one (1) motorcycle space per five (5) boarding rooms.	A communal living room is provided on the ground floor.  No boarding rooms exceed the 25m <sup>2</sup> maximum.  A condition of consent has been recommended to ensure no more than two adult lodgers occupy any room.  Each room has been provided with a bathroom and kitchenette  Maximum 96 lodger capacity, therefore a manager room has been provided.  10 bicycle and 8 motorcycle spaces are proposed.	Yes  Yes  Yes  Yes  No. However is considered acceptable as

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		= 9.6 spaces / 10 spaces are required.		it is a minor non-compliance.
30A	Character	A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	<p>The proposed height and scale of the development will be consistent with the transitioning character of the streetscape.</p> <p>The building façade incorporates exposed facebrick and rendered masonry both are external finishes found in the 'Village of Homebush' Retail Conservation Area. The simplistic colour palette softens the contemporary building design so as not to detract from the multiple heritage items and conservation area located within the vicinity of the site.</p>	Yes

### Part 3 Retention of existing affordable rental housing

#### 50 Reduction of availability of affordable housing

- (1) A person must not do any of the following in relation to a building to which this Part applies except with development consent:
- demolish the building,
  - alter or add to the structure or fabric of the inside or outside of the building,
  - change the use of the building to another use (including, in particular, a change of use to backpackers accommodation),
  - If the building is a residential flat building, strata subdivide the building.
- (2) In determining a development application referred to in subclause (1), the consent authority is to take into account the guidelines and each of the following:
- whether there is likely to be a reduction in affordable housing on the land to which the application relates,
  - whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation,
  - whether the development is likely to cause adverse social and economic effects on the general community,
  - whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation,
  - the extent to which the development contributes to any cumulative loss of affordable housing in the local government area,
  - the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements,
  - whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development,
  - in the case of a boarding house, the financial viability of the continued use of the boarding house.

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**Comments:** The existing circa 1960s residential flat building that currently occupies the site contains two (2) x 2-bedroom and three (3) x 3-bedroom low rental residential units. The proposal seeks consent to demolish the existing building and construct a boarding house, being an alternative form of affordable residential accommodation. The proposal is considered to be suitable for the site in that it will provide 48 double lodger rooms compared to the four (4) units provided by the existing development.

## 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>
<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 proposed development is well designed, achieving a balance between traditional and contemporary outcomes through the use of a simple colour palette and traditional external finishes with a contemporary building form. The proposed use of the site as a boarding house is considered to be suitable for its location, being within walking distance to Homebush train station, local shops and multiple schools.

### Permissibility

The subject site is Zoned B4 Mixed Use under *Strathfield Local Environmental Plan (SLEP) 2012*. 'Boarding Houses' are permissible within the B4 Mixed Use zone and are consent and are defined under *SLEP 2012* as follows:

**"boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."

The proposed development for the purpose of a boarding house containing 48 double lodger rooms and one manager's room is consistent with the definition above.



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### Zone Objectives

An assessment of the proposal against the objectives of the B4 Mixed Use zone is included below:

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

**Comments:** The proposed boarding house achieves the objectives of the B4 Mixed Use zone in that it provides housing in an accessible location that is within walking distance to Homebush Train Station, shops and schools.

### Part 4: Principal development standards

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

#### Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
4.3	Height of building	16m	18.56m (including lift) 16.52m (excluding lift and fire stairs)	No

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

**Comments:** Refer to Clause 4.6 exception to development standards assessment below.

#### Floor space ratio

The FSR controls applying to the ARH SEPP 2009 override provisions of the SLEP 2012. Refer to ARH SEPP 2009 assessment table for reference.

### Clause 4.6 Exceptions to Development Standards

The development application was accompanied by a Clause 4.6 variation statement and is considered below.

- (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:
- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - 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:
- the consent authority is satisfied that:
    - the applicant's written request has adequately addressed the matters required to be

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*demonstrated by subclause (3),*

**Comments:** The applicant has provided a written request to justify the contravention of the building height standard on the following grounds:

- a) *“The non-compliance has been setback from each of the boundaries, with the greatest breach being in the centre of the roof level and as such does not result in any overshadowing, privacy or visual impacts within the Site or to the adjoining properties.*
- b) *No portion of the height non-compliance includes habitable gross floor areas. As visible below the height non-compliance with the exception of the lift is negligible and would be indiscernible from a compliant development when viewed from the street.*
- c) *The accompanying shadow diagrams demonstrate that the proposed height noncompliance does not adversely impact solar access to neighbouring properties during the winter solstice.*
- d) *The lift which provides access to the roof results in greatest height breach on the site and will provide unique landscape planting areas that will provide great opportunities for social interaction for boarders. It is considered that providing the roof top communal area will result in a superior planning outcome and a such it is considered that the height breach is justified in this circumstance.*
- e) *The proposed floor area of 1667.08m<sup>2</sup> (2.39:1) is well within the SLEP 2012 FSR standard of 3:1 and SEPPARH FSR standard of 3.5:1. It is considered that the proposed height variation is minor in nature and will not result in undue visual bulk of the development nor will it result in an overdevelopment of the Site. Worth noting is that Site is constrained due to the drainage easement located in the rear and flood impacts unique to the site as such the built form has been designed so as to be compatible with this constraints.*
- f) *It is noted that portions of the parapet along the western elevation slightly pierce the height the limit but are considered to be satisfy each of the requirements of Clause 5.6 below ensuring an appropriately articulated roof form and facade presentation.*
- g) *The redevelopment of the Site for a boarding house is a compatible use that is consistent with the objectives of the B4 Mixed Use zone as it provides for the housing needs of the community within proximity to Homebush Railway Station and Parramatta Road bus services to maximise the patronage of public transport.*
- h) *Through allowing a variation to the numerical standard it is considered that a more efficient use of the land providing a high quality roof top communal area benefiting future residents and other members of the public alike.*
- i) *The non-compliance with the standard does not result in a building that is out of character, rather the proposal will result in a development that is consistent with the intended character of the locality.”*

The applicant’s written request is considered to have adequately addressed the relevant matters required to be demonstrated by sub-clause (3).

- (ii) *and, 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*

**Comments:** To be satisfied that the proposed development will be in the public interest, an assessment against the objectives of the development standard (Height of Buildings) and the B4 Mixed Use zoning of the site is provided below:

Land Use: B4 Mixed Use

Objectives	Complies
<ul style="list-style-type: none"> <li>• <b>To provide a mixture of compatible land uses.</b></li> </ul>	Yes

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<ul style="list-style-type: none"> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>The facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To provide local and regional employment and live and work opportunities.</li> </ul>	

The proposed boarding house is of a form and scale that will provide an alternative form of residential accommodation for the local community within an accessible area, being within walking distance to Homebush train station and shops. As shown in Figure 5 the subject site is located on the fringe of the B4 Mixed Use zone and will provide a transition to the adjoining R3 Medium Density Residential zone. The proposal achieves the objectives of the B4 Mixed Use zone.

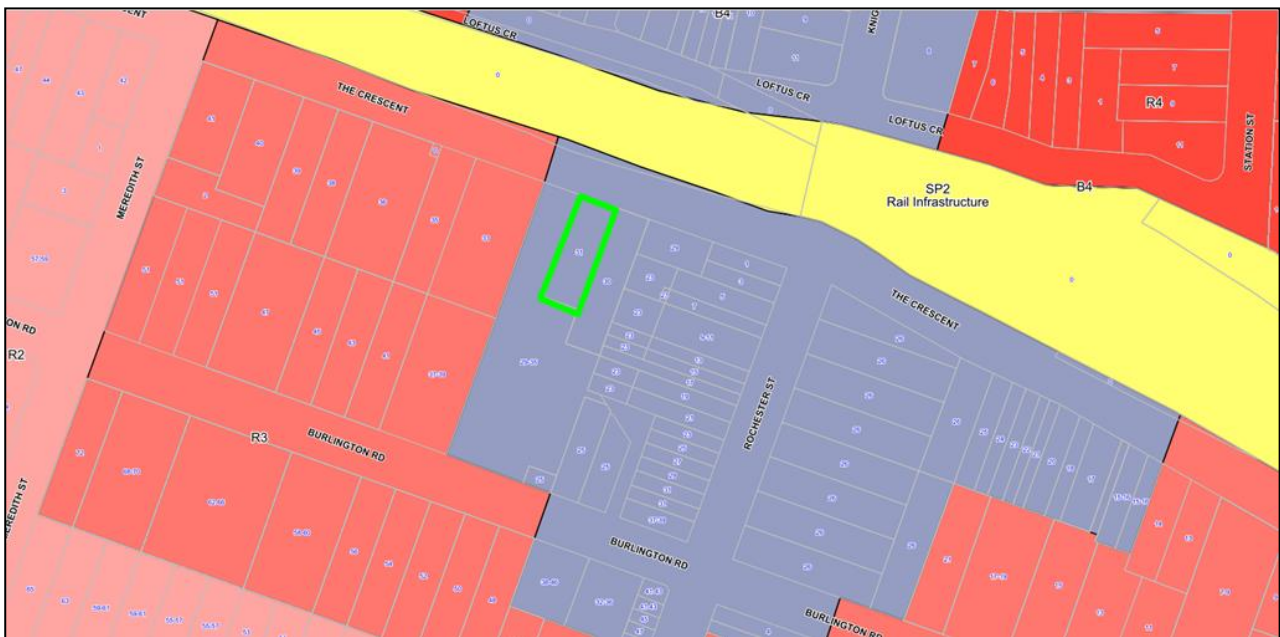


Figure 5: Land use zoning map extract from the SLEP 2012. Note, the subject site is outlined in green.

Development Standard: Clause 4.3 Height of Building

Objectives	Complies
<ul style="list-style-type: none"> <li>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To achieve a diversity of small and large development options.</li> </ul>	Yes

The surrounding streetscape is undergoing a state of transition with existing dwellings houses and 2-3 storey residential flat buildings demolished and replaced with medium density residential flat buildings. In particular, a part 4 and 7 storey mixed use development is under construction on the adjoining site immediately to the west and south of the site (No. 29-35 Burlington Road).

The proposal seeks a 16% or 2.56m (including lift and stairs) variation to the Height of Building development standard, with only 3.25% (520mm) variation excluding the lift and stairs. The height breach is limited to the rooftop communal open space, roof parapet and the lift and stairs to access the communal open space. No habitable, gross floor area is located within the height exceedance area (Figure 6 and 7). It is noted that the finished floor level of the ground floor accommodates the required 500mm freeboard above the 1 in 100 year storm event flood level.

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The lift and stairs are located in the centre of the roof plate to minimise visibility from the public domain. The utilisation of the rooftop as a 101m<sup>2</sup> communal open space, well exceeds the minimum size requirements for communal open space under the ARH SEPP 2009. The elevated private open space receives superior solar access opportunities and is proportional to the 98 persons maximum capacity of the boarding house. The rooftop communal open space is considered appropriate within the sites unique context being adjacent to the Homebush towncentre and opposite a rail corridor. The visibility of the lift and stair structures is minimal and results in a building that presents bulk and scale typically associated with a 16m building height limit.



Figure 6: Bird's eye view from the north-west of the site showing the areas exceeding the building height standard.

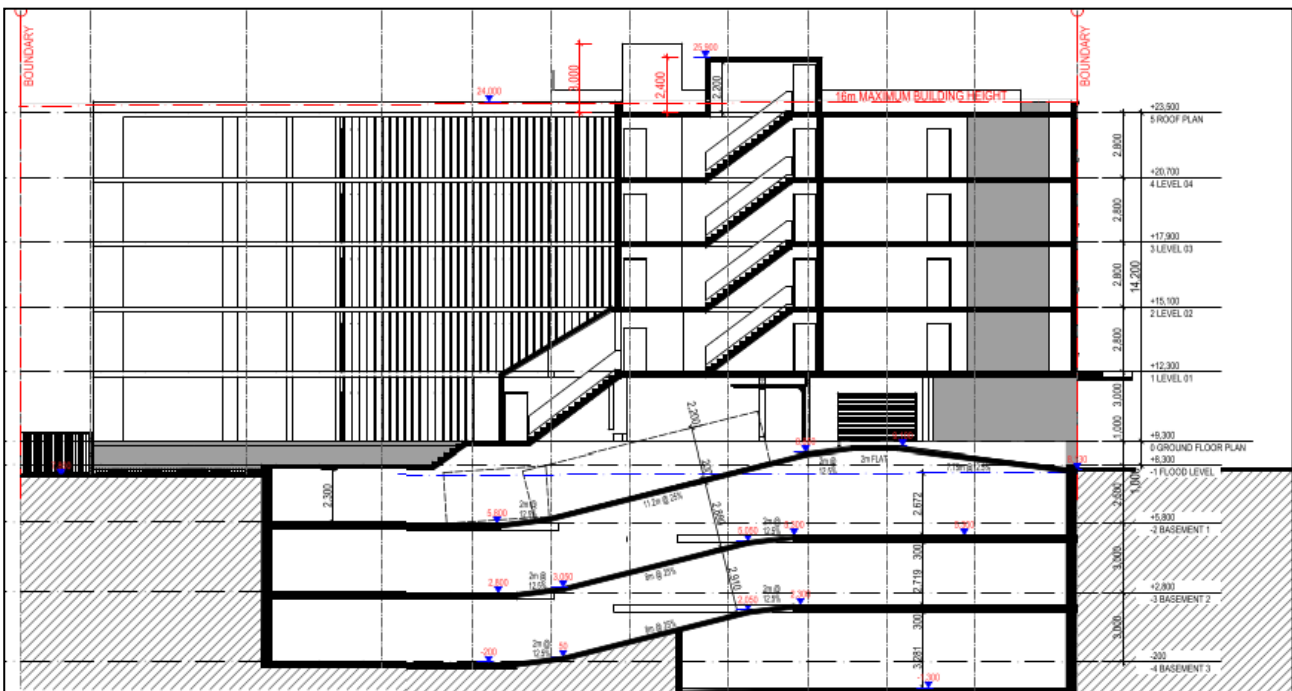


Figure 7: Section plan of the proposed development showing the areas exceeding the building height standard.

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Figure 8: Building height map extract from the SLEP 2012. The subject site is outlined in green.

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

**Comments:** Clause 64 of the Environmental Planning and Assessment Regulation (2000), states the Council’s LEP includes Clause 4.6 - Exceptions to Development Standards, the Director General’s [Secretary’s] concurrence can be assumed subject to the Council being notified by the Director General [Secretary] of such. On 9 May 2008 the Department of Planning issued a Planning Circular (no PS08 – 003) notifying Councils that they may assume the Director General’s [Secretary’s] concurrence under environmental planning instruments that adopt clause 4.6(4)(b).

**Part 5: Miscellaneous Provisions**

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

**5.10 Heritage Conservation**

Clause 5.10 of the SLEP 2012 requires consideration be given to the potential impacts of development upon heritage items within the vicinity of the subject site included associated fabric, settings and views. The subject site is located within the immediate vicinity of the following heritage items listed under Schedule 5 of the SLEP 2012 (Figure 9):

- Former Homebush RSL Memorial Park - No. 29-35 Burlington Road (formerly 32 The Crescent);
- ‘Village of Homebush’ Retail Conservation Area; and
- Homebush Railway Station.

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**Figure 9:** Aerial view of the site and surrounding heritage conservation area and heritage items. The subject site is outlined in red, Village of Homebush Retail Conservation Area in orange and heritage items in yellow.

The Former Homebush RSL Memorial Park is located immediately west of the site and is identified as a place of local significance:

*"This memorial planting in memory of fallen Comrades in World War II was opened on 5 May 1947. The landscape items are arranged as an alley with roses, lawns, cypresses to each side of the axis. It is of local significance as a memorial to the local men who died during the war".*

The Memorial Park is planned to be restored and upgraded as part of the Development Consent associated with the development at 29-35 Burlington Road. In response to comments made by the Design Review Panel, the amended proposal adopts a 'book-end' to The Crescent, the Homebush town centre and subsequent B4 zone; orientating its address to the Memorial Park. Uniquely, the development orientates the private open spaces to the Memorial Park which utilizes indentations and architectural articulation to create a building elevation that is broken up; creating a sense of openness along the curtilage of the Memorial Park.

The building proposes a simplistic colour palette and traditional external finishes (exposed facebrick and rendered masonry) that is in keeping with the predominant materials of the Homebush Retail Conservation Area and entrance of the RSL War Memorial Garden.

Overall, it is satisfied that the proposed development achieves the objectives of Clause 5.10 Heritage Conservation of the SLEP 2012.

## Part 6: Local Provisions

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

### 6.1 Acid sulfate soils

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid

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Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

### **6.2 Earthworks**

The proposed development includes excavation of three (3) levels of basement to accommodate the car parking requirements. The size of the basement is constrained by the easement at the rear of site. Conditions of consent including the preparation of a dilapidation report of the adjoining properties has been recommended. As a result of the close proximity of the railway corridor to the site, additional information in relation to the proposed earthworks including construction methodology, shoring plan and geotechnical reports have been requested by Sydney Trains.

### **6.3 Flood planning**

The site is affected by overland flooding in the 1 in 100 year flood event in accordance with Powell's Creek flood studies. A Flood Impact Report accompanied the development application. Council's Development Engineer has reviewed the proposed development and accompanying documentation and is satisfied that the proposal complies with Council's flood planning requirements. A condition of consent is included for the recommendations contained in the Flood Study prepared by S&G Consultants Pty Ltd to be complied with.

### **6.4 Essential services**

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

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

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

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

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

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

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

The initial waste arrangement comprised of a waste storage area on the ground floor and kerbside collection. As the site is located immediately adjacent to a round-about and The Crescent is one-lane in each direction with minimal kerbside room, likely traffic interference and queuing by kerbside collection renders that alternative unsuitable for the development. In response, the waste storage area on the ground floor was expanded to accommodate an on-site waste storage and collection area.

### **PART P- HERITAGE**

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

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### 1.5: Objectives of this DCP Part

1.5	Objectives	Satisfactory
a.	To encourage development which complements existing heritage items and heritage Conservation Areas in a modern context.	Yes
b.	To retain evidence of historic themes of development evident in the Strathfield Local Government Area, through the proper care and maintenance of individual heritage items and heritage Conservation Areas.	Yes
c.	To protect those items and areas that are of value to the local community	Yes
d.	To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.	Yes
e.	To retain any significant horticultural or landscape features that assist in the interpretation of Strathfield's heritage.	Yes

**Comments:** The proposed built form achieves a balance between traditional and contemporary outcomes so as not to detract from the nearby heritage items. During the assessment process the schedule of colours and finishes was amended with the use of exposed facebrick expanded and replaced with metal 'timber-looking' cladding and rendered masonry to align with the predominant building material of the commercial buildings within the Homebush Retail Conservation Area. The simplistic colour palette is considered to soften the contemporary style of the building form.

The proposed development complements the adjoining Memorial Park by treating the heritage item as another street frontage. This is achieved through the composition of private open spaces and modulation of elements instead of vast expanses of blank walls too common in side elevations of buildings of scale.

### PART Q – URBAN DESIGN

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

#### 2.1: Public Domain and Place Making

2.1.1	Objectives	Satisfactory
A.	To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land	Yes
B.	To enhance the quality of the Public Domain	Yes
C.	To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed	Yes
2.1.2	Development Controls	Complies
.2.	Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.	Yes
.3.	Public access to the public domain is to be maximized	Yes
.4.	Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.	Yes
.5.	Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.	Yes
.6.	Continuous lengths of blank walls and fences at the public domain interface are to be avoided	Yes



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**Comments:** The proposed building responds to both Memorial Park and The Crescent street frontage as opportunities for engagement in the public domains. Addressing the development to Memorial Park encourages a positive engagement and acknowledgement of a symbolic public domain. The development is successful in its activation by orientating private open spaces, openings and articulating building components to enhance passive surveillance opportunities.

## 2.2: Streetscape

2.2.1	Objectives	Satisfactory
A.	To ensure that all development contributes positively to the street and locality.	Yes
B.	To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.	Yes
C.	To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.	Yes
D.	To maximise opportunities for buildings to define the Public Domain.	Yes
E.	To encourage attractive street frontages and improve pedestrian amenity	Yes
2.2.2	Development Controls	Complies
.1.	Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls;	Yes
.2.	Buildings and fences must be designed to complement and/or visually improve existing streetscapes	Yes
.3.	Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area (refer Figure 1a)	Yes
.4.	Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.	Yes
.5.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	Yes
.6.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	Yes
.9.	Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape	Yes
.11.	Where side setbacks are an important part of the local streetscape character, these are to be maintained	Yes

**Comments:** The proposed building has been orientated to street frontage (The Crescent) and the Memorial Garden in response to the Design Review Panel's recommendations, creating a transition from the B4 Mixed Use of the subject site and the R3 Medium Density Residential zone. This is achieved through façade treatment of the western elevation being treated as a street frontage with the private open space areas of the lodger rooms creating building articulation and a sense of openness. The nil setback to the street frontage is consistent with the building alignment of the adjoining commercial buildings and other buildings within the B4 Mixed Use zone.

The colour palette and external finishes is reflective of the numerous heritage items and the Homebush Retail Conservation Area located within the immediate vicinity of the subject site.

## 2.3: Siting

2.3.1	Development Controls	Complies
.1.	Development must respond to the scale of surrounding buildings and definition of the street networks and public spaces.	Yes
.2.	The distinctive and valued character of the surrounding area, particularly those elements that contribute to a sense of place and identity, must be protected and enhanced.	Yes
.3.	Building forms (including heights and massing) are to be arranged to reinforce the future desired	Yes

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	<i>structure and character of the area</i>	
.4.	<i>Buildings must address the street, laneway, new through-site link or open space.</i>	<b>Yes</b>
.5.	<i>Street edges must be defined with low rise buildings or appropriately scaled podiums to create a pedestrian scale and active frontages at street level.</i>	<b>Yes</b>
.6.	<i>Appropriate building separation must be provided to protect privacy and solar access to private property and the Public Domain.</i>	<b>Yes</b>
.7.	<i>Building corners on key streets must be emphasised to signify key intersections and enhance Public Domain legibility.</i>	<b>Yes</b>

**Comments:** It is noted that the streetscape is undergoing a transition with recently constructed residential flat buildings, larger in scale than the existing low-rise medium density residential flat buildings and detached dwelling houses. The western elevation of the building is treated as a main building façade, reinforcing a sense of place in the Memorial Garden and enhancing the legibility of the adjoining future open space. The street edge is activated through the ground floor awning, nil front setback, communal living room and a clearly identified entrance.

**2.4: Building Envelope**

<b>2.4.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	To ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality.	<b>Yes</b>
<b>2.4.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1.	<i>The bulk and scale of any development must reflect the existing and future character of the existing street and surrounding locality</i>	<b>Yes</b>
.2.	<i>The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.</i>	<b>Yes</b>

**Comments:** The proposed building envelope is appropriate, taking into consideration the easement traversing the rear of the site and providing adequate setbacks to the adjoining residential flat building under construction to the east and south. The compatibility of the proposed building envelope with the future character of the streetscape has been previously discussed.

**2.5: Building Massing and Scale**

<b>2.5.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	To ensure buildings are compatible in form relative to the spatial characteristics of the local area.	<b>Yes</b>
B.	To ensure building mass and form reinforces, complements and enhances the visual character of the street.	<b>Yes</b>
C.	To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics.	<b>Yes</b>
D.	To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.	<b>Yes</b>
<b>2.5.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1.	<i>Buildings must be of a height that responds to the topography and shape of the site.</i>	<b>Yes</b>
.2.	<i>Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character</i>	<b>Yes</b>
.3.	<i>Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.</i>	<b>Yes</b>
.4.	<i>The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building patterns in the street.</i>	<b>Yes</b>
.5.	<i>Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.</i>	<b>Yes</b>

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.6.	<i>The form and massing of buildings must provide a transition between adjoining land use zones and building types.</i>	Yes
.7.	<i>Building form and massing must support individual and communal entries.</i>	Yes

**Comments:** The mass of the development is evenly distributed throughout the built form with the shape of the building diminishing nearing the rear of the site due to the easement. The orientation of the balconies towards the Memorial Garden creates a sense of openness and reduced mass along the western elevation; responding to the residential zoning of the streetscape to the west. The building adopts a nil front setback to The Crescent in keeping with the existing commercial character and built form of the current buildings to the east along The Crescent.

**2.7: Building Frontages to the Public Domain**

2.7.1 Objectives		Satisfactory
A.	<i>To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.</i>	Yes
B.	<i>To encourage contemporary designs which integrate with the appearance of the streetscape.</i>	Yes
C.	<i>To provide attractive building facades which establish identity and contribute to the streetscape.</i>	Yes
2.7.2 Development Controls		Complies
.1.	<i>Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings</i>	Yes
.2.	<i>Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.</i>	Yes
.3.	<i>Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture</i>	Yes
.4.	<i>Alterations and additions must be compatible with design elements of the existing building.</i>	Yes
.5.	<i>Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain</i>	Yes
.6.	<i>Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.</i>	Yes
.7.	<i>New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council</i>	??
.8.	<i>Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey</i>	Yes
.11.	<i>For commercial and mixed-use development:                      – ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and                      – awnings or colonnades for weather protection and shade must be provided along active frontages.</i>	Yes
.12.	<i>Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.</i>	Yes
.13.	<i>Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.</i>	Yes
.14.	<i>Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.</i>	Yes
.15.	<i>Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.</i>	Yes

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**Comments:** In accordance with the recommendations of the Design Review Panel, the orientation and facade treatment of the building expresses a corner building form that serves as a transition from the retail precinct of Homebush town centre and the residential zone to the west.

During the assessment process exposed facebrick was incorporated to a larger degree, particularly along the street frontage so as to be in keeping with the dominant building material of the locality. The ground floor creates an active frontage through the provision of an awning over the public domain, a prominent residential entrance and a large glass panel for the communal living room.

The waste storage and collection areas are integrated into the main ground floor plate so as not to be visible from the streetscape or necessitate the collection of kerbside bin collection.

## 2.8: Roof Forms

2.8.1 Objectives		Satisfactory
A.	To treat roof spaces and forms as an important element of the overall building appearance.	Yes
B.	To encourage roof forms that provide continuity and consistent character in the streetscape.	Yes
C.	To encourage roof designs that integrate with the building composition and form.	Yes
2.8.2 Development Controls		Complies
.1.	Plant and lift overrun structures must be incorporated into the roof design. Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be designed to avoid visibility from the surrounding spaces and buildings.	Yes
.3.	The proposed roof form shall minimise the appearance of bulk and scale of the building and be treated as an important architectural element in the street, which can reinforce continuity and character	Yes
.4.	Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.	Yes
.5.	Roofs must be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces, however, this does not justify a roof form that is inconsistent with the prevailing streetscape character.	Yes

**Comments:** During the assessment process the flat rooftop was converted into a communal open space, providing a high degree of functionality to the space. The communal open space does not occupy the entire roof plate, to maintain the visual and aural privacy of nearby residential flat buildings and reduce the visibility of the building component from the public domain.

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### 3.2: Building Entries

3.2.1	Objectives	Satisfactory
A.	To create street entrances with a strong identity that provide a transition from the street to residential interiors.	Yes
B.	To ensure car park entries do not detract from the street	Yes
3.2.2	Development Controls	Complies
.1.	Legible entry/lobby areas accessed from a public street are to be provided to encourage surveillance and activation of the Public Domain, thereby increasing safety.	Yes
.2.	Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.	Yes
.4.	Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.	Yes

**Comments:** The entrance is suitably separated from the driveway for pedestrian safety and incorporates a landscape component clearly visible from the public domain. Although the lobby is not directly visible from The Crescent, the communal living room and multiple lodger rooms are located nearby, encouraging surveillance and a safe environment.

### 3.3: Visual and Acoustic Privacy

3.3.1	Objectives	Satisfactory
A.	To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.	Yes
B.	To ensure that visual privacy is provided both within a development and between a development and its neighbours.	Yes
C.	To ensure that the siting and design of development minimises the impacts of noise transmission between properties.	Yes
3.3.2	Development Controls	Complies
.1	New development must ensure adequate visual and acoustic privacy levels for neighbours and residents	Yes
.2	Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.	Yes
.3	The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.	Yes
.4	Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards	Yes
.5	The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas (refer Figure 9).	Yes
.6	Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards (refer Figure 10).	Yes
.7	The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings	Yes
.8	Appropriate building materials shall be used to provide acoustic privacy.	Yes

**Comments:** The private open spaces are adequately separated from the private open spaces and windows of the adjoining residential flat building (under construction). To maintain visual privacy between rooms, the private open spaces of the adjoining lodger rooms on level 1 to 4 incorporate

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solid walls in addition to side and rear fencing for the private open spaces where lodger rooms are located on the ground level.

### 3.4: Acoustic Amenity and Air Quality

3.4.1	Objectives	Satisfactory
A.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses.	Yes
C.	To ensure mitigation measures such as building layout and design and building materials are taken into consideration where poor air quality is likely to affect inhabitants.	Yes
3.4.2	Development Controls	Complies
.1	Where dwellings are proposed within proximity to noise-generating land uses such as major roads and rail corridors; entries, halls, storage rooms, bathrooms and laundries must be located on the noise affected side of each dwelling and should be able to be sealed off by doors from living areas and bedrooms where practicable.	Yes
.2	Where dwellings are proposed within proximity to noise-generating land uses, appropriate materials with acoustic properties shall be incorporated into the development	Yes
.4	Noise generating developments particularly those adjacent residential developments and residential developments adjacent to noise generating sources such as busy roads and rail corridors, must submit an Acoustic Report prepared by a suitably qualified acoustic consultant with a development application	Yes
.5	The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration, to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as schools, child care centres, places of public worship and health services facilities when designing a development proposal	Yes
.6	For residential development: - internal habitable rooms of dwellings affected by high levels of external noise must be designed to achieve internal noise levels of no greater than 50dBA; - The internal layout of buildings/dwellings shall be designed so as to minimize the impacts of poor air quality on inhabitants.	Yes

**Comments:** The site is located opposite a railway corridor. In accordance with the Design Review Panel's recommendation, the re-orientation of the building to the west towards the Memorial Garden resulted in the originally north-facing units exposed to the rail and road noise to be positioned to the north-west to significantly improve the acoustic amenity of the rooms. Conditions of consent have been recommended to ensure the development is acoustically treated to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline".

### 3.5: Solar Access and Cross Ventilation

3.5.1	Objectives	Satisfactory
A.	To provide thermal comfort for occupants.	Yes
B.	To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.	Yes
C.	To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.	Yes
D.	To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.	Yes
E.	To ensure that sunlight access is provided to the Public Domain.	Yes
3.5.2	Development Controls	Complies
.1	Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments.  Note: Building setbacks may need to be increased to maximise solar access and to minimise	Yes

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	<i>overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.</i>	
.2	<i>Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.</i>	Yes
.3	<i>Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.</i>	Yes
.4	<i>In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.</i>	Yes
.7	<i>Buildings must be orientated to benefit from prevailing breezes.</i>	
.8	<i>All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.</i>	Yes

**Comments:**All lodger rooms are provided with a private open space to optimise solar access and natural ventilation (Figure 10).



Figure 10: Shadow diagrams of the proposed development.

3.6: Safety and Security

3.6.1	Objectives	Satisfactory
A.	<i>To ensure a safe physical environment by promoting crime prevention through design.</i>	Yes
C.	<i>To create a balance of uses that are safe and easily accessible</i>	Yes
D.	<i>To ensure there is adequate lighting and signage.</i>	Yes

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E.	<i>To reduce crime risk and minimise opportunities for crime.</i>	<b>Yes</b>
F.	<i>To increase and contribute to the safety and perception of safety in public and semipublic spaces.</i>	<b>Yes</b>
G.	<i>To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.</i>	<b>Yes</b>
H.	<i>To encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.</i>	<b>Yes</b>
<b>3.6.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1	<i>Development must be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas (Refer Figure 11).</i>	<b>Yes</b>
.2	<i>Development must be designed to minimise opportunities for crime through suitable access control. Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.</i>	<b>Yes</b>
.3	<i>Development must incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.</i>	<b>Yes</b>
.4	<i>Building entrances must be clearly identified and accentuated. Entries and associated elements including signs, street numbers, post boxes, landscaping etc. must be designed to emphasise their visible presence from various locations or approaches to the building.</i>	<b>Yes</b>
.5	<i>Entrances must serve as points of orientation or way-finding within the development, and providing clear sightlines and visual connections between the street, the entry, foyers and residential interiors.</i>	<b>Yes</b>
.7	<i>The incorporation of crime prevention measures in the design of new buildings and spaces shall not detract from the quality of the streetscape. Subtle design techniques must blend into façades and places and be integrated with the overall design of the development.</i>	<b>Yes</b>

**Comments:**The communal living room faces The Crescent to activate the street frontage and providing opportunities for passive surveillance. The privacy of the lodgers will be maintained through the 1.3m finished floor level variation between the communal living room and the pedestrian path. The finished floor level of the communal living room accommodated the 500mm freeboard requirement due to the flood affectation of the site.

A Plan of Management for the boarding house accompanied the development application and a condition of consent has been recommended for the Plan to be adopted.

### 3.9: Landscaping

<b>3.9.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings</i>	<b>Yes</b>
B.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality</i>	<b>Yes</b>
C.	<i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade</i>	<b>Yes</b>
<b>3.9.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1	<i>The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.</i>	<b>Yes</b>
.2	<i>Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.</i>	<b>No</b>
.4	<i>In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.</i>	<b>Yes</b>
.5	<i>Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.</i>	<b>Yes</b>



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.6	Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.	Yes
.8	In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve: - shaded buildings in summer; - reduced glare from hard surfaces; - sunlight access into living rooms in cooler months; - cooling air currents channelled into the dwelling in summer; and - windbreaks where desirable.	Yes
.10	Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements	Yes
.11	Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern	Yes
.12	Landscaping is to be designed so as to minimise overlooking between properties.	Yes
.13	The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.	Yes

**Comments:** The site is currently occupied by a two storey residential flat building with a landscaped front setback and trees. The amended design necessitates the removal of the existing trees within the front setback. Council's Tree Officer does not object to the proposed removal of the trees, subject to replacement planting on the site. The proposed development provides an opportunity to improve the deep soil landscaping and vegetation currently on the site.

No amended landscape plan incorporating the rooftop communal open space was submitted to Council. A condition of consent has been recommended for an amended landscape plan to be provided.

### 3.10: Private and Communal Open Space

3.10.1	Objectives	Satisfactory
A.	To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.	Yes
B.	To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.	Yes
C.	To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting	Yes
3.10.2	Development Controls	Complies
.1.	Private open space must be: - Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling). Open space within the front setback does not constitute private open space. - Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development. - Located so as to maximise solar access. - Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment.	Yes
.2.	Communal open space must be: - Located where it is highly visible and directly accessible to the maximum number of dwellings. - Designed with an integral role in the site and include uses such as circulation, BBQ or play areas, and areas of passive amenity, but excludes swimming pools. - Integrated with the deep soil zone to provide a landscaped setting with opportunities for large and medium size tree planting - Located adjacent to surrounding public open spaces such as reserves and public through site links where appropriate.	Yes

**Comments:** All rooms are provided with private open space, including the manager's room. The proposal will provide a soft landscaping area to the rear of the site and a rooftop communal open

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space area. The communal open space areas exceed the minimum requirements for open space under the ARH SEPP 2009. The rooftop communal open space is accessible via the lift and stairs.

#### 4.1: Car Parking and Vehicular Access

4.1.1 Objectives		Satisfactory
A.	<i>Vehicular access points are to be minimised and should not break the continuity of the streetscape. Landscaping should be used to minimise the visual intrusion of vehicular access points.</i>	Yes
B.	<i>Garages and parking structures are not to dominate the building facade and front setback</i>	Yes
C.	<i>To ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact.</i>	No
4.1.2 Development Controls		Complies
.1.	<i>Vehicle access points and parking areas must: - be easily accessible and recognisable to motorists; - not disrupt pedestrian flow and safety; - be located to minimise traffic hazards and the potential for vehicles to queue on public roads; and - minimise the loss of on street car parking, and to minimise the number of access points.</i>	No
.2.	<i>Car parking and service/delivery areas must be located so that they do not visually dominate either the development or the Public Domain surrounding the development.</i>	Yes
.7.	<i>Driveways must be designed to avoid a long and straight appearance by using landscaping and variations in alignment.</i>	Yes
.8.	<i>Car parking areas and vehicle access ways shall be landscaped to integrate sympathetically with the development and the landscape character of the locality.</i>	No
.9.	<i>The area between property boundaries and driveways, access ways and parking spaces must be of sufficient width to enable landscaping and screen planting.</i>	No
.10	<i>All parking provision must be designed and sited to respond to and respect the prevailing streetscape. The visual impact of parking within the front setback is to be minimised.</i>	Yes

**Comments:** The initial proposal sought to retain the existing driveway crossing. Due to the close proximity of the driveway to the roundabout at the T-intersection of The Crescent and Subway Lane, Council's Traffic Engineer does not support the initial design. Consequently, the location of the driveway to the proposed boarding house was amended to the eastern side boundary to increase the separation between the driveway and the roundabout. However, the re-location conflicts with the traffic island which is recommended to be resolved by Deferred Commencement conditions.

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

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

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

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

Conditions of consent are included within the recommendation to ensure compliance with any relevant regulations.

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

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*.

**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**

Streetscape Compatibility

The proposed boarding house achieves compliance with the development standards for boarding houses under the ARH SEPP 2000 and has been designed to consider the position of the subject site within its wider context.

Corner building form to The Crescent and the Memorial Park

The nil setback and the communal open space activates The Crescent street frontage whilst minimising the acoustic impacts of the railway corridor by limiting the number of openings and private open spaces.

The simplistic colour palette, exposed facebrick and rendered masonry on the contemporary style building form will result in a building outcome that balances traditional and contemporary styles so to contribute positively to the desired future character of the Homebush Precinct whilst respecting the existing heritage character in Rochester Street and the Homebush RSL Memorial Garden.

Traffic

During the assessment process the location of the driveway was re-located to the eastern side boundary in response to the roundabout at the T-intersection of The Crescent and Subway Lane. To ensure the proposed driveway and layback do not conflict with the traffic island, plans detailing the modified traffic island are to be submitted and endorsed by the Strathfield Council Traffic Committee. This matter has been dealt with by Deferred Commencement condition.

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#### Integrated Development

Previously discussed the subject site is located within 25m of a railway corridor, therefore the application requires the concurrence of Sydney Trains under the Infrastructure SEPP 2008. Additionally, the site is directly opposite a high voltage aerial line requiring a potential shut down of the line. Sydney Trains has requested that the applicant submit additional information demonstrating compliance with relevant guidelines regarding construction within close proximity to electricity infrastructure (including high voltage aerial lines). As such, the application is recommended for deferred commencement.

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

The proposed boarding house will provide affordable residential accommodation in an accessible location which is in walking distance to public transport and shops. The built form achieves a balance between the traditional and the contemporary, incorporating colour tones and external finishes sympathetic to the heritage items located within the vicinity of the site. Additionally, the proposed development has been appropriately designed for the constraints of 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 5 June to 6 July 2018 and 13 November 2018 to 27 November 2018, with two written submissions received as a result. The submissions raised the following concerns:

##### *1. Off-street car parking*

*Concern is raised regarding the number of car parking spaces provided. Does not comply with the updated SEPP implemented on 1 June 2018. This will have a negative impact on the existing residents and customers of the businesses in the Homebush shopping centre.*

Assessing officer's comments: During the assessment process a third level of basement was added, increasing the total number of car parking spaces from 11 to 25, achieving compliance in accordance with the increased car parking rate for boarding houses prescribed by the amended SEPP. The initial proposal comprised of two levels of basement parking providing 11 car parking spaces. On 1 June 2018 the parking rates for boarding houses under the ARH SEPP 2000

##### *2. Streetscape compatibility*

*The proposed design of the boarding house is not compatible with the character of the local area as required under Section 30A of the ARH SEPP. A village theme emphasizing the heritage aspects is the long term plan for the Homebush precinct. The structure is no sympathetic to the existing or desired character of the locality and will allow the family and community ambience to disappear.*

Assessing officer's comments: The compatibility of the schedule of colours and external finishes was raised by the Design Review Panel. In response to the comments an amended colour and finishes scheme was proposed including the deletion of the timber-look cladding, a more extensive use of exposed facebrick and rendered masonry in a simplistic colour palette.

##### *3. Side setbacks*

*The side setbacks of the proposed development does not meet the minimum requirements under Part C of the SCDCP 2005. The site is too small for the development to comply with the SCDCP 2005.*

Assessing officer's comments: Part C of SCDCP 2005 does not relate to boarding house developments. In accordance with Section 1.2 of Part Q Urban Design of the SCDCP 2005 "the urban design objectives and controls within part Q of the SCDCP 2005 will be applied in the assessment of all development application, with the exception of development for the purpose of dwelling-houses on land zoned R2 Low Density Residential under the SLEP 2012." The

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assessment of the proposal against Part P has taken into consideration the side setbacks with the amended design increasing the side setbacks to an acceptable level.

4. *Residential amenity*

*The communal open space located at the rear of the site will receive no solar access during the winter solstice and is not appropriate for the capacity of the boarding house.*

Assessing officer's comments: Amended plans were submitted that incorporate a communal open space on the rooftop of the building which optimises solar access. The proposed rooftop communal open space contains 101m<sup>2</sup> of usable space.

5. *Entry and exit arrangements*

*The proposed car park entry/exit is within close proximity to the single lane roundabout. This a matter for the RMS to assess.*

Assessing officer's comments: Under the State Environmental Planning Policy (Infrastructure) 2007 and the Environmental Planning and Assessment Act 1979 the development application was not required to be referred to RMS. Council's Traffic Officer did not support the initial car parking arrangement or the location of the driveway layback due its close proximity to the roundabout at the intersection of The Crescent and Subway Lane. The amended plans provided a subsequent design re-located the driveway to the eastern side boundary conflicts with a traffic island. Conditions of consent have been recommended by Council's Traffic Engineer to ensure the vehicle access arrangements achieve compliance with the relevant Australian Standards.

6. *Property values*

*Having a boarding house on the street will devalue other properties in the area.*

Assessing officer's comments: The potential impacts of developments on property values is not a matter required to be considered by the consent authority under Section 4.15 of the Environmental Planning and Assessment Act 1979.

#### **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."*

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## 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	\$ 7,0422.88
Provision of Major Open Space	\$320,403.01
Provision of Local Open Space	\$109,809.09
Provision Roads and traffic Management	\$ 27,074.73
Administration	\$ 6,072.39
<b>TOTAL</b>	<b>\$533,782.09</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, State Environmental Planning Policy Affordable Rental Housing 2009 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent

## PEER REVIEW

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

## RECOMMENDATION

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

That Development Application No. 2018/067 for demolition of existing structures and construction of a boarding house containing 48 lodger rooms and one manager's room above three levels of basement parking under the Affordable Rental Housing SEPP 2009 at 31 The Crescent, Homebush be **DEFERRED COMMENCEMENT**, subject to the following conditions:

## DEFERRED COMMENCEMENT CONDITIONS

### DEFERRED COMMENCEMENT APPROVAL

This is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment (EP&A Act, 1979. This consent does not become operative until the applicant has satisfied the conditions listed under Schedule A below. All conditions shall be satisfactorily resolved within a period of twelve (12) months from the Determination Date that is shown on this consent. Upon compliance with the conditions under SCHEDULE A and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement' (to be included on the written notice of determination).

(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 4.16(3) of the EP&A Act 1979)

### SCHEDULE A

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### **D1 SYDNEY TRAINS – GENERAL REQUIREMENTS**

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained concurrence from Sydney Trains as to the following matters and that approval/certification has been forwarded to Council:

- a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

### **D2 SYDNEY TRAINS – HIGH VOLTAGE AERIAL LINE**

The Applicant shall demonstrate compliance with relevant guidelines regarding construction within close proximity to electricity infrastructure (including high voltage aerial lines) to the satisfaction of Sydney Trains.

Written evidence to this affect shall be submitted to Council.

(Reason: To protect electrical infrastructure)

### **D3 TRAFFIC ISLAND**

The traffic island located on the westbound approach of the roundabout at the intersection of The Crescent and Subway Lane is to be modified to ensure adequate vehicular access to and from the site (including waste collection vehicle access) at no cost to Council.

Amended plans detailing the necessary modifications to the driveway and traffic island including swept path analysis are to comply with the relevant Australian standards and demonstrate the safety of the roundabout.

The plans and specifications shall be submitted to Council to the satisfaction and endorsement of the Strathfield Council Traffic Committee. Any conditions or requirements imposed by the Traffic Committee including hold point inspections must be complied with.

(Reason: To ensure road safety.)

## **SPECIAL CONDITIONS (SC)**

### **1. LANDSCAPING – AMENDED LANDSCAPE PLAN (SC)**

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted

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to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include the following information:

- i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.
- vii) Th rooftop communal open space shall be landscape and may include but not limited to *Carpobrotus glaucescens*, *Scaevola aemula*, *Kunzea ambigua*, *Lonanra spp.* and *Westringia*.

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

(Reason: Landscape quality.)

**2. GEOTECHNICAL REPORT (SC)**

The recommendations of the following reports shall be complied with at all stages of development (including demolition and construction).

- Stage 1 Environmental Investigation prepared by Dirt Doctors Pty Ltd dated 10 May 2018, received by Council on 18 May 2018; and
- Geotechnical and Groundwater Report prepared by Morrow Geotechnics Pty Ltd, dated 10 May 2018, received by Council on 14 August 2018.

A written statement prepared by a suitably qualified geotechnical engineer confirming that all recommendations of the above reports have been complied with shall be submitted and approved by the Principal Certifying Authority.

(Reason: To ensure the site is suitable for the purpose of a boarding house and is appropriately constructed.)

**3. WASTE - ON-SITE WASTE COLLECTION (SC)**

Prior to the issue of the Construction Certificate the following amended plans and additional information shall be submitted to and approved by Council:

- a) The property may be serviced by a private contractor. Written confirmation shall be provided by a private waste contractor confirming that waste (general waste and recycling) collections can occur within the boundaries of the site without obstructing vehicle access to or from the site.
- b) The warning light depicted on the Ground Floor Plan shall be moved so that whilst the



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waste collection vehicle is on site, vision of the warning light is not obstructed.

(Reason: To ensure waste collection does not obstruct traffic flow in and out of the building.)

#### GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/067:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1001	SITE ANALYSIS	Urban Link	Revision D	20 November 2018
DA1002	SITE ANALYSIS	Urban Link	Revision D	20 November 2018
DA2001	BASEMENT 3 & 2	Urban Link	Revision D	20 November 2018
DA2002	BASEMENT 1	Urban Link	Revision D	20 November 2018
DA2003	GROUND FL PLAN	Urban Link	Revision D	20 November 2018
DA2004	LEVEL 1 PLAN	Urban Link	Revision D	20 November 2018
DA2005	LEVEL 2-3	Urban Link	Revision D	20 November 2018
DA2006	LEVEL 4 & ROOF PLAN	Urban Link	Revision D	20 November 2018
DA3001	ELEVATIONS	Urban Link	Revision D	20 November 2018
DA3002	ELEVATIONS AND SECTION	Urban Link	Revision D	20 November 2018
DA6301	PHOTOMONTAGE	Urban Link	Revision D	20 November 2018
DA6302	FINISHES SCHEDULE	Urban Link	Revision D	20 November 2018
L/01	PROPOSED LANDSCAPE PLAN	Discount Landscape Plans	10/05/18	14 August 2018
A8210-COVER	SEDIMENT AND EROSION CONTROL PLAN	Alpha Engineering & Development	Revision D	14 August 2018
A8210-SW01	SEDIMENT AND EROSION CONTROL PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW02	BASEMENT 3 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW03	BASEMENT 2 & 1 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW04	GROUND FLOOR DRAINAGE	Urban Link	Revision D	14 August 2018

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	PLAN			
A8210 – SW05	STORMWATER SECTIONS AND DETAILS	Urban Link	Revision D	14 August 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/067:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Pragma Planning	22 August 2018	24 August 2018
Stage 1 Environmental Legislation	Dirt Doctors Pty Ltd	10 May 2018	18 May 2018
Geotechnical and Groundwater Report	Morrow Geotechnics Pty Ltd	10 May 2018	14 August 2018
Traffic Assessment	TDG	12 August 2018	14 August 2018
Accessibility Report	Access Link Consulting	18 May 2018	18 May 2018
Acoustic Report	Acoustic, Vibration and Noise Pty Ltd	17 May 2018	18 May 2018
Flood Study	SGC Engineering Value	18 May 2018	18 May 2018
Amended Waste Management Plan	Dickens Solutions Pty Ltd	August 2018	14 August 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.)

## 5. BOARDING HOUSE - APPROVED USE (GC)

- The boarding house must be operated in accordance with the Boarding Houses Act 2012.
- The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and ongoing inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

- The boarding house is to comply with the approved Plan of Management required by this consent.
- The use of the premises as a boarding house must comply always with the following:
  - a) A copy of the Plan of Management and House Rules must be annexed to every tenancy/occupation agreement for a room;
  - b) A copy of the approved Plan of Management and House Rules must be clearly displayed within the common room in the building at all times;
  - c) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
  - d) The premises must be used exclusively as a boarding house containing a maximum total of **98** residents including 96 lodgers and 2 residents in the on-site manager's room, with **2** lodger(s) permitted per room;
  - e) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;

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- f) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
  - g) Each self-contained room be fitted out with washing up facilities, a cooktop, microwave oven, fridge and storage space with such utilities being maintained in working order at all times;
  - h) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services; and
  - i) The communal room shall be provided with an oven and cooktop.
- The Plan of Management must be updated to reflect the requirements outlined within this condition.
  - Any proposed amendments to the Management Plan are to be submitted to Council for consideration and approval prior to any amendments being made.
  - If the operator of the boarding house alters from the operator nominated in the Plan of Management, a new Plan of Management is to be submitted to Council within 28 days of the change in operator unless it is confirmed in writing that the new operator will comply with the Plan of Management approved as part of this consent.

(Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 26.50AHD to the top of the lift of the building.

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

**7. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

**9. DEMOLITION – GENERALLY (GC)**

Alteration and demolition of the existing building is limited to that documented on the

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

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

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

**11. 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.)

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

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

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other site works:

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

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

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to the local area.)

**14. 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.)

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

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

Tree Species	Height x width	Location
5 x <i>Chamaecyparis obtusa</i>	4-6m spread x 8m height	Front setback

All trees permitted to be removed by this consent shall be replaced (2 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

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

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

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premises.

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

**17. LIGHTING (GC)**

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on The premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

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

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

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

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

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

For Quick Check agent details please refer to the web site [www.sydneywater.com.au](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.)

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

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

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

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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.)

## **WATER NSW CONDITIONS**

### **21. WATER NSW GENERAL TERMS OF APPROVAL**

The following conditions are to be complied with:

- i) 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.
- ii) 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.
- iii) 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.
- iv) 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).
- v) 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.

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

### **22. 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



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approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

**23. ACCESS - DISABLED TOILETS (CC)**

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

**24. BICYCLE STORAGE PROVISION (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

**25. BOARDING HOUSE - CONSTRUCTION OF (CC)**

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;
- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

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

(Reason: To ensure compliance with relevant legislation.)

**26. 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

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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.)

**27. 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.)

**28. 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.)

**29. 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

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- 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.)

**30. 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.)

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

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

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

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

**32. 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.)

**33. 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.

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- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
  - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](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;

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- How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
  - the date and time when asbestos removal works will commence;
  - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - the full name and license number of the asbestos removalist/s; and
  - the telephone number of WorkCover's Hotline 13 10 50
  - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
  - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

34. **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.

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Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

**35. 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.)

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

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

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

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

(Reason: Environmental protection.)

**37. EXCAVATION - AFFECTING ADJOINING LAND (CC)**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

**38. 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.)

**39. 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.)

**40. FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

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

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by S & G Consultants Pty Limited. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

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

**42. 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



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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.)

43. **LANDSCAPING ON SLAB (CC)**

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

44. **NOISE – CONSTRUCTION CC)**

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

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

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

(Reason: Noise attenuation.)

45. **RAILWAY NOISE REPORT (CC)**

Due to the close proximity of the Railway Corridor to the proposed development the subject building(s) are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by “Development near Rail Corridors and Busy Roads – Interim Guideline” or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

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- in any bedroom in the building: 35 DB(A) at any time 10pm – 7am;
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40 DB(A) at anytime.

A report shall be provided to Council or the nominated Accredited Certifier by a suitably qualified acoustic consultant confirming that the recommended standards can be achieved. Such report is to be submitted prior to the release of the Construction Certificate.

(Reason: Noise attenuation.)

**46. 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.)

**47. ROOF TERRACES GENERALLY (CC)**

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.)

**48. 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	\$ 7,0422.88
Provision of Major Open Space	\$320,403.01
Provision of Local Open Space	\$109,809.09
Provision Roads and traffic Management	\$ 27,074.73
Administration	\$ 6,072.39
<b>TOTAL</b>	<b>\$533,782.09</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

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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.)

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

A security (damage deposit) of **\$27,000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.**

(Reason: Protection of Council infrastructure.)

50. **STORMWATER DRAINAGE (CC)**

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

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

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

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

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

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

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

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

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

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

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

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53. **BIN ALLOCATION (CC)**

- (a) Multi Dwelling Housing Developments requiring communal bin storage and the residential component of shop top housing developments.

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

- Domestic Waste – 13 x 240L mobile bins.
- Domestic Recycling – 5 x 240L mobile bins.

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

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

54. **WASTE AND RECYCLING STORAGE ROOMS (CC)**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
  - 240L bin must have 1.1m<sup>2</sup> of space per bin
  - 660L bin must have 2.03m<sup>2</sup> of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

55. **ONSITE WASTE COLLECTION**

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet

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the following conditions:

At-grade collection

- A waste collection point is to be provided:
  - behind the front building line,
  - alongside the driveway into the site.
  - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).
- i) Collection vehicles must not impede access to, within or from the site for other users.
- ii) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.
- iii) The waste collection point shall be no more than 15m from the property boundary at the street.
- iv) There should be convenient and step free access between the waste storage room/area and the collection point.
- v) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
- vi) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.
- vii) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

(Reason: To ensure an efficient and effective collection system.)

**56. WATER SUSTAINABILITY – GENERALLY (CC)**

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- i) toilet flushing;
- ii) clothes washing;
- iii) garden irrigation;
- iv) car washing and similar outdoor uses;
- v) filling swimming pools, spa pools and ornamental ponds; and
- vi) fire fighting.

(Reason: To promote sustainable water management practice.)

**57. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)**

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SDCDP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

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

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

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

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

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

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

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

All civil engineering works adjacent/near/outside 31 The Crescent, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

59. **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.)

60. **DUST CONTROL (CC)**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected

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

(Reason: Environmental amenity.)

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

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

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

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

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

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

(Reason: Statutory requirement.)

#### **62. 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



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- ii) proposed to commence works associated with the Development Consent; 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)**

#### **63. CONTAMINATED LAND UNEXPECTED FINDS (DW)**

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

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

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

(Reason: To ensure compliance with statutory requirements.)

#### **64. 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.)

#### **65. 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.)

#### **66. 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

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infrastructure or services affected by the development.

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

**647. 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 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 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)**

**68. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

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

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management.)

70. **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.

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

71. **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.)

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**72. RAINWATER TANKS (OC)**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

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

(Reason: To protect public health and amenity.)

**73. 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.)

**74. 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 and water sensitive urban design components.

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

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

**CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)**

**75. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)**

An Operational Plan of Management is to be formulated and submitted to Council for approval, prior to the issue of any Occupation Certificate.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are

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adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc.
- ii) All the responsibilities of the Caretaker/Manager.
- iii) An Incident Register to be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- iv) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate and commencement of the use.

(Reason: To minimise the impact of the use on surrounding residences.)

76. **BOARDING HOUSE - ONGOING USE OF (OU)**

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
  - is wholly or partly let in lodgings, and
  - provides lodgers with a principal place of residence for 3 months or more, and
  - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
  - Boarding Houses Act 2012;
  - Boarding Houses Regulation 2013;
  - Local Government Act 1993; and
  - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
- v) No speakers or music is permitted outdoors or in the communal areas.
- vi) The Boarding house is required to be registered on a register administered by NSW Fair Trading.

(Reason: To minimise the impact of the boarding house on surrounding residences.)

DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

**77. FIRE SAFETY ANNUAL STATEMENT (OU)**

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- ii) Prominently displayed in the building.

(Reason: Fire safety.)

**78. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)**

- i) The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- iii) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

**79. MAINTENANCE AND PROTECTION OF LANDSCAPING AND SOFT LANDSCAPED AREAS (OU)**

The applicant and property owner/s are to maintain and enhance the completed landscape works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values)

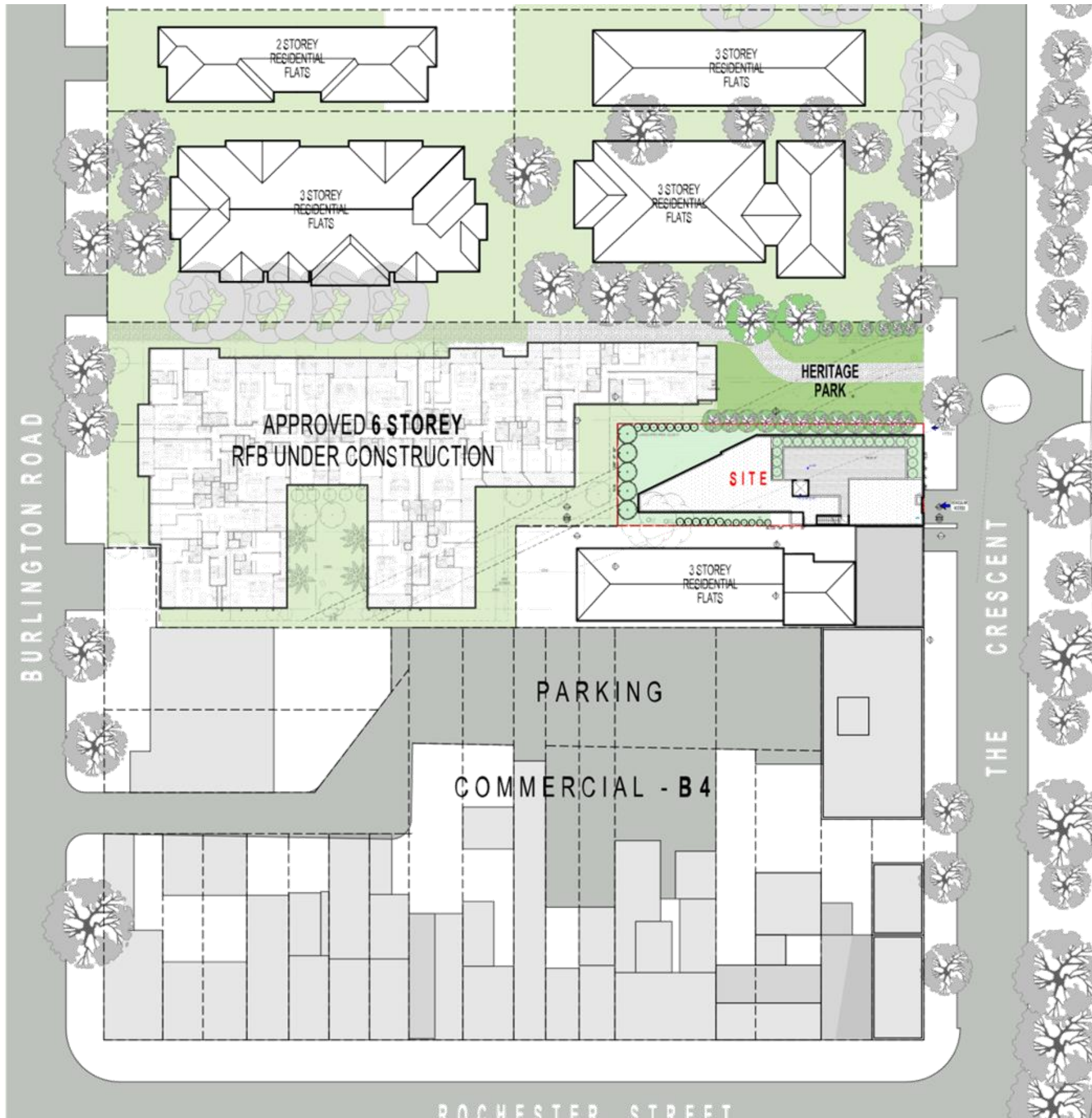
DA2018/067 - 31 The Crescent, Homebush  
Lot A in DP 391764 (Cont'd)

**ATTACHMENTS**

1. [↓](#) Architectural Plans







NOTE: CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS. DO NOT SCALE DRAWING.

# 31 THE CRESCENT, HOMEBUSH BOARDING HOUSE DEVELOPMENT APPLICATION

CALCULATION TABLE		
TOTAL SITE AREA 697 m <sup>2</sup>		
NOTE: ALLOWABLE FSR: 3:1 PLUS 0.5		
CONTROL	MAX ALLOWABLE	PROPOSED
GROSS FLOOR AREA (GFA)	2439.5	1667.08
FLOOR SPACE RATIO (FSR)	3.5 : 1	2.39 : 1
BUILDING HEIGHT	16m	17.34m (with Lift Over-run)
COMMUNAL OPEN SPACE	25m <sup>2</sup>	147 m <sup>2</sup>
COMMUNAL OPEN LOUNGE		23 m <sup>2</sup>
LANDSCAPE		234 m <sup>2</sup>
DEEP SOIL		126 m <sup>2</sup>

CAR PARKING			
CONTROL	ROOMS	MIN REQ	PROPOSED
ROOMS/ D. CAR SPACES	48	24	25
MANAGER'S UNIT (1 BED / 1 CAR SPACE)		1	1
TOTAL CAR SPACES		25	26
DISABLE SPACE		2	2
MOTOCYCLES		9.8	8
BICYCLES		9.8	10

STRATHFIELD COUNCIL  
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AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

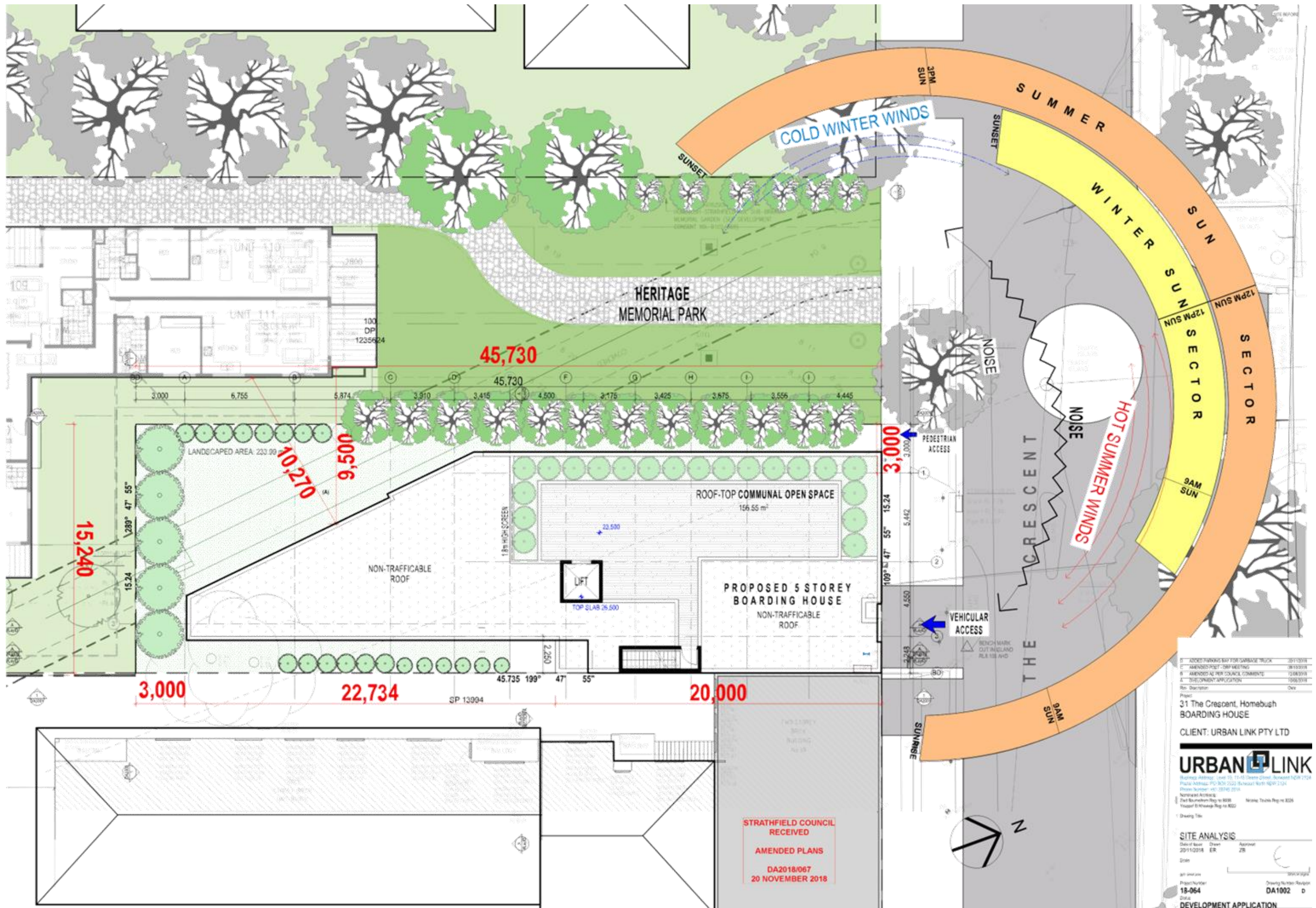
- D AMEND PARKING BAY FOR GARBAGE TRUCK 20/11/2018
- E AMENDS POOL DEPTH 08/11/2018
- F AMENDS AC PER COUNCIL COMMENTS 12/08/2018
- G REVISIONS FOR APPROVAL 13/08/2018

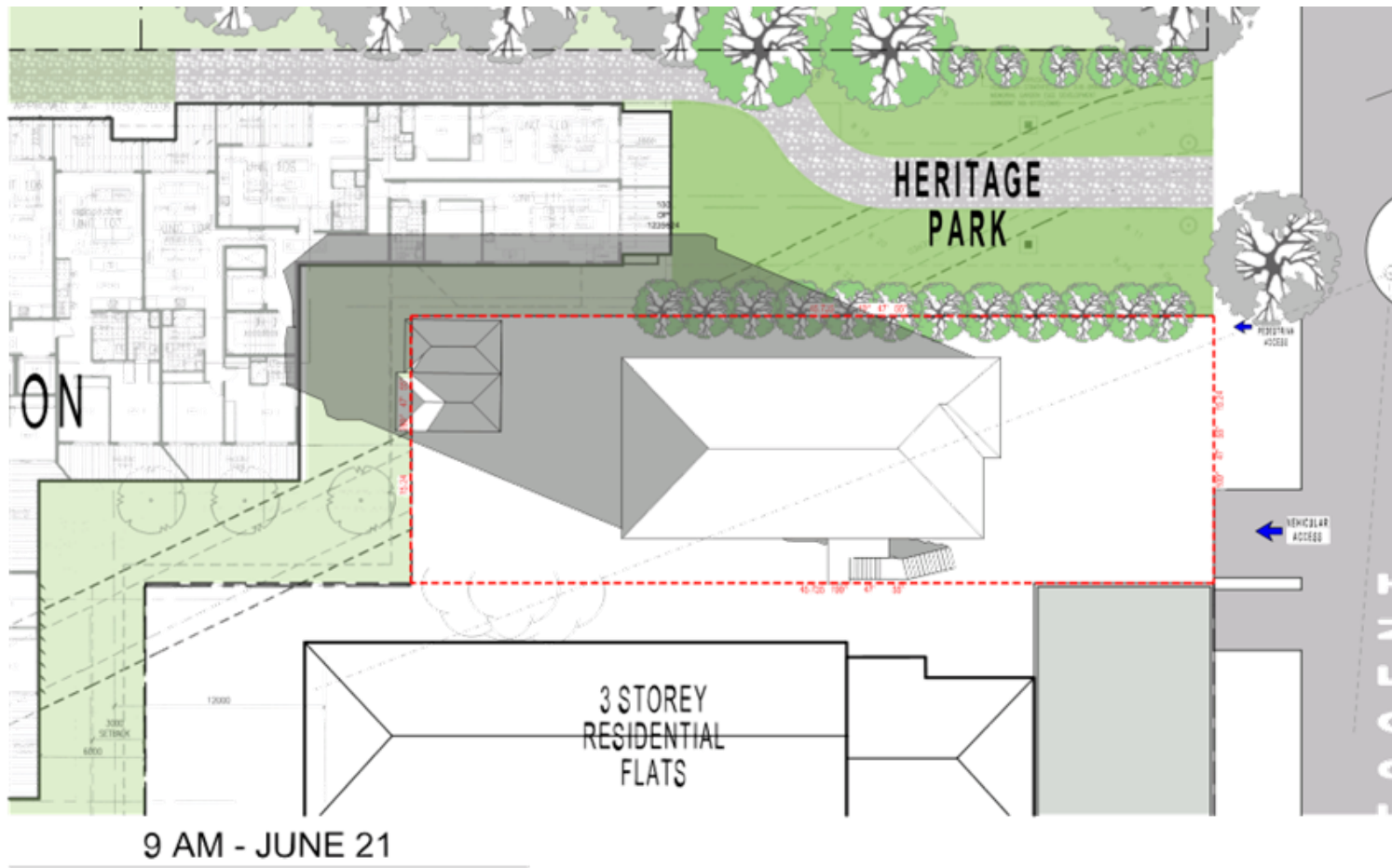
Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Business Address: Level 10, 11-15 Green Street, Broadway NSW 2124  
 Postal Address: PO BOX 1222 Broadway NSW 2124  
 Phone Number: +61 (0)2 9214 2014  
 National Toll-free: 1800 100 100  
 Website: www.urbanlink.com.au  
 Sydney Office: 2nd Floor, 100 Pitt Street NSW 2000  
 Website: www.urbanlink.com.au  
 Drawing Title:

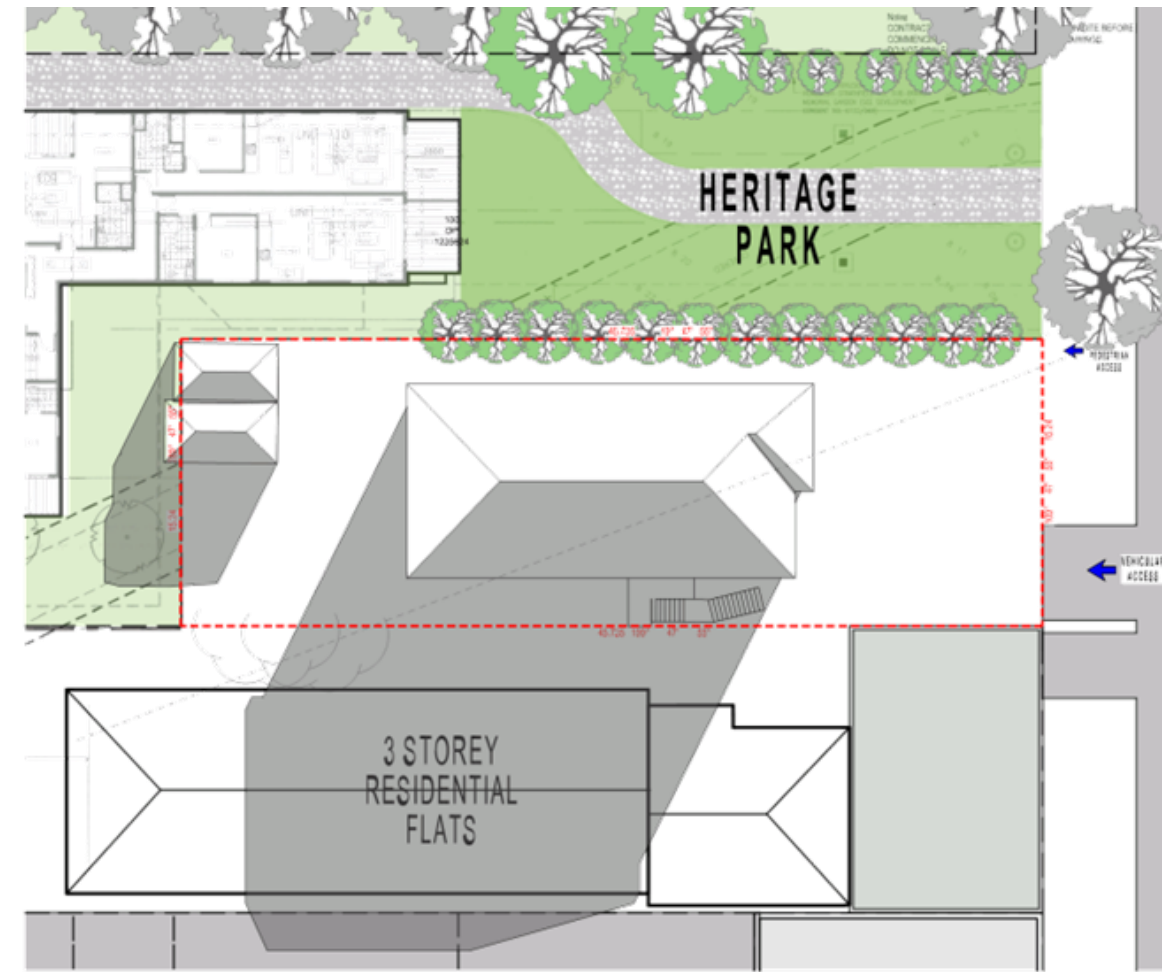


CONTEXTUAL PLAN 1:300  
 SITE ANALYSIS  
 Date of Issue: 20/11/2018  
 Drawn by: ER  
 Approved by: ZB  
 Project Number: 18-064  
 Drawing Number: DA1001  
 Date: 20/11/2018  
 Development Application

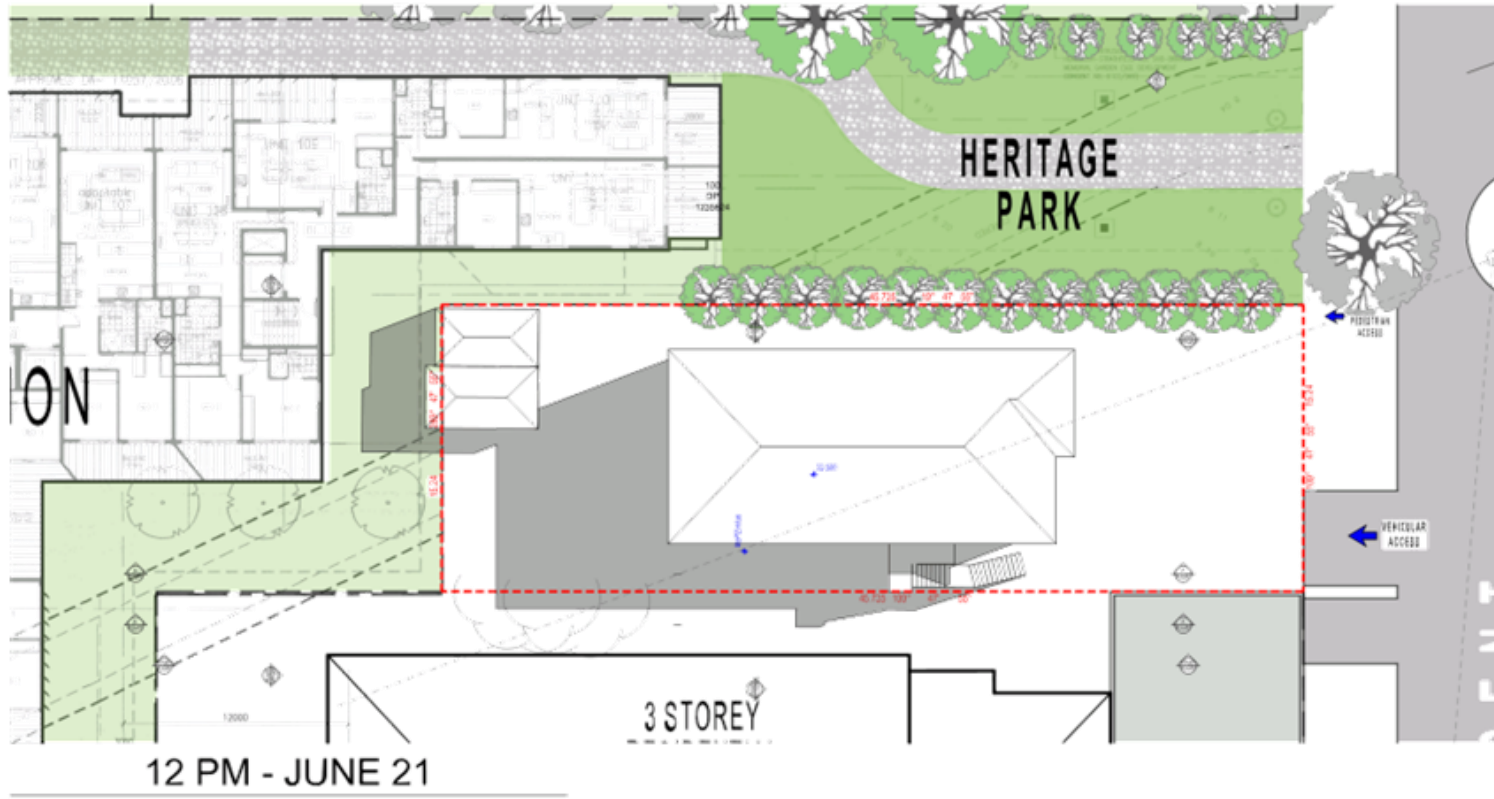




9 AM - JUNE 21



3 PM - JUNE 21



12 PM - JUNE 21

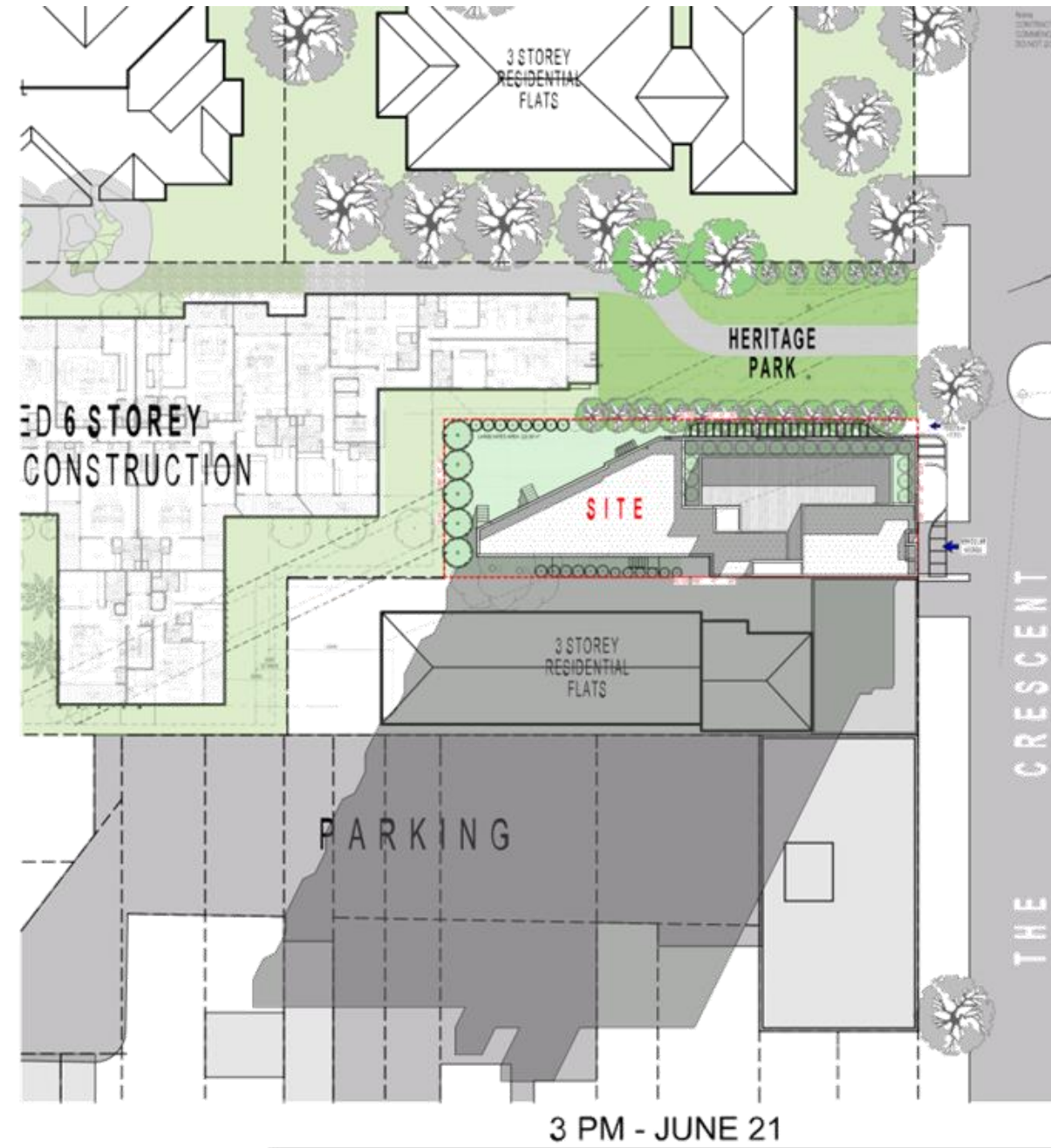
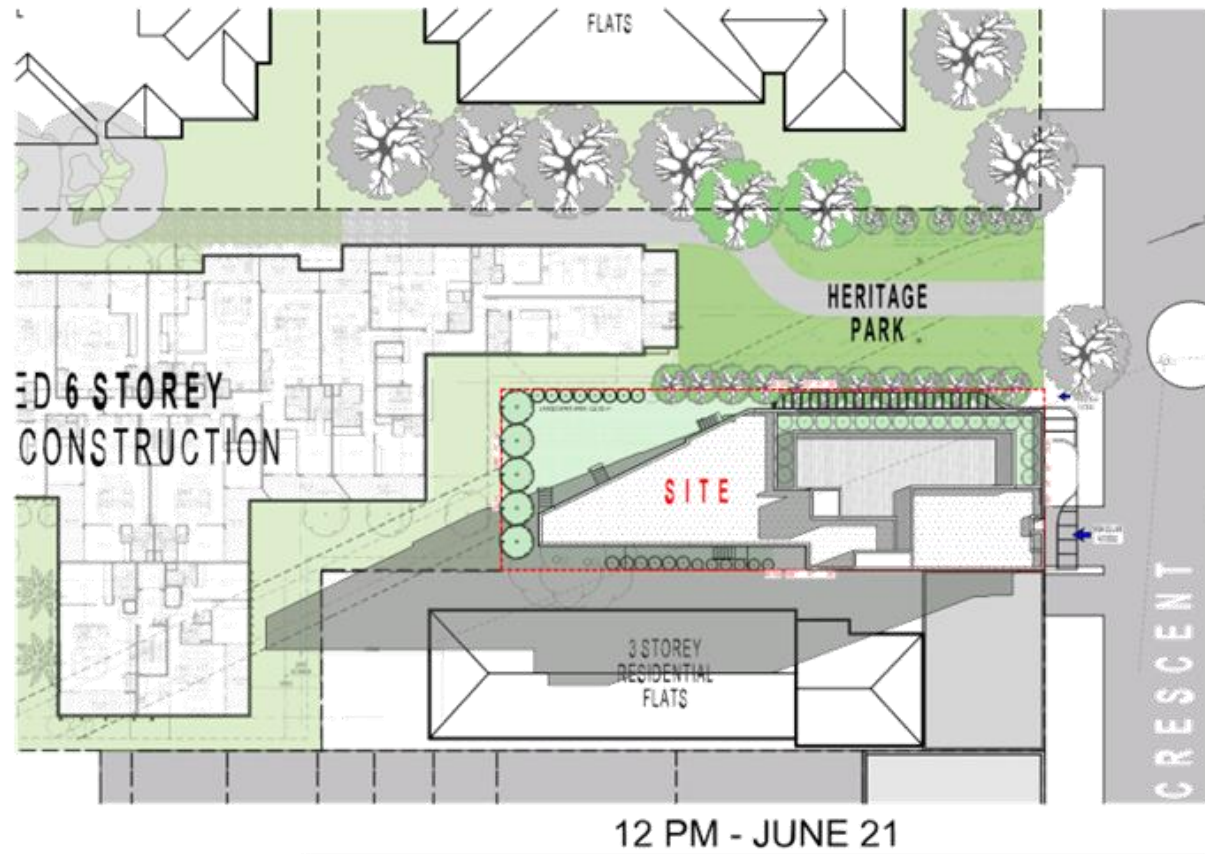
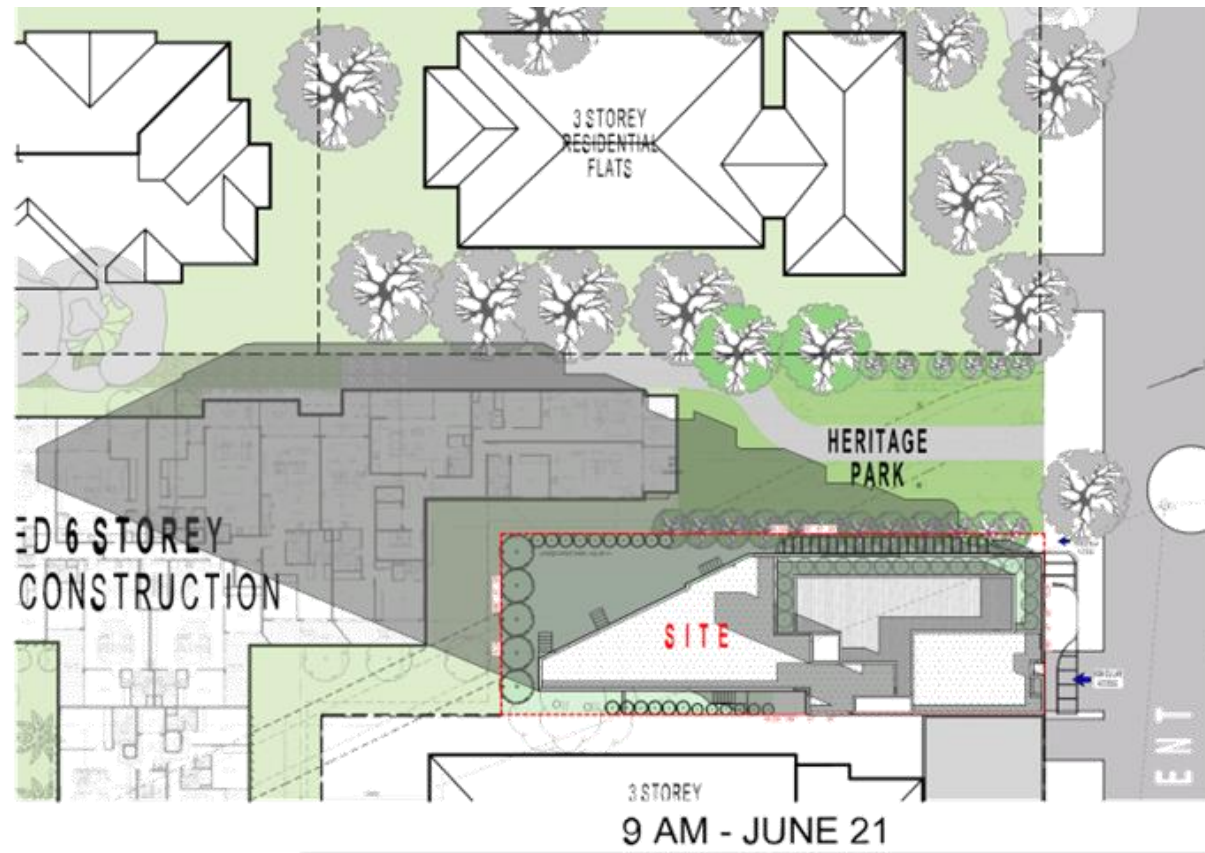
STRATHFIELD COUNCIL  
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DA2018/067  
20 NOVEMBER 2018

B	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
C	AMENDS POET - DRP MEETING	08/12/2018
D	AMENDS AE PER COUNCIL COMMENTS	12/08/2018
E	PRELIMINARY SPECIFICATION	12/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Business Address: Level 10, 11-15 Green Street, Sydney NSW 2014  
 Postal Address: PO BOX 1222, Newmarket NSW 1585  
 Phone Number: +61 (0)2 942 2014  
 Website: www.urbanlink.com.au  
 NSW Planning Approval: Z141 Strathfield Reg no 8338  
 NSW Planning Approval: Z141 Strathfield Reg no 8338  
 Drawing Title:

**SHADOW DIAGRAMS - EXISTING**  
 Date of Issue: 20/11/2018  
 Drawn: ER  
 Number: ZB  
 Date:  
 Project Number: 18-064  
 Drawing Number/Revision: DA1003  
 Date:  
 DEVELOPMENT APPLICATION



STRATHFIELD COUNCIL  
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AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

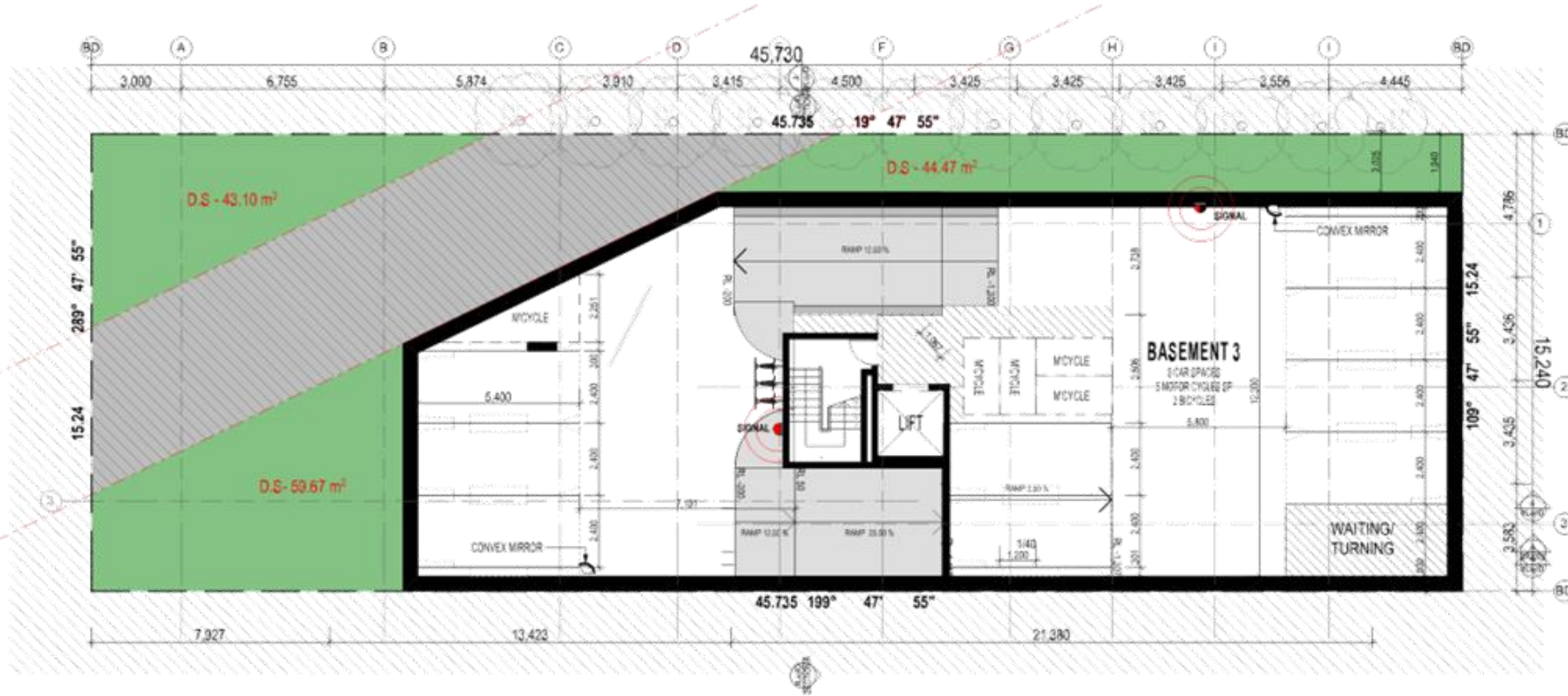
B	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
C	AMENDED POET - DRAINAGE	08/10/2018
E	AMENDED AE PER COUNCIL COMMENTS	12/08/2018
F	REVISIONS FOR COUNCIL	12/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Building Address: 1447-15, 11-15 Street, Strathfield NSW 2154  
 Postal Address: PO BOX 2222 Strathfield NSW 2154  
 Phone Number: +61 (0)2942 2014  
 National Accounting: Zaf Solutions Pty Ltd ABN 62 620 111 111  
 Website: www.urbanlink.com.au

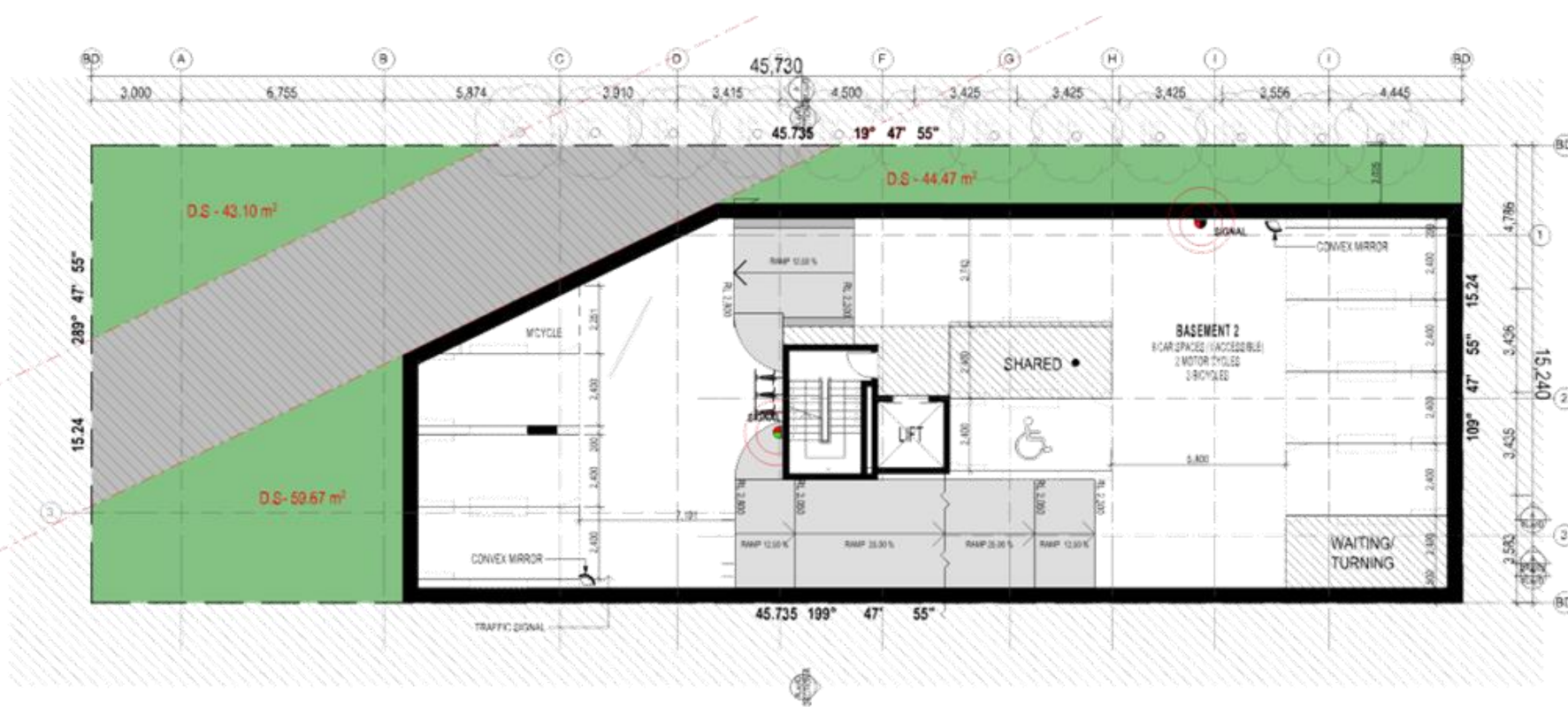
**SHADOW DIAGRAMS - PROPOSED**  
 Date of Issue: 20/11/2018  
 Drawn: ER  
 Checked: ZB  
 Date: 20/11/2018  
 Project Number: 18-064  
 Drawing Number: DA1004  
 Title: DEVELOPMENT APPLICATION

Note  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
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DO NOT SCALE DRAWING



STRATHFIELD COUNCIL  
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AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

BASEMENT 3 1:100



BASEMENT 2 1:100

B	AMEND PARKING BAY FOR WASTE TRUCK	20/11/2018
C	AMENDS POET - DRIP PAVING	08/12/2018
E	AMENDS AS PER COUNCIL COMMENTS	12/04/2018
F	REVISIONS FOR APPROVAL	13/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE

CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
Business Address: Unit 10, 11-13 Green Street, Strathfield NSW 2157  
Postal Address: PO BOX 2122 Strathfield NSW 2157  
Phone Number: +61 (0)2940 2014  
Nominating Authority:  
Zak Sounthorn Reg no 8338    Nicole Tunks Reg no 8338  
Yusuf El Khawaj Reg no 8522

Drawing Title:  
**BASEMENT 3 & 2**

Date of Issue	Drawn	Approved
20/11/2018	ER	ZB

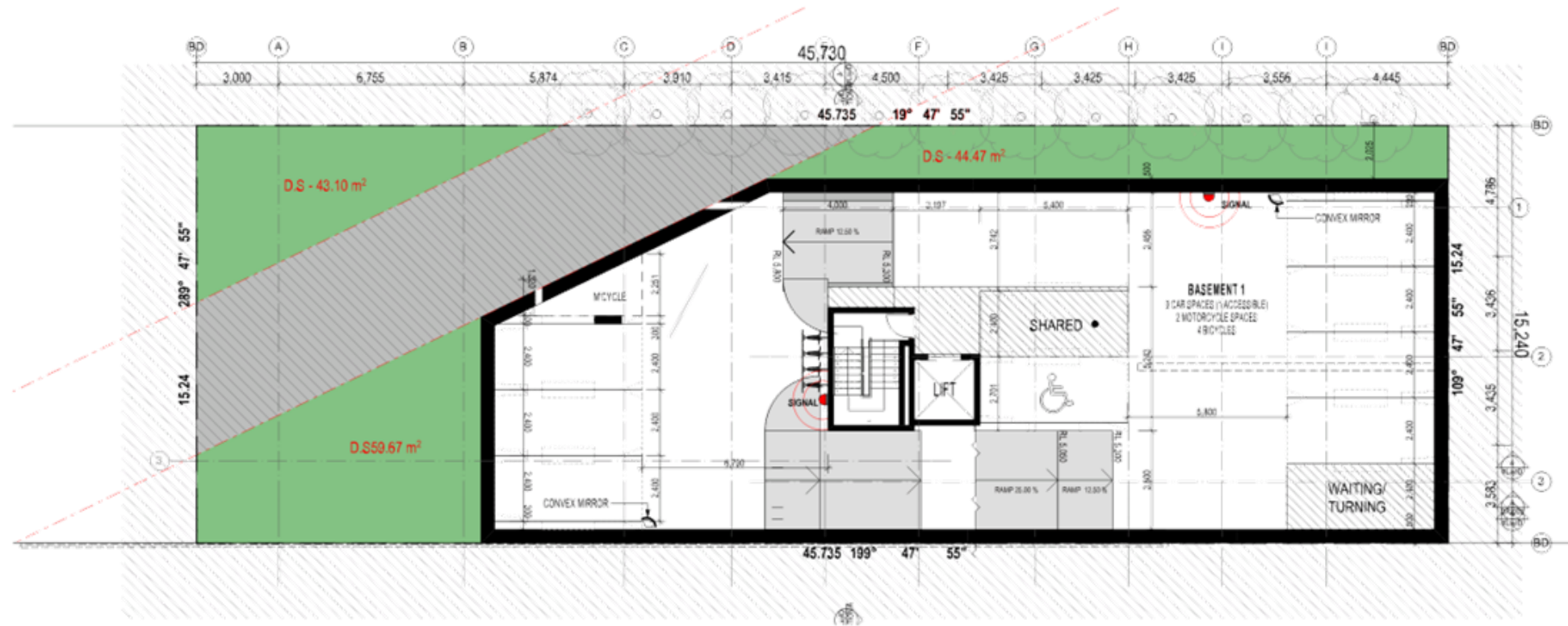
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Project Number:  
**18-064**

Drawing Number/Revision:  
**DA2001 0**

Date:  
**DEVELOPMENT APPLICATION**

NOTE:  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
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**RECEIVED**  
**AMENDED PLANS**  
**DA2018/067**  
**20 NOVEMBER 2018**

BASEMENT 1

1:100

CAR PARKING			
CONTROL	ROOMS	MIN REQ	PROPOSED
ROOMS/ D.S CAR SPACES	48	24	25
MANAGER'S UNIT (1 BED / 1 CAR SPACE)		1	1
<b>TOTAL CAR SPACES</b>		26	26
DISABLE SPACE		2	2
MOTOCYCLES		9.8	8
BICYCLES		9.8	10

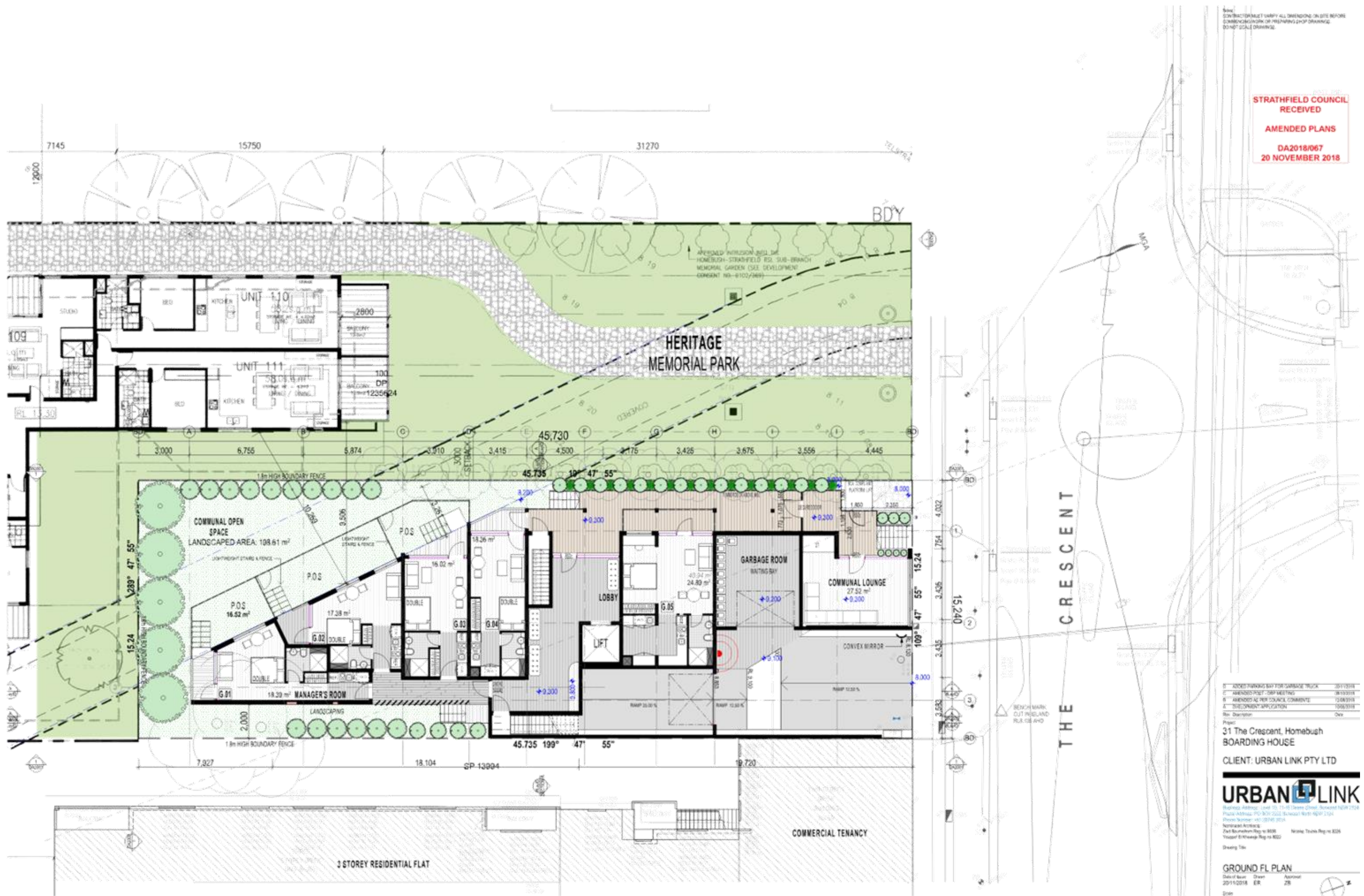
B	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
C	AMENDS POET DRP MEETING	08/10/2018
D	AMENDS AE PER COUNCIL COMMENTS	12/08/2018
E	PRELIMINARY SPECIFICATION	13/02/2018
Rev	Description	Date

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE

CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Building Address: Unit 10/11-13 Drake Street, Strathfield NSW 2154  
 Postal Address: PO Box 2222 Strathfield NSW 2154  
 Phone Number: +61 (0)2 9740 2014  
 Website Address:  
 2nd Floor: Strathfield Reg 92338 NSW Reg 92338  
 1st Floor: Strathfield Reg 92338 NSW Reg 92338  
 Drawing Title:

**BASEMENT 1**  
 Date of Issue: 20/11/2018  
 Drawn: ER  
 Approved: ZB  
 Scale: 1:100  
 Project Number: 18-064  
 Drawing Number: DA2002  
 Drawing Title: DEVELOPMENT APPLICATION



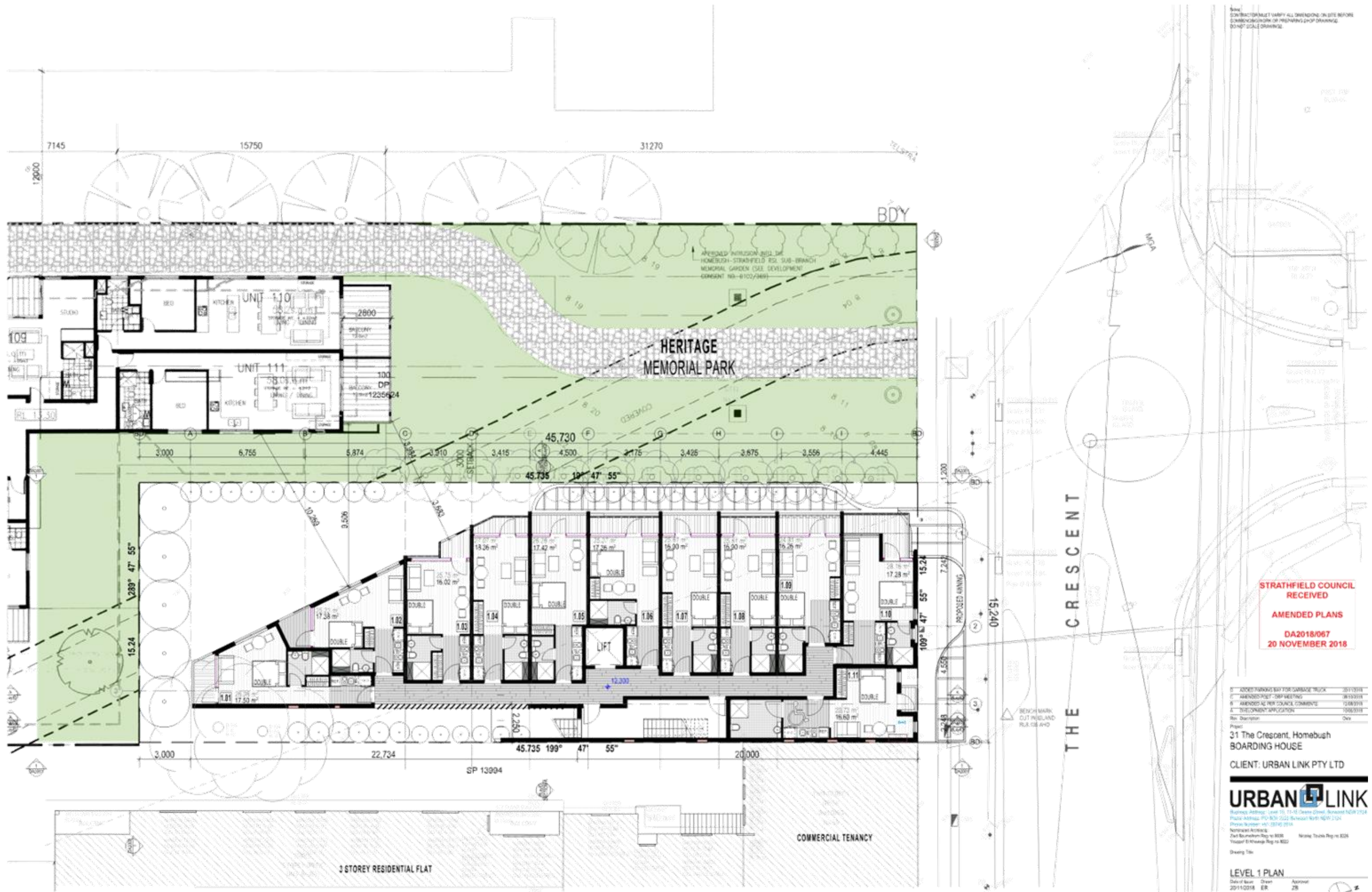
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AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
Building Address: 144-151, 171-175 Green Street, Strathfield NSW 2154  
Postal Address: PO BOX 2222 Strathfield NSW 2154  
Phone Number: +61 (0)294 2014  
National Australia Bank  
2nd Floor, 144-151 Green Street, Strathfield NSW 2154  
Branch: Strathfield NSW 2154  
Drawing Title:

**GROUND FL PLAN**  
Date of Issue: 20/11/2018  
Drawn: ER  
Approved: ZB  
Scale: 1:100  
Drawing Number: 18-064  
Revision: DA2003  
DEVELOPMENT APPLICATION

GROUND FLOOR PLAN 1:100



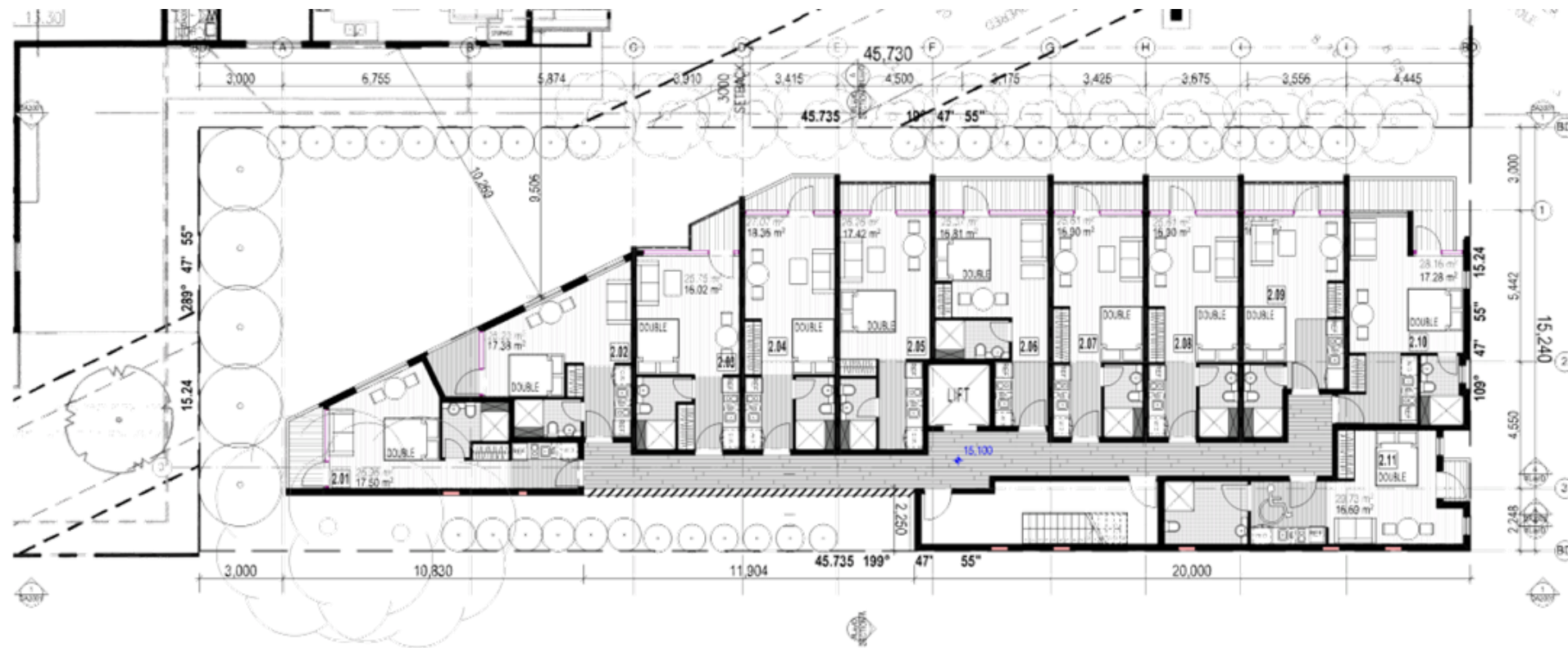
**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/067  
 20 NOVEMBER 2018

B AMEND PARKING BAY FOR GARBAGE TRUCK 28/11/2018  
 C AMEND POOL DEPTH 28/11/2018  
 D AMEND AE PER COUNCIL COMMENTS 12/08/2018  
 E REVISIONS PER COUNCIL 13/08/2018  
 Rev Description Date  
 Project: 31 The Crescent, Homebush BOARDING HOUSE  
 CLIENT: URBAN LINK PTY LTD  
**URBAN LINK**  
 Business Address: Level 10, 11-15 Green Street, Broadway NSW 2124  
 Postal Address: PO BOX 2222 Broadway NSW 2124  
 Phone Number: +61 (0)2 942 2014  
 National Hotlines: 24h 1300 65 6533 Mobile Trade Rep: 8338  
 You can't miss it! 24h 1300 65 6533  
 Drawing Title: LEVEL 1 PLAN  
 Date of Issue: 20/11/2018  
 Drawn: ER  
 Approved: ZB  
 Date: 20/11/2018  
 Project Number: 18-064  
 Drawing Number: DA2004  
 Revision: 0  
 Title: DEVELOPMENT APPLICATION

LEVEL 1 1:100

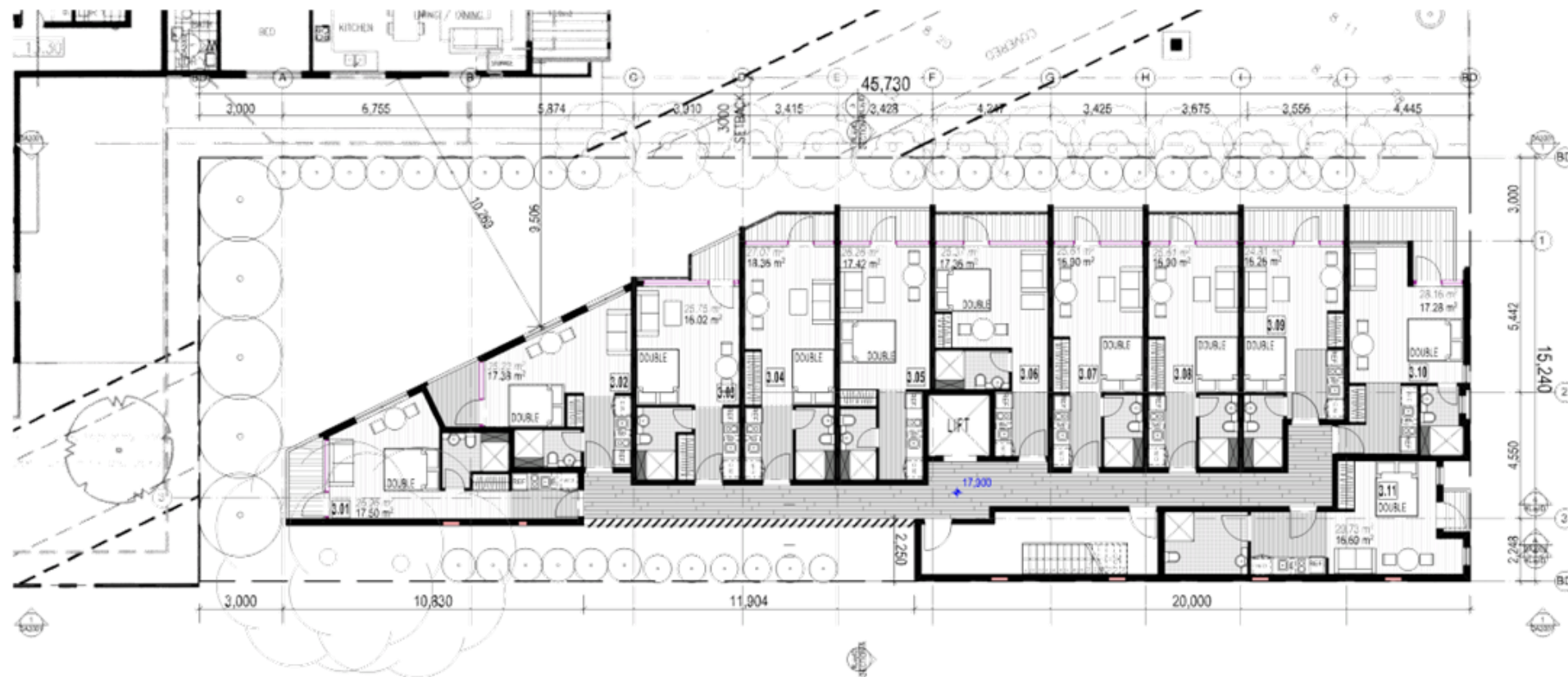


NOTE  
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LEVEL 2

1:100



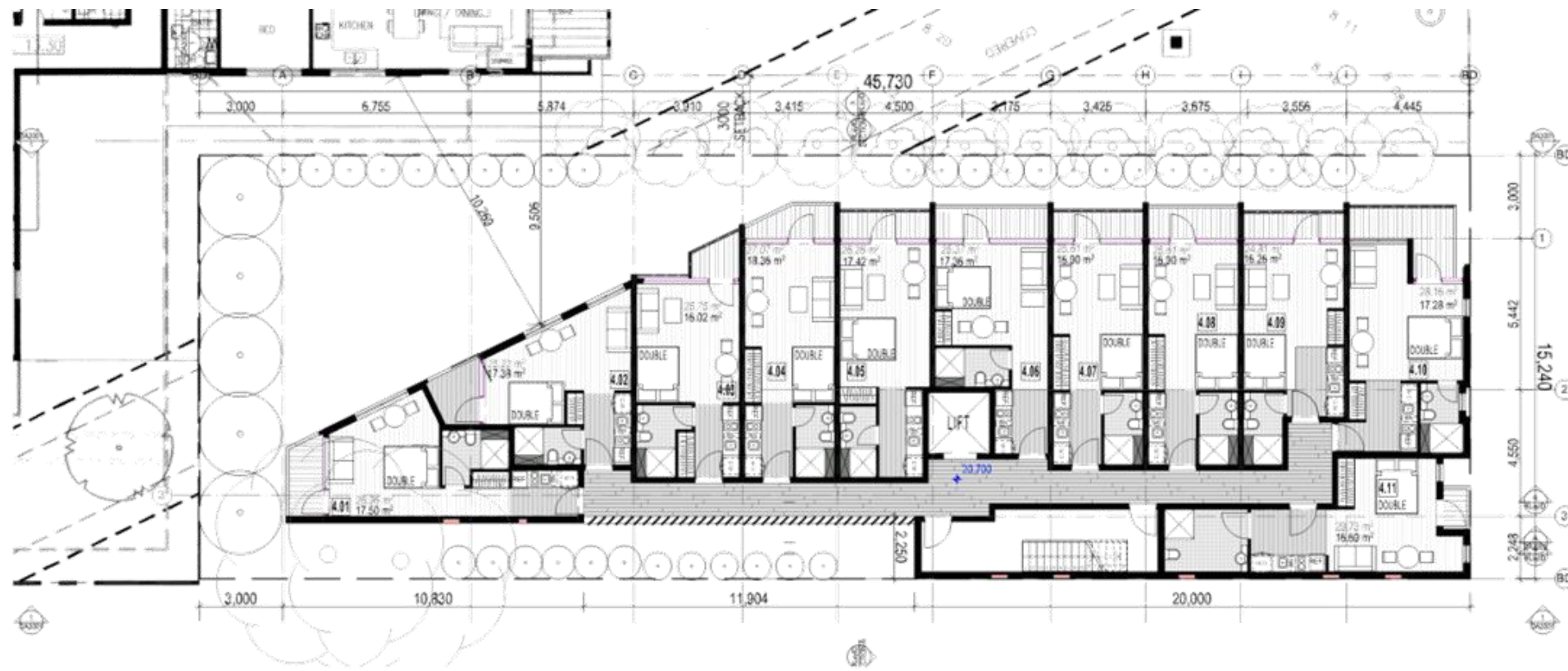
LEVEL 3

1:100

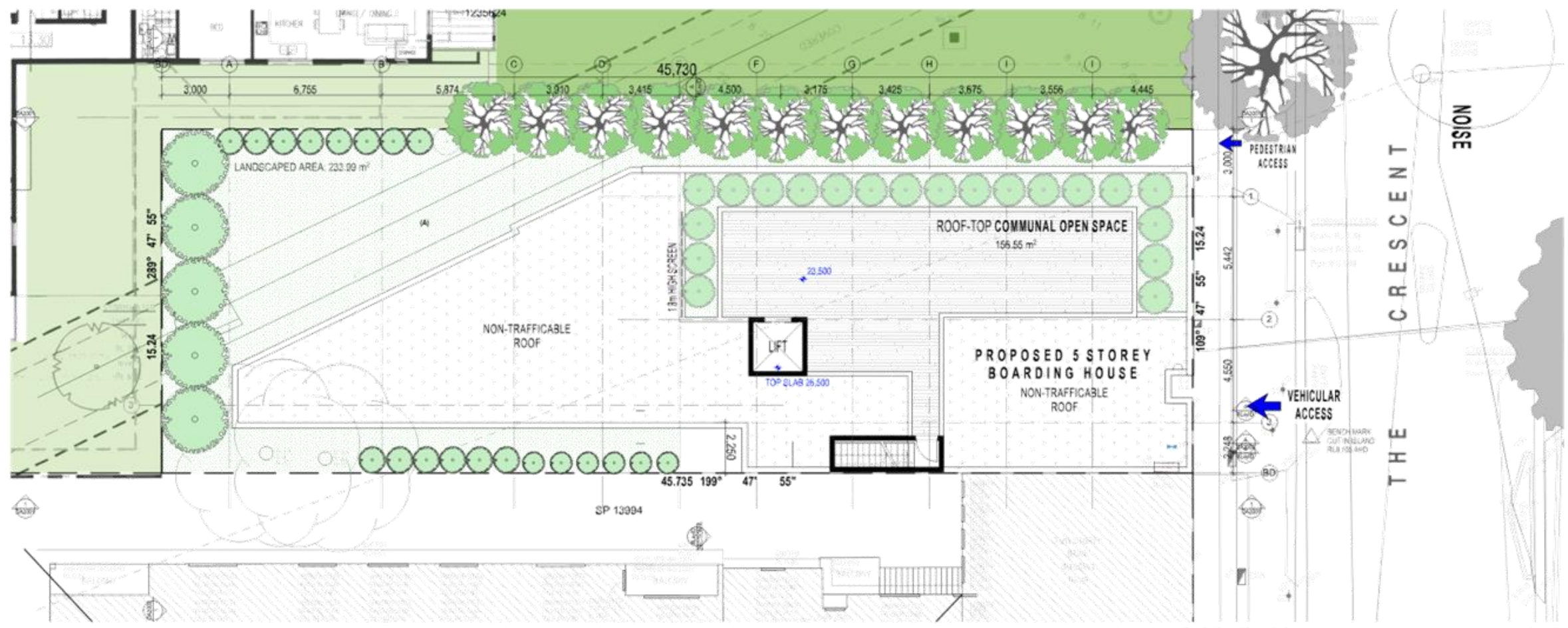
STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

D	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
E	AMENDED POOL DECK MEETING	08/11/2018
F	AMENDED AE PER COUNCIL COMMENTS	12/08/2018
G	PRELIMINARY SPECIFICATION	13/02/2018
Rev	Description	Date
Project: 31 The Crescent, Homebush BOARDING HOUSE		
CLIENT: URBAN LINK PTY LTD		
<b>URBAN LINK</b>		
Business Address: Level 10, 11-15 Drive Street, Strathfield NSW 2154		
Postal Address: PO BOX 1222 Strathfield NSW 2154		
Phone Number: +61 (0)2 942 2014		
Nominated Accounting: Zed Solutions Reg no 8388 Trustee @ Kneep Reg no 8322		
Nominating Reg no 8328		
Drawing Title:		

LEVEL 2-3	
Date of Issue:	20/11/2018
Drawn:	ER
Approved:	ZB
Scale:	1:100
Project Number:	18-064
Drawing Number/Revision:	DA2005 D
DEVELOPMENT APPLICATION	



LEVEL 4 1:100



ROOF PLAN 1:100

NOTE: CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS. DO NOT SCALE DRAWING.

STRATHFIELD COUNCIL RECEIVED  
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 DA2018/067  
 20 NOVEMBER 2018

Project:  
 31 The Crescent, Homebush  
 BOARDING HOUSE  
 CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Building Address: 1-47 To 11-15 Green Street, Strathfield NSW 2157  
 Postal Address: PO Box 2222, Strathfield NSW 2157  
 Phone Number: +61 (0)294 2014  
 Nonprofit Address:  
 2nd Foundation Reg no 8338  
 3rd Party Reg no 8338  
 Drawing Title:

LEVEL 4 & ROOF PLAN  
 Date of Issue: 20/11/2018  
 Drawn: ER  
 Checked: ZB  
 Drawing Title: LEVEL 4 & ROOF PLAN  
 Project Number: 18-064  
 Drawing Number: DA2006  
 Revision: 0  
 DEVELOPMENT APPLICATION



GROUND FLOOR PLAN



LEVEL 1



LEVEL 2 - 4

GFA CALC		
ROOMS		
GROUND	5	253.96
1	11	353.28
2	11	353.28
3	11	353.28
4	11	353.28
<b>TOTAL</b>	<b>49</b>	<b>1667.08</b>

SITE AREA	697
<b>FSR</b>	<b>2.39 : 1</b>

NOTE: CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS. DO NOT SCALE DRAWING.

STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

B	AMEND PARKING BAY FOR GARAGE TRUCK	20/11/2018
C	AMENDED POET - DRIP WATERING	08/12/2018
D	AMENDED AS PER COUNCIL COMMENTS	12/08/2018
E	REVISIONS FOR APPROVAL	12/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE

CLIENT: URBAN LINK PTY LTD

**URBAN LINK**

Business Address: Level 10, 11-15 Green Street, Sydney NSW 2154  
Postal Address: PO BOX 2122 Rowland NSW 2154  
Phone Number: +61 (0)294 2014  
Nominating Authority:  
Zof Szymanski Reg no 8338  
Yusef El Khayari Reg no 8522  
Drawing Title:

GFA DIAGRAMS

Date of Issue: 20/11/2018  
Drawn: ER  
Checked: ZB  
Scale: 1:100

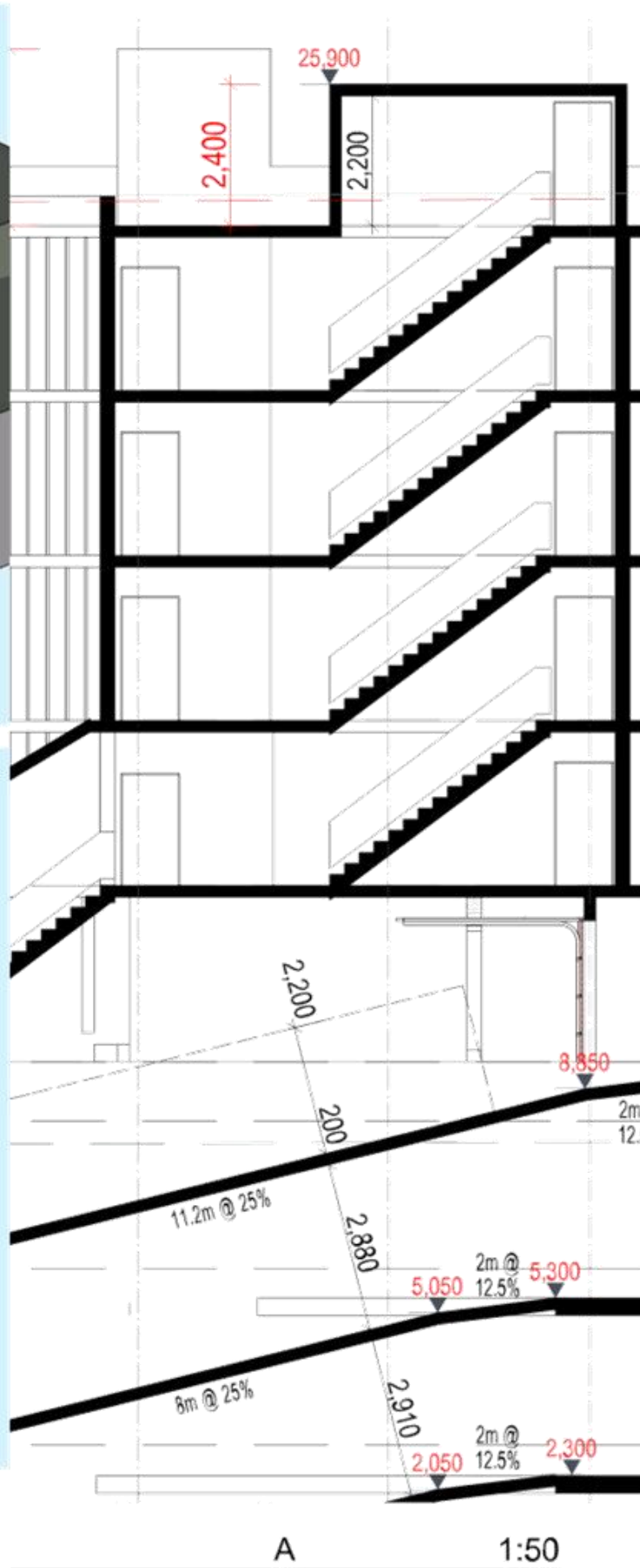
Project Number: 18-064  
Drawing Number: DA2901  
Revision: 0  
DEVELOPMENT APPLICATION



MAXIMUM BUILDING HIGHT  
PLANE 16m



HEIGHT PLANE 1:100



A 1:50

NOTE  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
COMMENCING WORK OR PREPARING SHOP DRAWINGS  
DO NOT SCALE DRAWINGS

**AMENDED: NO BREACH OF  
THE TOP FLOOR.**

**THE BREACH IN HIGHT IS  
LIMITED TO THE PLANTERS  
OF THE COMMUNAL OPEN  
SPACE FACING THE PARK  
AND THE LIFT AND STAIRS  
TO ALLOW ACCESS TO THE  
C.O.S.**

STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

B	AMEND PARKING FOR GARBAGE TRUCK	20/11/2018
C	AMENDED POET - DRP MEETING	08/11/2018
D	AMENDED AG FOR COUNCIL COMMENTS	12/08/2018
E	RECOMMENDATION FOR COUNCIL	13/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE

CLIENT: URBAN LINK PTY LTD

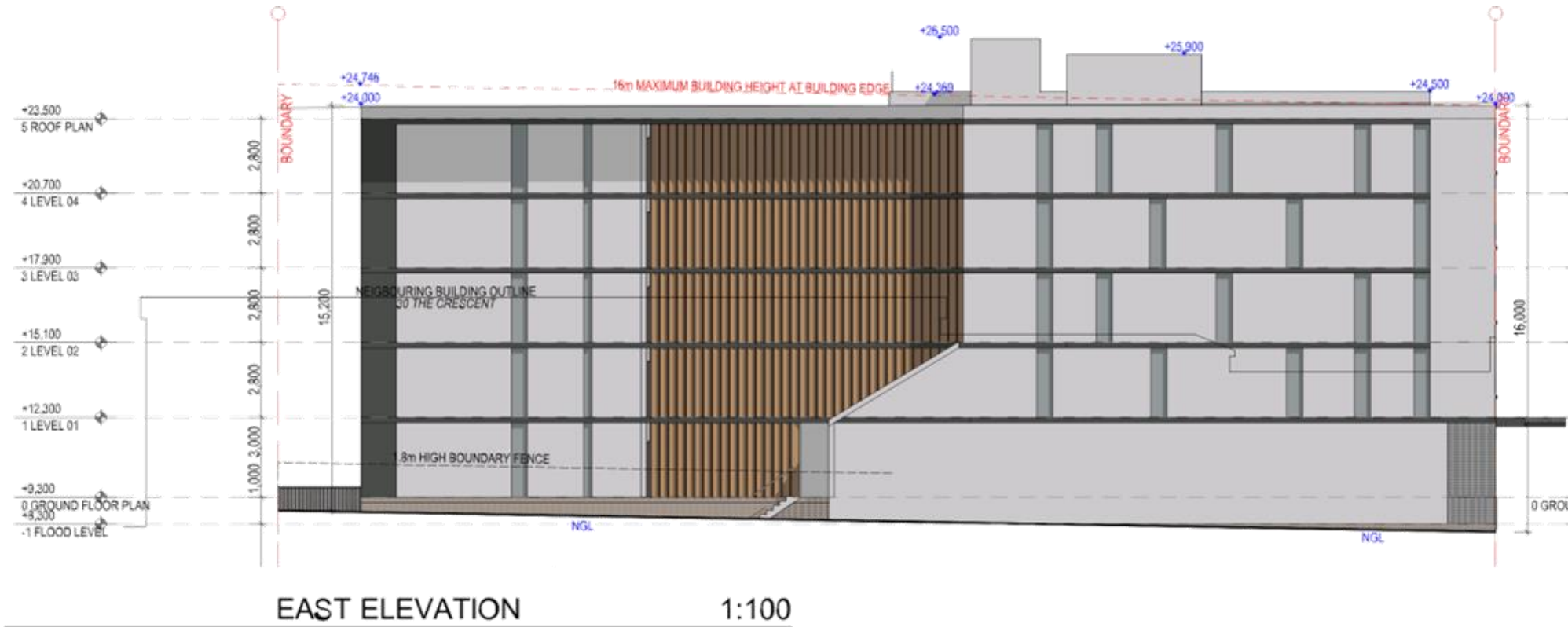
**URBAN LINK**  
Building Services - Level 10, 11 & 12, 200 Macquarie Street, Sydney NSW 2000  
Phone: (02) 9531 2022 Fax: (02) 9531 2024  
Email: info@urbanlink.com.au  
Website: www.urbanlink.com.au  
Sydney Office: 2nd Floor, 200 Macquarie Street, Sydney NSW 2000  
Mobile: 0413 888 888  
Drawing Title:

**BUILDING HEIGHT PLAN DIAGRAM**  
Date of Issue: 20/11/2018  
Drawn: ER  
Checked: ZB

Project Number: 18-064  
Drawing Number: DA2902  
Scale: 1:50

DEVELOPMENT APPLICATION

Note  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
COMMENCING WORK OR PREPARING SHOP DRAWINGS  
DO NOT SCALE DRAWINGS



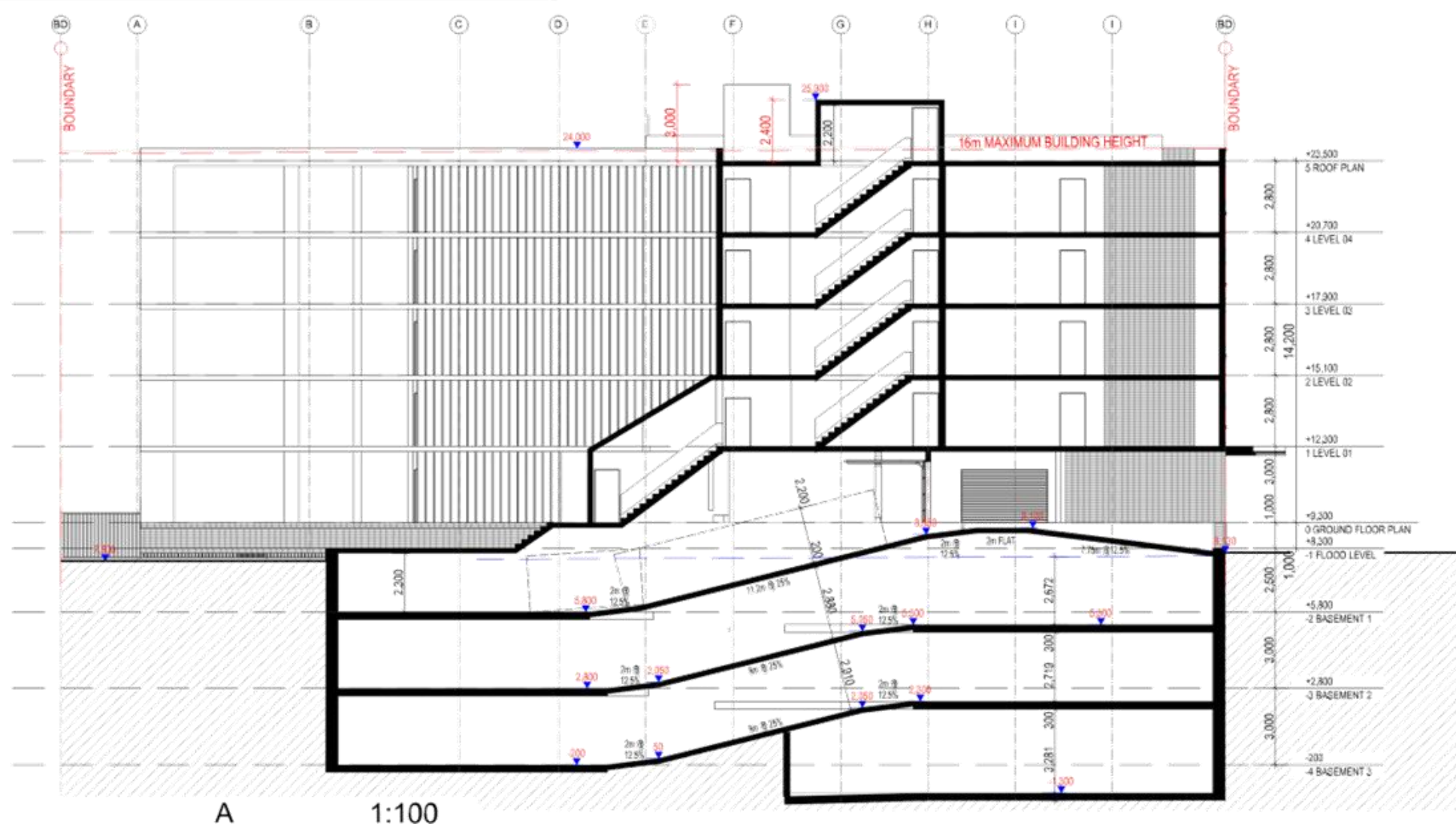
STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

B	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
C	AMENDED POET - DRP MEETING	08/11/2018
D	AMENDED AE PER COUNCIL COMMENTS	12/08/2018
E	REVISIONS FOR COUNCIL	10/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Building Address: Level 10, 11-15 Green Street, Strathfield NSW 1514  
 Postal Address: PO Box 1022 Strathfield NSW 1514  
 Phone Number: +61 (0)2 942 2014  
 Website Address: 2nd Strathfield Reg no 8338 Website: Urban Link Reg no 8338  
 Drawing Title:

**ELEVATIONS**  
 Detail Name: Elevations  
 Date: 20/11/2018  
 Drawn: ER  
 Approved: ZB  
 Date:  
 Project Number: 18-064  
 Drawing Number: DA3001  
 Status: DEVELOPMENT APPLICATION



**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/067  
 20 NOVEMBER 2018

B	AMENDED PARKING FOR GARAGE BLOCK	20/11/2018
C	AMENDED POOL DECK LIFTING	08/12/2018
D	AMENDED AE PER COUNCIL COMMENTS	12/08/2018
E	REVISIONS FOR APPROVAL	13/08/2018
Rev	Description	Date

Project:  
**31 The Crescent, Homebush**  
**BOARDING HOUSE**

CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
 Business Address: Level 10, 11-13 Green Street, Strathfield NSW 2154  
 Postal Address: PO Box 1222 Strathfield NSW 2154  
 Phone Number: +61 (0)294 2014  
 Accounting Address:  
 2nd Strathfield Bldg St 8308  
 Strathfield NSW 2154  
 Website: www.urbanlink.com.au  
 Drawing Title:

**ELEVATIONS AND SECTION**  
 Date of Issue: 20/11/2018  
 Drawing Number: 18-064  
 Revision: ER  
 Drawing Number: DA3002  
 Revision: d  
**DEVELOPMENT APPLICATION**



NOTE  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
COMMENCING WORK OR PREPARING SHOP DRAWINGS  
DO NOT SCALE DRAWINGS

STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLANS  
DA2018/067  
20 NOVEMBER 2018

D	AMEND PARKING BAY FOR GARBAGE TRUCK	20/11/2018
E	AMENDED POET - DRP MEETING	08/10/2018
F	AMENDED AE FOR COUNCIL COMMENTS	12/08/2018
G	RECONSIDERATION FOR APPROVAL	10/08/2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE

CLIENT: URBAN LINK PTY LTD

**URBAN LINK**

Business Address: Unit 10, 11/15 Green Street, Strathfield NSW 2157  
Postal Address: PO BOX 1222, Strathfield NSW 1513  
Phone Number: 401 33742 3334  
Company ABN: 62 629 629 629  
Zotif Strathfield Reg no: 8338  
Vehicle Reg no: 8338

Drawing Title:

PHOTOMONTAGE









Date of Issue	Drawn	Approved
20/11/2018	ER	ZB



Project Number: 18-064  
Drawing Number: DA6301  
Date: DEVELOPMENT APPLICATION

VIEW FROM THE CRESCENT



<p>FACEBRICK PGH BRICKS VELOUR BROWN OR SIMILAR</p>  <p><b>A</b></p>	<p>FACEBRICK PGH BRICKS ALTITUDE APOLLO OR SIMILAR</p>  <p><b>B</b></p>	<p>PAINT FINISH DULUX - AFRICAN AMBUSH OR SIMILAR</p>  <p><b>C</b></p>	<p>PAINT FINISH DULUX - VIVID WHITE OR SIMILAR</p>  <p><b>D</b></p>	<p>ALUMINIUM FRAMING &amp; PAINT FINISH - POWDERCOAT FRAMES - PAINTED SLAB EDGE  DULUX - MONUMENT BLACK OR SIMILAR</p>  <p><b>E</b></p>
<p>METAL BALUSTRADE MONUMENT BLACK OR SIMILAR</p>  <p><b>F</b></p>	<p>ALUMINIUM FRAMED WINDOW &amp; DOORS MONUMENT BLACK OR SIMILAR</p>  <p><b>G</b></p>	<p>ALUMINIUM FENCE &amp; LOUVERS MONUMENT BLACK OR SIMILAR</p>  <p><b>H</b></p>		

NOTE  
CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE  
COMMENCING WORK OR PREPARING SHOP DRAWINGS  
DO NOT SCALE DRAWING.

FINISHES SCHEDULE



STRATHFIELD COUNCIL  
RECEIVED  
  
AMENDED PLANS  
  
DA2018/067  
20 NOVEMBER 2018

Project:  
31 The Crescent, Homebush  
BOARDING HOUSE  
CLIENT: URBAN LINK PTY LTD

**URBAN LINK**  
Business Address: Unit 10, 11 & 12 Green Street, Strathfield NSW 2157  
Postal Address: PO BOX 1222 Strathfield NSW 1597  
Phone Number: +61 29740 2014  
Nominating Address: 2nd Floor, 100 King Street, Sydney NSW 2000  
Website: www.urbanlink.com.au

<b>FINISHES SCHEDULE</b>	
Date of Issue: 20/11/2018	Drawn: ER
Date:	Approved: ZB
Project Number: 18-064	Drawing Number: DA6302
DEVELOPMENT APPLICATION	



**TO:** Strathfield Local Planning Panel Meeting - 6 December 2018  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2018/046 - 251-253 HOMEBUSH ROAD, STRATHFIELD  
LOT 38 & 39 DP 2043  
**DA NO.** DA2018/046

## SUMMARY

**Proposal:** Demolition of existing structures and construction of a three (3) storey boarding house consisting of thirty-five (35) rooms including one (1) Manager's room set above one basement car parking level containing seventeen (17) car parking spaces, landscaping and associated site works.

**Applicant:** Hong Dieu Duong  
**Owner:** Hong Dieu Duong  
**Date of lodgement:** 10 April 2018  
**Notification period:** 24/04/2018 to 16/05/2018  
**Submissions received:** 21 submissions received including a petition of 27 signatories  
**Assessment officer:** Consultant (Council KL)  
**Estimated cost of works:** \$3,350,000  
**Zoning:** B4 Mixed Use - SLEP 2012

**Heritage:** Sydney Water owned pressure tunnel and shafts from Potts Hill Road to Waterloo Pumping Station traverse the site in an east/west direction and are listed on the State Heritage Register under the NSW Heritage Act 1977.

**Flood affected:** No  
**Is a Clause 4.6 variation proposed?** No  
**Peer review of Clause 4.6 variation:** A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.  
**Reason for Referral to SLPP:** Matter previously dealt with by the Panel at its meeting on 4 October 2018  
**RECOMMENDATION OF OFFICER:** APPROVAL subject to Conditions

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
LOT 38 & 39 DP 2043 (Cont'd)

## EXECUTIVE SUMMARY

- 1.0 On 10 April 2018, DA 46/2018 was lodged for the demolition of existing structures and construction of a mixed-use development comprising a boarding house to accommodate (69) lodgers with one (1) Manager's room pursuant to the Affordable Rental Housing SEPP 2009, and a commercial unit located on the ground floor.
- 2.0 On 25 June 2017, an '*Unsatisfactory letter*' was provided to the applicant following a preliminary review of the application. The key issues raised were height non-compliance, privacy to adjoining development, deep soil landscaping provision, car parking layout, external materials, and activation of the adjoining public domain.
- 3.0 On 20 July 2017, amended plans and an amended SEE were submitted to Council. Key changes included a reduced number of boarding rooms, deletion of Level 3 to achieve compliance with the 11m LEP height standard, deletion of the ground floor commercial tenancy and replacement with a communal space area, increased on-site car parking provision to comply with the amended SEPP (ARH) 2009, increased plantings and deep soil zones, inclusion of privacy amelioration measures, and changes to the external materials and finishes.
- 4.0 The amended plans and supporting documentation were considered to satisfactorily address the concerns raised by Council officers. The amended proposal was considered to be suitable within the B4 Mixed Use zoning of the site and is considered to achieve an appropriate transition in height, bulk and scale to adjoining land zoned R2 Low Density Residential.
- 5.0 The site is burdened by Sydney Water owned *pressure tunnel and shafts* (from Potts Hill Road to Waterloo Pumping Station), which traverses the site in an east/west direction and is listed on the *State Heritage Register* under the *NSW Heritage Act 1977*. This constraint was not identified at the DA stage. The applicant has approached Sydney Water who are currently evaluating the proposed development. Conditions are recommended requiring written approval from Sydney Water and the Heritage Council of NSW to ensure no adverse impact to the Pressure tunnel and shafts and disturbance of an archaeological relic.
- 6.0 The application was notified to all adjoining and nearby property owners in accordance with Council's notification policy, with 21 submissions received including a petition of 27 signatories received as a result. The main concerns raised by the submissions included a non-compliance with the LEP height standard, traffic and parking impacts, inconsistency with the character of the local area, privacy and overshadowing impacts, noise impacts, and adaptable housing provision. The submissions relate to the original scheme. The amended plans were not required to be re-notified as the modifications would have no greater cumulative environmental impact or amenity impact. The amended plans are considered to have satisfactorily addressed the concerns raised. A detailed response to each of the matters raised is provided later in this report.
- 7.0 The application was assigned to the Strathfield Local Planning Panel ('the Panel') under delegation on the 4 October 2018 due to the number of submissions received, being greater than ten. At its meeting the Panel deferred the application to enable additional time to amend the architectural plans to address expanded living quarters for the manager, a revised landscape plan, improved access to private open space, inclusion of privacy devices, details of retaining walls and a revised shadow analysis.
- 8.0 Amended plans in response to the Panel's resolution were submitted to Council on 29 October 2018. The proposal is acceptable against the relevant considerations under SEPP (Affordable Rental Housing) 2009, SEPP 55 (Remediation of Land), SEPP (BASIX) 2004, SEPP (Vegetation in non-rural areas) 2017, Strathfield LEP 2012, and Strathfield Consolidated DCP 2005.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

9.0 The application has been reviewed by Council's internal referral staff, who have raised no objections to the proposal, subject to recommended conditions of consent.

10.0 The application is recommended for approval, subject to conditions.

## BACKGROUND

### Pre-lodgement meeting

**22/08/2017** - A pre-lodgement meeting was held with the applicant regarding the construction of a four storey mixed-use development comprised of one (1) commercial tenancy, 38 boarding rooms and one manager's residence over two (2) levels of basement car parking at 251-253 Homebush Road, Strathfield South. The following issues were raised:

#### Streetscape character

- Clause 30A of the SEPP (ARH) 2009 requires development for the purposes of a boarding house to be compatible with the character of the local area.
- The site adjoins R2 zoned land to the south and west.
- A stepped setback ranging from 3.5m (north) to 5.2m (south) is recommended).
- The commercial use is to be changed to the northern side.
- The lift and fire stairs should be located further to the west to allow for articulation of the corner element.
- A 6m rear setback is to be provided

#### Building height

- An 11m maximum height applies.
- Any variation requires the submission of a clause 4.6 written request.

#### Overshadowing

- The east-west orientation of the site increases overshadowing to the adjoining property to the south.
- Any future development shall be accompanied by elevation shadow diagrams.

#### Stormwater

- The proposed butter pit is not supported by Council's Engineer. The pit shall be relocated to align with the proposed basement entry ramp.

#### Waste

- Consideration should be given to alternative waste collection to basement level onsite waste collection in accordance with Part H of SCDCP 2005, given the building height constraints and visual impact of the development.

### Requests for additional information

**25/06/2017** – An 'unsatisfactory letter' was provided to the applicant, raising a number of issues as follows:

#### Building height

- The proposal does not comply with the maximum building height of 11m permitted under SLEP 2012.
- The written clause 4.6 variation request is not considered to be well founded.
- The proposal shall be amended to ensure strict compliance with the 11m height control including any plant and lift overruns.
- The design of the proposal shall have regard to section 2.6 *Transition Zones of Part Q – Urban Design Controls* of SCDCP 2005 as the site adjoins land zoned R2 low density residential to the south.

#### Activation of ground floor public domain

- The proposed commercial component of the development does not provide adequate activation of the adjoining public domain.
- Consideration should be given to deleting the commercial component if the long-term viability and occupation rate is likely to be poor.

#### External materials and finishes

- The proposed face brick comprised of FB1 (Miro) and FB2 (Gaudi) shall be replaced with a face brick comprised of red/brown tones.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

- The use of different brick colours for different sections of the building (as proposed) within the red/brown colour palette is encouraged in order to promote visual interest.

**Deep soil landscaping**

- Basement 1 extends to the northern, eastern and southern side boundaries.
- Consideration shall be given to a more efficient car parking layout in order to provide adequate deep soil landscaped areas around the perimeter of the site and within the front setback area.
- Clause 29(2)(b) of the Affordable Rental Housing SEPP 2009 prescribes that a consent authority cannot refuse an application if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.
- The streetscape of Homebush Road to the south is characterised by low density residential development with deep soil landscaped areas within the front setback and canopy trees. The proposal shall be amended to be consistent with this and include adequate screen planting in deep soil landscaped areas around the perimeter of the site.  
Provision for new street trees of suitable species shall also be included.

**Insufficient information**

- The proposal has not addressed the urban design controls contained within Part Q of SCDCP 2005.
- The SEE shall be updated to demonstrate compliance this DCP Part.

**Heritage**

- Sydney Water owned pressure tunnel and shafts from Potts Hill Road to Waterloo Pumping Station traverse the site in an east/west direction and are listed on the State Heritage Register under the NSW Heritage Act 1977.
- A suitable condition can be imposed requiring approval from Sydney Water, however it is recommended that the applicant discuss the proposal with Sydney Water with evidence of the discussion provided to Council.

**Privacy**

- Using the building separation guidelines under Part 3F of the *Apartment Design Guide*, the proposed north facing windows at Levels 1, 2 and 3 and south facing windows at levels 1 and 2 that are within 6m of the side boundary shall be fitted with fixed, external screens angled at 45 degrees in order to prevent overlooking to adjoining development.
- The external screens shall consist of high quality materials and shall be consistent with the architectural design of the building.

**Front setback**

- The proposed front building alignments of generally 3.5m on the northern portion of the site and 5.2 on the southern portion of the site shall be increased by 1.5m.

**Amended Plans**

20/07/2018 – Amended Plans (Issue 2) were submitted to Council, providing the following amendments:

**Building height reduced to comply**

- The proposed development has been amended to achieve compliance with the 11m height control under SLEP 2012. The proposed maximum building height is 10.5m.
- The proposed fourth storey (level 3) has been deleted.

**Floor space ratio reduced**

- The floor space ration has been reduced from 1.43:1 to 1.21:1. The SLEP 2012 standard is 1.4:1.

**Deletion of ground floor commercial tenancy**

- The proposed commercial tenancy at ground floor has been replaced with a communal room, communal open space area, managers room and reception space.

**Number of boarding rooms reduced**

- The number of boarding rooms has been reduced from 38 to 35 plus a Managers room.

**Number of accessible rooms increased**

- The number of accessible rooms has increased from 4 to 6.

**Basement layout amended**

- Basement layout amended to increase boarding house car parking from 11 spaces to 17 spaces and motorbike parking from 8 spaces to 9 spaces.

**Revised SEE**

- A revised SEE has been submitted to include an assessment of the proposed development against *Part Q Urban Design Controls* of SCDCP 2005.

**Revised Boarding House Plan of Management**

- A revised Boarding House Plan of Management has been prepared.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

**Additional privacy screening**

- Additional external window screens have been provided to the north facing windows at Levels 1, 2 and 3 and south facing windows at levels 1 and 2 that are within 6m of the side boundary.

**Increased deep soil landscaping**

- The basement has been reduced by relocating the rear stairs that previously intruded into the rear setback, increasing the deep soil area from 126m<sup>2</sup> to 146m<sup>2</sup>.
- The landscaping bed along part of the southern boundary has been widened from 1.0m to 2.0m to provide additional space for medium sized shrubs.

**Revised external materials and finishes**

- The proposed face brick comprised of FB1 (Miro) and FB2 (Gaudi) has been replaced with a face brick comprised of red/brown tones.

**Assessing officer's comments**

**External materials and finishes**

- The external materials and finishes have generally incorporated the suggested amendments.
- It is recommended the proposed FB2 *Face Brick – 'Miro'* is replaced with FB1 *Face Brick – 'Gamet'* as proposed. A condition to this effect is included within the Recommendation.

**Revised basement layout**

- The revisions to the basement layout to create additional parking spaces are supported.
- Relocation of the OSD tank is supported.
- The amendments increase the deep soil landscaped area within the rear setback.
- Further reduction of the basement footprint is not possible on the basis of increased parking requirements under the amended SEPP (ARH) 2009.
- The proposed nil setback to the side boundaries is consistent with the development approved at 247-249 Homebush Road.

**Deletion of the commercial tenancy**

- Replacement of the proposed commercial tenancy with a communal area is supported. The revisions are considered to provide a more appropriate land use given the site adjoins land zoned R2 low density residential to the south and west.
- The communal room and adjoining communal open space area is considered to improve passive surveillance of the adjoining public domain.

**Front setback**

- Retention of the front setback as proposed ranging from 3.5m on the northern side to 5.2m on the southern side is consistent with advice given at the pre-lodgement stage, and is supported.

**Heritage**

- The updated SEE states that enquiries have been made with Sydney Water regarding the *Pressure Tunnel and Shafts*. Sydney Water are currently reviewing the proposal. A condition is recommended to require that the approved plans are approved by Sydney Water, prior to the issue of any Construction Certificate.

**Privacy**

- Additional external screening to the north facing windows at Levels 1, 2 and 3 and south facing windows at levels 1 and 2 that are within 6m of the side boundary, is considered to maintain acceptable privacy amenity to the adjoining properties.

**Resolution of SLPP – 4 October 2018**

The application went before the SLPP on the 4 October where it was resolved:

*That this application be DEFERRED so the applicant can lodge amended plans within 28 days to the Council in order to address the following:*

1. *Revised shadow analysis having regard to the impacts on solar access to the living spaces within the dwelling and the rear open space of 255 Homebush Road.*
2. *The height and length of the retaining walls proposed to be erected on the common boundaries between the subject site and Nos. 255 Homebush Road and 14 Barton Street.*
3. *The access to the private open space at the rear of the proposal is to be revised so as to be accessible for disabled people; better linked to the common room; and with reasonable privacy measures to restrict overlooking of neighbours.*
4. *Privacy devices are to be provided on the balconies of the southern elevation and to the*

**DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
LOT 38 & 39 DP 2043 (Cont'd)**

*windows of the western elevation.*

5. *The landscape plan is to be amended to indicate the uses, furniture and fittings of the communal outdoor areas.*

6. *The manager is to be provided with an expanded living space (by means of a living room) and a separate office. If this is to be provided within current room number 5, the accessible room will need to be relocated elsewhere in the development.*

*In the event the above information is not provided to the Council within 28 days, the application will be dealt with on the basis of the existing proposal.”*

### **Amended Plans**

**29/10/2018** – Amended plans (Issue 3) were received in response to the Strathfield Local Planning Panel's resolution to defer its determination until receipt of additional information. This included:

#### **Survey Levels**

Additional survey levels were obtained providing ground levels near to the boundary of the subject site within adjoining properties to the south and rear;

#### **Clarified Basement Layout**

Minor adjustments to provide clearer details of the basement waste recycling area and a reconfiguration of bicycle parking;

#### **Enlarged Managers Residence**

The room previously known as “Room 5” has become absorbed into the Manager's residence, so that the total number of boarding rooms is reduced by 1 from the originally proposed 35 boarding rooms plus 1 manager's residence to the now proposed 34 boarding rooms plus 1 manager's residence. The same numbering has been retained, with Room 5 being attributed to the manager's room (previously the manager's room was unnumbered)

#### **Enlargement of Room 6**

There has been an enlargement of Room 6 from 13.8 sqm to 16.6 sqm (excluding kitchen and bathroom);

#### **Modified Landscape Plan**

A planter box has been added to the communal living areas, with a minor increase in the size of the adjacent communal living room. A shade sail detail is provided in relation to the communal living room and a rear landscaped area has been modified to be usable, rather than passive landscaping, area. It has been provided with outdoor clothes drying racks and seating and appropriate plantings and lawn areas have been provided. For clarity, the proposed fencing height to the south-facing courtyards has been indicated and the fence heights to the sides of the rear landscaped area have also been indicated.

#### **Inclusion of a riser lift**

A platform riser type lift has been added to the northwest corner of the ground level living area and stairs have been added for access between the ground floor level and the landscaped area to the rear.

#### **Visual Privacy**

A visual privacy screen has been added to the rear stairs that connect the ground level to the rear landscaped area.

#### **Architectural plan amendments**

- a. The levels of the first floor, second floor, roof eaves and roof ridge have been lowered by 400mm and the floor to floor heights of the ground and first floor levels have each been lowered by 200mm. The floor to ceiling height of the ground floor level is 2600mm. The floor to ceiling height of the ground floor level is reduced from 2800mm to 2600mm. The floor to ceiling height of the first floor is reduced from 2800mm to 2600mm. The floor to ceiling height of the second floor remains as 2400mm;
- b. Additional section details are provided including a clear description of the heights of the proposed basement level protrusion above ground level (existing) within the adjoining property to the south (at 255 Homebush Road) is provided, demonstrating that the maximum height of that protrusion will be 1800mm; and
- c. Additional shadow diagrams are provided to indicate the extent of overshadowing of the north-

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

facing wall of the existing dwelling house at 255 Homebush Road.
<b>Assessing officer's comments</b>
The additional information submitted is considered sufficient to satisfy the outstanding matters emphasised by the Panel.
<b>Comparison of the original DA and amended proposal</b>
A comparison of the original DA and amended proposal (Issue 3) is included at <b>Figure 1 to Figure 13</b> .

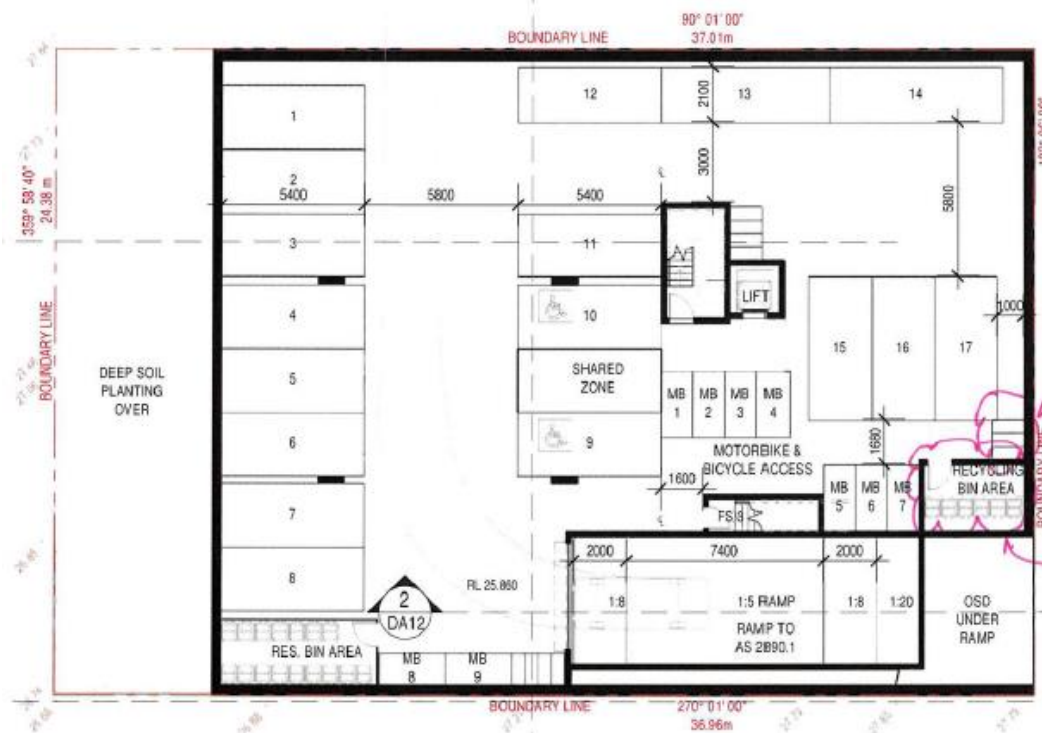


**Figure 1.** Amended proposal showing a photomontage of the front (eastern) elevation of the proposed three (3) storey building fronting Homebush Road.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)



**Figure 2.** Original proposal showing a photomontage of the front (eastern) elevation of the proposed four (4) storey building fronting Homebush Road.



**Figure 3.** Amended Basement 1 layout. The stair at the rear has been deleted. The commercial car parking spaces have been deleted. Parking for the boarding house has increase from 11 spaces to 17 spaces. Recycling Bin area detail has been added



DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

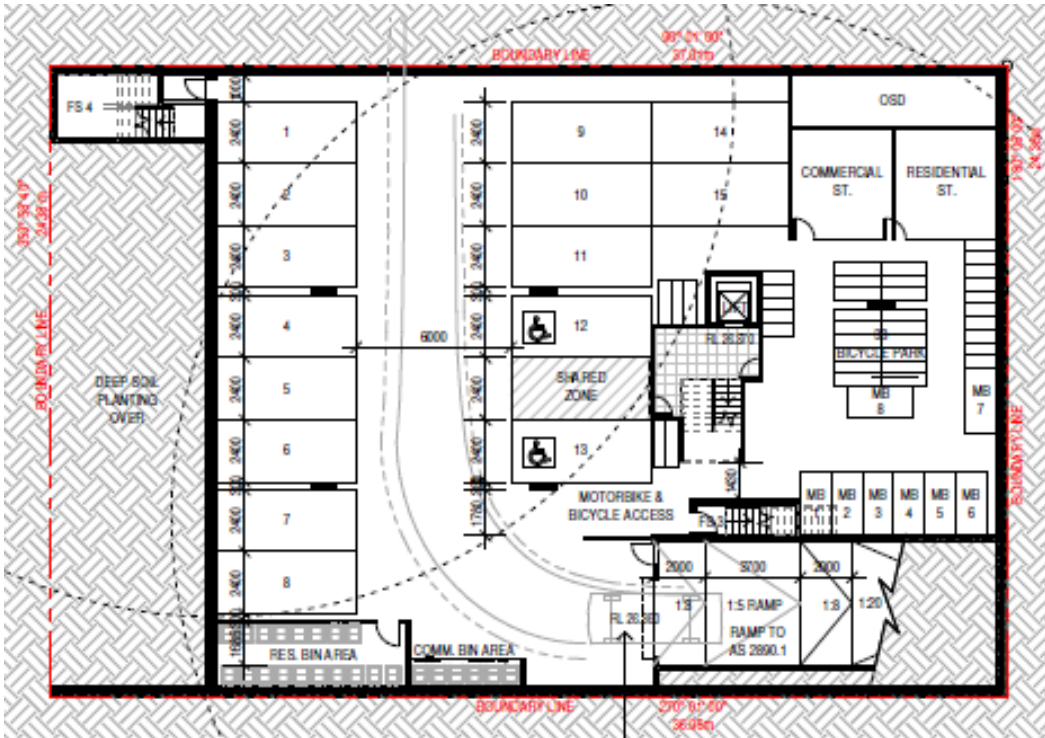


Figure 4. Original Basement 1 layout.

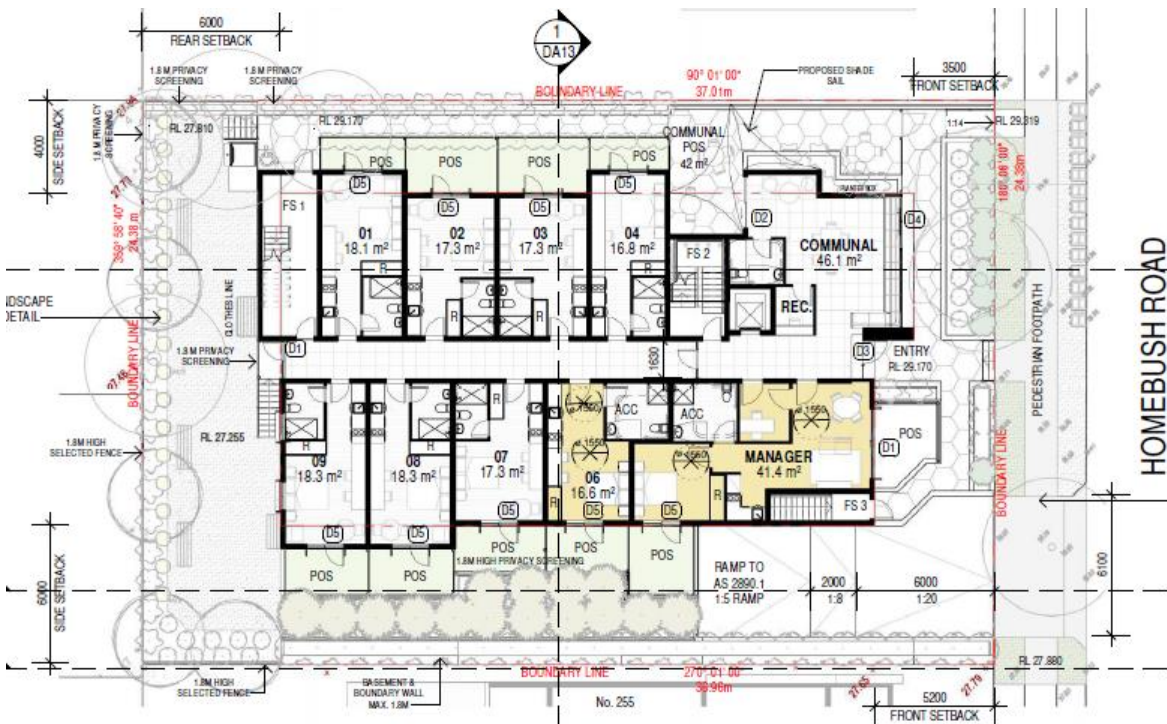


Figure 5. Amended ground floor plan showing enlarged manager residence, enlarged Room 6, replacement of the commercial area with a communal area, increased deep soil planting in the rear setback and increased perimeter planting on structures.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)

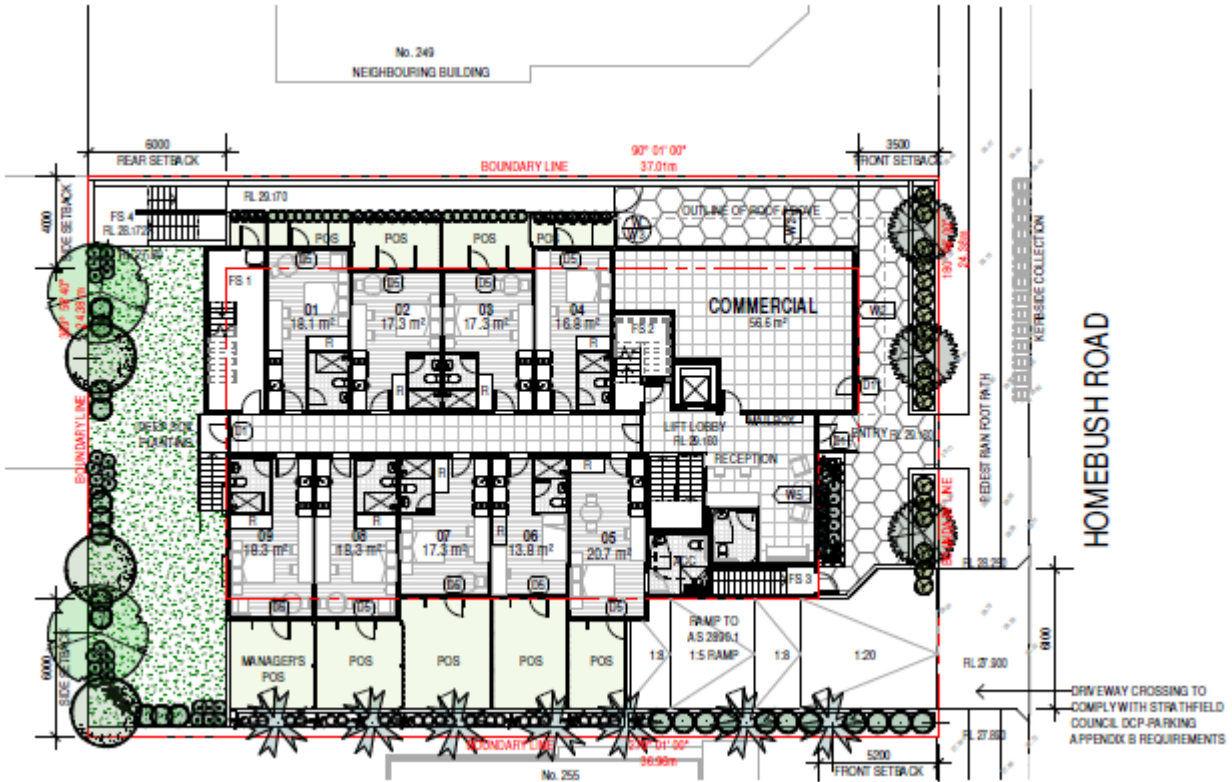


Figure 6. Original ground floor layout

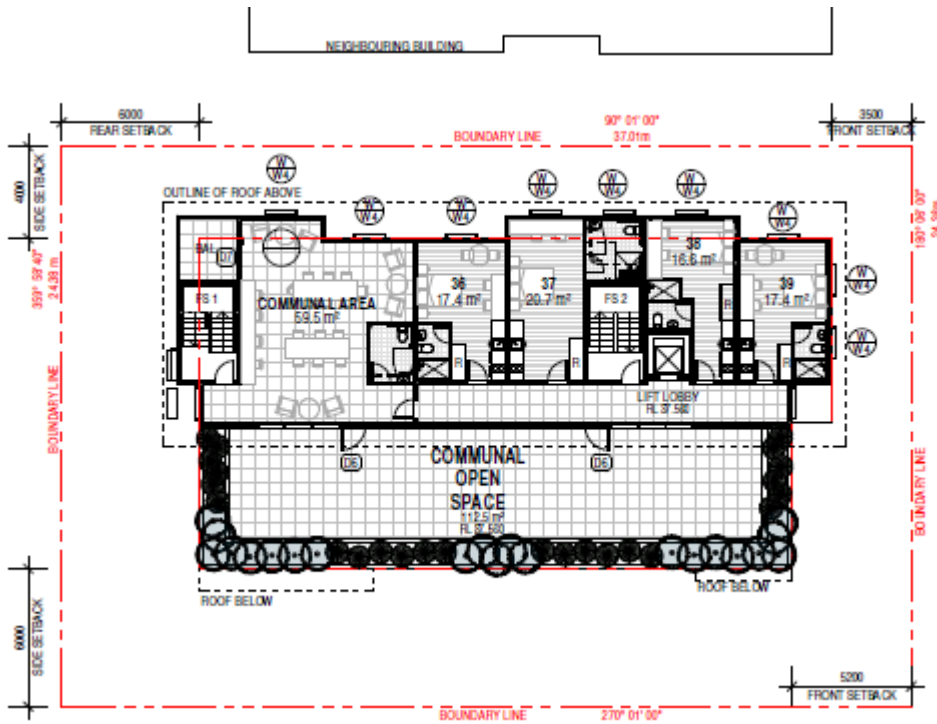
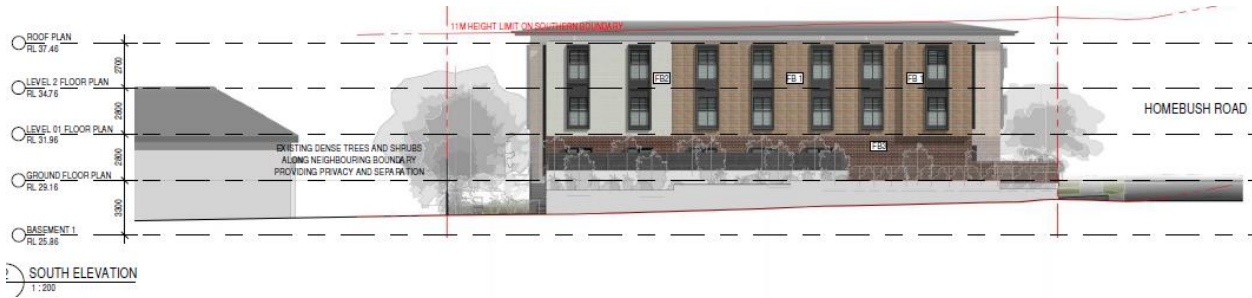


Figure 7. Original Level 3 floor plan, which has been deleted under the amended proposal.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)



**Figure 8.** Amended southern elevation showing a compliant building height with reduced floor to ceiling height, three (3) storey presentation, additional external privacy screening, and incorporation of face-brick to complement the prevailing streetscape character.



**Figure 9.** Original Southern elevation showing a part four (4) storey presentation and contravention of the 11m building height control.



**Figure 10.** Amended eastern (front) elevation



**Figure 11.** Original eastern (front) elevation

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)



Figure 12. Amended western (rear) elevation



Figure 13. Original western (rear) elevation

**DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lots 38 and 39 in DP 2043 and is commonly known as 251-253 Homebush Road, Strathfield South. The site is located on the western side of Homebush Road and has a total area of 898m<sup>2</sup> (by Title).

The site is rectangular in shape and has a frontage of 24.38m to Homebush Road to the east, and depth of 37m.

The site has a cross fall from north to south of approximately 0.9m and fall from front (east) to rear (west) of approximately 1.2m.

Existing development on the site comprises two (2) single storey detached dwelling houses with shared vehicular access off Homebush Road.

The current streetscape is characterised by a mixture of single and two (2) storey detached dwelling houses to the south, east, and west of the site. The permitted maximum height and FSR increases to the north of the site to a maximum of 3:1 and 22m at the intersection of Homebush Road and Liverpool Road.

A locality plan is included at **Figure 14**. Photographs of the adjoining and surrounding development are included at **Figure 15** to **Figure 20**.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
LOT 38 & 39 DP 2043 (Cont'd)

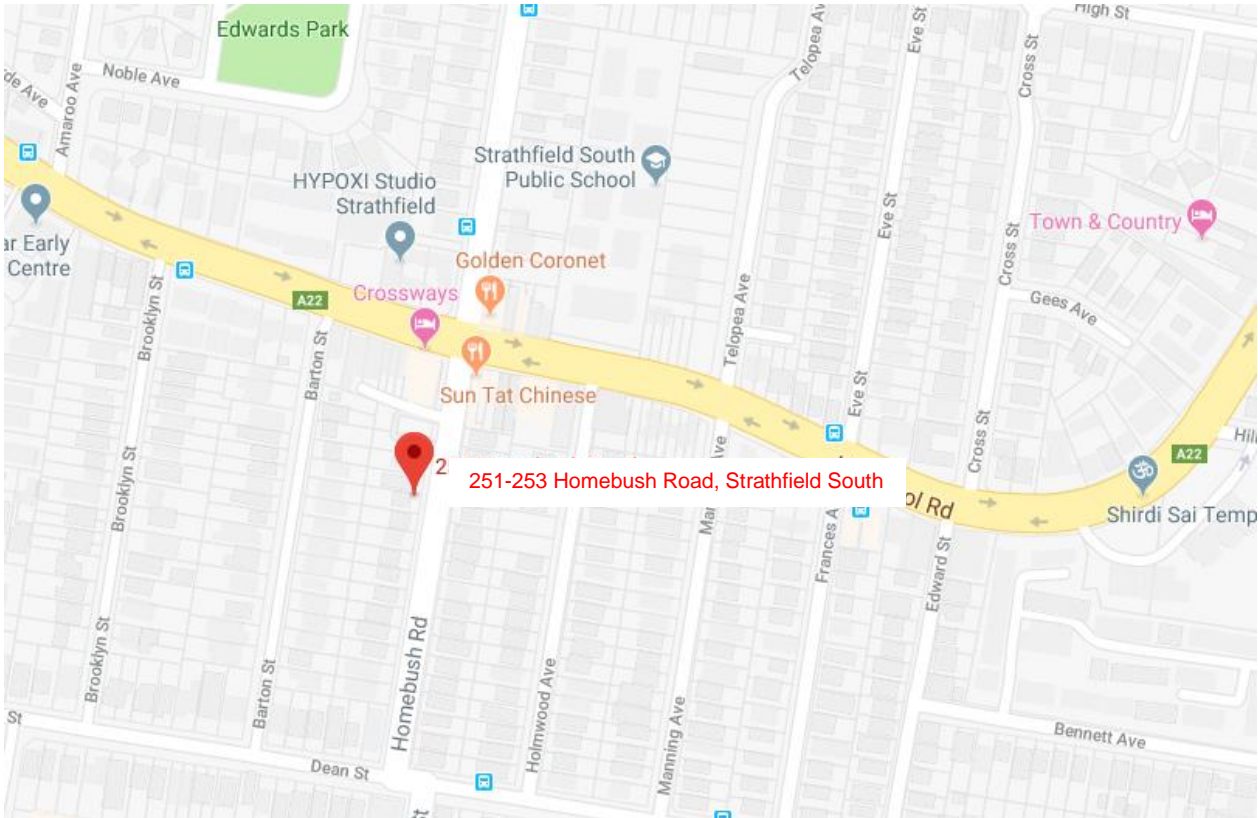


Figure 14. Locality plan (Source: Google Maps).



Figure 15. Existing buildings on the subject site at No. 251-253 Homebush Road, Strathfield South.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)



**Figure 16.** Adjoining two (2) storey dwelling to the south of the site at No. 255 Homebush Road. The site adjoins land zoned R2 low density residential with 9.5m height limit to the south and west.

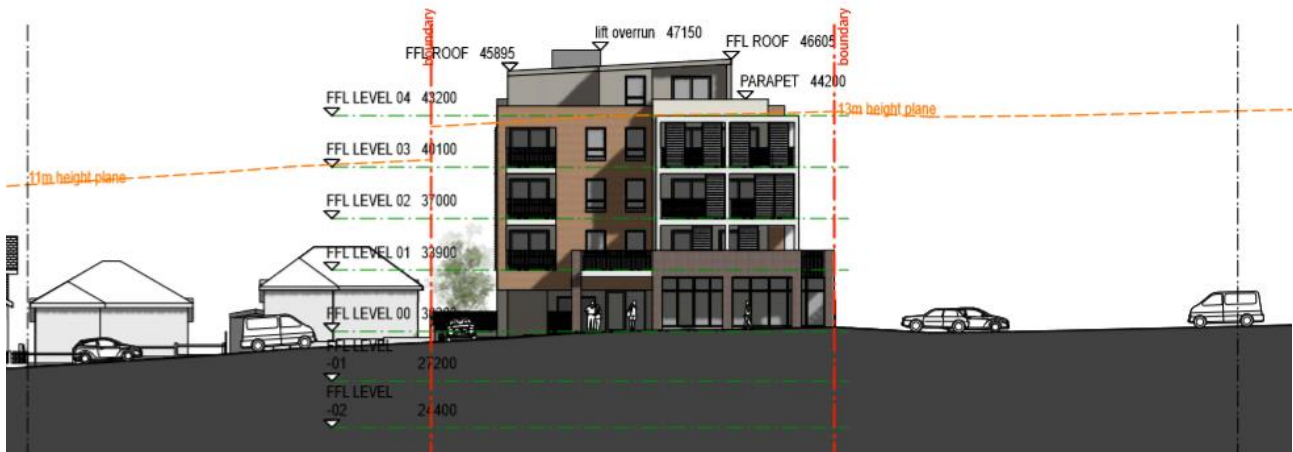


**Figure 17.** Existing development on the eastern side of Homebush Road, opposite the site.



**Figure 18.** Existing two (2) storey dwelling houses at No. 12 and No. 14 Barton Street, which adjoin the site to the rear.

DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
 LOT 38 & 39 DP 2043 (Cont'd)



**Figure 19.** The single storey dwelling houses to the north of the site at No. 247-249 Homebush Road, Strathfield South have been demolished. Works have commenced for the approved development under DA 2016/78 involving demolition of existing structures and construction of a four (4) storey mixed-use development under the SEPP (ARH) 2009 comprising a total of (18) units and (1) commercial tenancy above two (2) basement levels of parking. Condition 6 requires the development to be amended to comply with the 13m height standard.

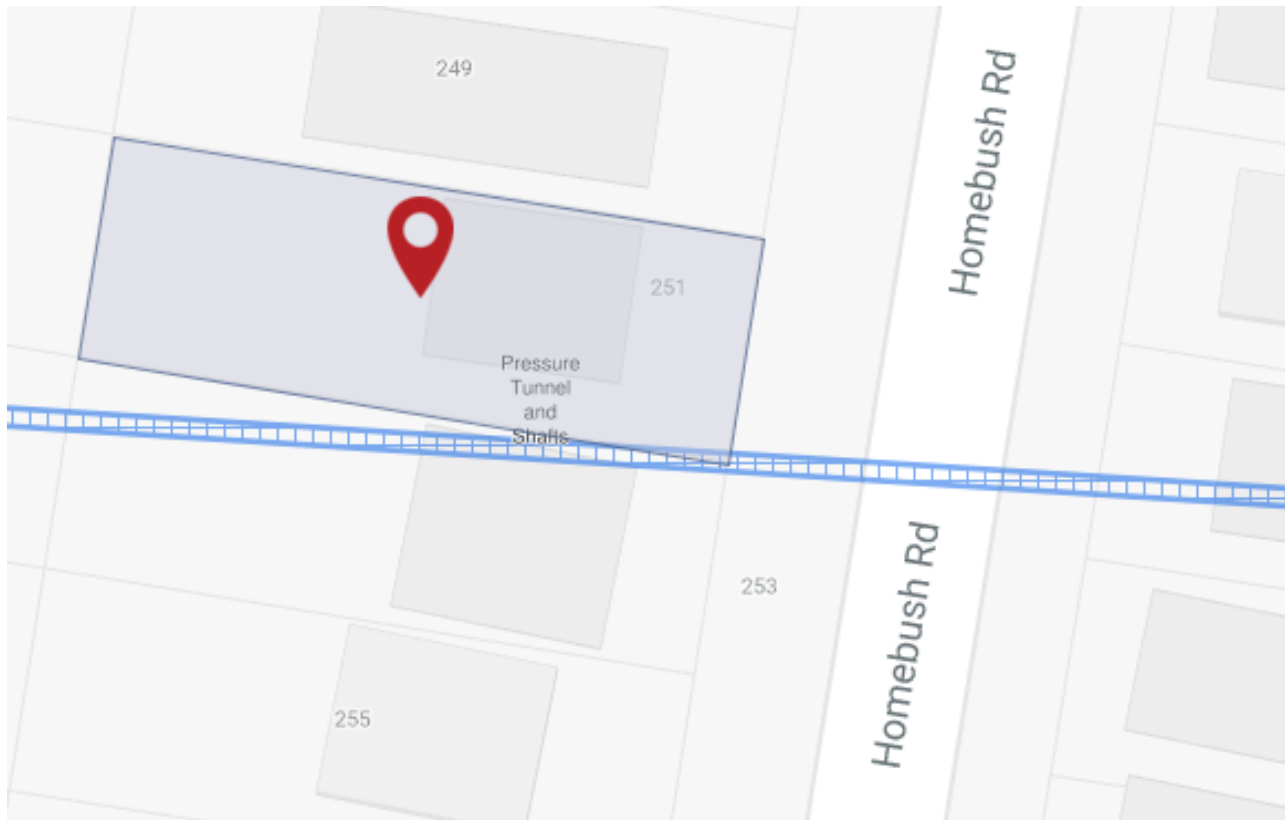


**Figure 20.** Existing 'Crossways Hotel' and ancillary at-grade car park to the north of the site on the corner of Homebush Road and Liverpool Road. The car park adjoins No. 247-249 Homebush Road (Figure 19).

**PROPERTY BURDENS AND CONSTRAINTS**

A Sydney Water owned pressure tunnel and shafts from Potts Hill Road to Waterloo Pumping Station traverse the site in an east/west direction and are listed on the State Heritage Register under the NSW Heritage Act 1977, as shown at **Figure 21**.

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**Figure 21.** State Heritage listed Pressure Tunnel and Shafts, which traverses the site.

The applicant has contacted Sydney Water, who is presently undertaking an evaluation of the development's impact on the Pressure Tunnel. A condition is recommended which requires written confirmation from Sydney Water that the proposed development will not have any adverse impact on the Pressure tunnel and shafts.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of existing structures and construction of a three (3) storey boarding house consisting of thirty-five (35) rooms including one (1) Managers room set above one basement car parking level containing seventeen (17) car parking spaces, landscaping and associated site works.

The specific elements of the proposal include:

### Basement level

- 17 car parking spaces
- On-site-detention under the driveway ramp.
- 9 motorbike spaces
- 11 Bicycle spaces
- Lift and stair access
- Residential bin storage area

### Ground floor level

- 8 rooms comprised on 1 x single room and 8 x double rooms
- 1 x Managers rooms (accessible)

### Level 1

- 13 rooms comprised of 3 x single rooms and 10 x double rooms (including 2 x accessible rooms)



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Level 2

- 13 rooms comprised of 3 x single rooms and 10 x double rooms (including 2 x accessible rooms).

External works

- Landscaping

The total capacity of the boarding house is 63 lodgers in 34 boarding rooms (7 x singles + 28 doubles), plus the Manager's accommodation.

A Plan of Management has been submitted with the application.

## RELEVANT HISTORY OF APPLICATION

DA Number	Address	Proposal	Outcome
2015/140	251-253 Homebush Road, Strathfield South	Demolition of existing structures and construction of an 'Infill Affordable Housing' development under the SEPP(AFR) 2009 consisting of a part three (3) and part four (4) storey RFB containing (20) units comprising (5) x 2-bedroom units, (14) x 2-bedroom and (1) x 3-bedroom units above two (2) levels of basement parking.	Refused by the L&E Court
2016/78	247-249 Homebush Road, Strathfield South	Demolition of existing structures and construction of a four (4) storey mixed use development under the provisions of SEPP (ARH) 2009 comprising a total of (18) units and one (1) commercial tenancy above two (2) levels of basement parking.  Note: Special Condition 6 prescribes that no part of the building shall exceed the 13m maximum height standard.	Approved by SIHAP on 06/04/2017

## REFERRALS

### INTERNAL REFERRALS

Referral	Comments	Satisfactory
Engineering	No objections are raised by Council's Engineer, subject to recommended conditions of consent.  The stormwater concept plans are generally satisfactory subject to the inclusion of additional details pertaining to roof runoff, and location of council infrastructure. A condition to this effect is included within the recommendation.	✓
Building	Suitable conditions are recommended with regards to building related matters including compliance with the BCA and fire-related matters.	✓
Traffic	Concerns were raised to the original car parking layout in terms of the proposed car stacker mechanism and compliance with AS2890.1-2004. The car stacker and commercial parking component have been deleted under the amended scheme.	✓

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	No further objections are raised, subject to the imposition of recommended conditions of consent including compliance with AS2890.1-2004.	
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### SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

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

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

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

A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required reduction targets. A condition of consent is recommended to ensure future compliance with these targets.

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

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

A Stage 1 Preliminary Environmental Site Investigation has been carried out by *Geo-Environmental Engineering*. The Report

A review of the available history for the site combined with surface sampling at accessible locations across the site indicated no significant contamination. In this regard, the site is considered to be suitable for the proposed development and associated land-use. Notwithstanding this, it is acknowledged that some structures on the site may contain fibrous cement sheeting, which contains asbestos fibres. An Asbestos Audit is recommended to identify any asbestos contained materials, prior to any demolition works. A condition to this effect is included within the recommendation.

Therefore, the proposal is considered to be acceptable with regards to SEPP 55.

#### 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.

An *Arboricultural Impact Assessment* Report has been prepared by Advanced Treescape Consulting. This supports the removal of seven (7) trees from No. 251 Homebush Road (Trees 2, 3, 6 to 9, and 11) and one (1) tree along the rear boundary of No. 253 Homebush Road (Tree 14). These trees are either in poor health, are located within the buildable area, or both. The removal of these trees is supported.

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The existing *Tristaniopis laurina* tree on Council's Road Reserve (Tree 1) is to be retained and protected in addition to four (4) trees along the sites rear boundary (Trees 4, 5, 12, and 13) in accordance with the *Tree Protection Plan* under Appendix 8 of the submitted *Arboricultural Impact Assessment Report*.

The Arborist Report further recommends that suitable replacement trees are included in the front setback landscape plan to enhance the streetscape amenity. A condition to this effect is included within the recommendation.

Therefore, the proposed development is acceptable with regards to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

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

SEPP (ARH) 2009 adopts the LEP definition of *Boarding house*, as follows:

**"boarding house** means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."

The proposed boarding house meets the above definition as it will be wholly let in lodgings, will provide lodgers with a principal place of residence for 3 months or more, has shared facilities, and rooms accommodating up to two (2) lodgers.

The proposed development is consistent with the aims of the Policy under Clause 3 of SEPP (ARH).

Clause 29 of SEPP (ARH) 2009 sets out the matters, which cannot be used as grounds for refusal, if satisfied. Clause 30 sets out the specific development standards for boarding houses. An assessment of the proposed development against Clause 29 and 30 of SEPP (ARH) 2009 is contained below:

Clause	Control	Proposed	Complies
29(1)(c) FSR	Maximum FSR is existing maximum FSR under an EP1 plus a bonus FSR of 0.5:1 if RFB's are permissible in the zone.  FSR of 1.4:1 is permissible under SLEP 2012. A bonus FSR of 0.5:1 applies.	The proposed FSR of 1.2:1 complies.	Yes
29(2)(a) Height	Maximum height permitted under an EPI.  11m maximum height under SLEP	10.5m maximum	Yes
29(2)(b) Landscaping to front	Landscaping treatment of front setback to be compatible with streetscape.	The proposed stepped setback from 3.5m (northern end) to 5.2 (southern) end is consistent with the pre-DA lodgment advice, and acceptable having regard to the prevailing streetscape	Yes

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		<p>character.</p> <p>Plantings are proposed within the front setback area. A condition is recommended to require suitable trees to enhance the streetscape amenity.</p>	
29(2)(c) Sunlight	Communal living spaces to receive three (3) hours sunlight mid-winter.	The proposed communal room in the north-eastern corner of the building will receive in excess of three hours solar access during mid-winter.	Yes
29(2)(d) Private open space	Minimum 20m <sup>2</sup> (at least 3m wide) for lodgers. Minimum 8m <sup>2</sup> (at least 2.5m wide) for manager.	<p>A communal open space area of 42m<sup>2</sup> is provided at ground floor level. A secondary open space area of 134m<sup>2</sup> is provided at the rear.</p> <p>Each of the eight (8) ground floor boarding rooms also has a private terrace, which will enhance the internal amenity of these rooms.</p>	Yes
29(2)(e)(iia) Car parking	<p>The site is located in an accessible area (the site is located within 155m walking distance from a bus stop, which meets the frequency requirements under the Policy).</p> <p>Car parking requirement is 1 x space for each boarding room. This triggers a requirement of (0.5 x 35) = 17 spaces.</p> <p>Not more than 1 space for each person employed in connection with the development who resides on the site.</p>	<p>17 spaces</p> <p>Nil</p>	<p>Yes</p> <p>Yes</p>
29(2)(f) Minimum accommodation size	<p>Minimum accommodation size (excluding kitchenette and bathroom):</p> <p>12m<sup>2</sup> for single lodger                      16m<sup>2</sup> for doubles</p>	<p>Single rooms = 13m<sup>2</sup> - 13.80m<sup>2</sup> (excluding kitchenette and ensuite bathroom)</p> <p>Double rooms = 16.54m<sup>2</sup> - 22m<sup>2</sup> (excluding kitchenette and ensuite bathroom)</p>	Yes
30(a) Communal living room	At least one communal living room if greater than five rooms proposed.	A communal room of 45.2m <sup>2</sup> is proposed	Yes
30(b) Maximum room size	25m <sup>2</sup> (excluding kitchenette and bathroom)	Maximum room size is 22.7m <sup>2</sup> (excluding kitchenette and ensuite)	
30(c) Occupancy	Maximum 2 persons per room	Rooms will accommodate a maximum of 2 lodgers.	Yes (Conditioned)

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30(d) Internal amenities	Adequate bathroom and kitchen facilities to be provided	Each boarding room contains an ensuite bathroom and kitchenette	Yes
30(e) Boarding house manager	On-site manager required for 20 or more lodgers	Proposed capacity is 63 lodgers. One Manager's room is proposed adjacent the communal room and reception	Yes
30(h) Motorcycle and bicycle parking	0.2 bicycle and motorcycle spaces per room. 7 of each required	11 bicycle spaces + 9 motorcycle spaces proposed	Yes
30A Design	Design compatible with local area	The proposed development is considered to be contextually appropriate in terms of land-use, bulk and scale. The development has been amended to provide an appropriate transition to adjoining low density residential land to the south and west.	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 B4 Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

'Boarding houses' are permissible within the B4 Mixed Use Zone with consent.

The proposed development is consistent with the definition of 'Boarding houses' under SLEP 2012.

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**Zone Objectives**

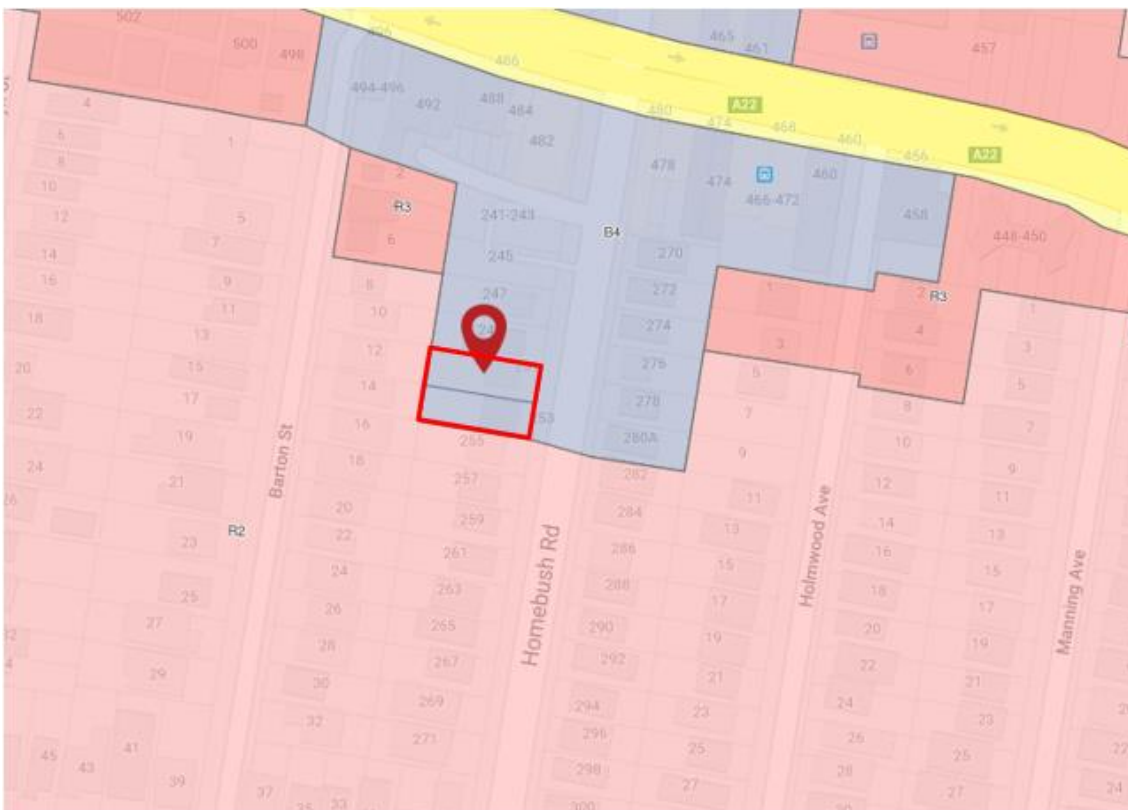
An assessment of the proposal against the objectives of the B4 Mixed Use zone is included below:

Objectives	Complies
➤ To provide a mixture of compatible land uses.	Yes
➤ To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Yes
➤ To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.	Yes
➤ To provide local and regional employment and live and work opportunities	No

**Comments:**

The original proposal included a commercial tenancy at ground floor. Given the location of the development adjacent R2 zoned land to its south and west (**Figure 22**), it was considered that the commercial tenancy would most likely be difficult to lease. The amended proposed with a communal space area in its place is considered to deliver a better planning outcome by encouraging greater activation and passive surveillance of the adjoining public domain.

The proposed development provides residential accommodation in an accessible location to employment opportunities, an in this regard satisfies the objectives of the B4 Mixed Use zone.



**Figure 22.** SLEP 2012 Zoning Map, showing the B4 Mixed Use zoning of the site and adjoining land zoned R2 Low Density Residential.

**Part 4: Principal development standards**

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

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### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	11m	10.5m	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	1.4:1	1.21:1	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

## Part 5: Miscellaneous Provisions

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

### 5.6 Architectural roof features

No roof top plant is proposed. The roof form is contained within the prescribed building height of 11m.

### 5.10 Heritage Conservation

The applicant has contacted Sydney Water, who is presently undertaking an evaluation of the development's impact on the Sydney Water owned *pressure tunnel and shafts* which traverse the site in an east/west direction and are listed on the State Heritage Register.

The Department of Planning & Environment website states the following with respect to the *pressure tunnel*:

*"The physical boundary curtilage of the Pressure Tunnel is to be taken as a distance of 3 metres around the existing infrastructure (NB this is not necessarily all owned by Sydney Water). The infrastructure associated with this item includes the original fabric and archaeological evidence including but not limited to the tunnel, vertical shafts and buildings attached to the shafts. The visual curtilage is restricted to the shafts from which access may be gained. Most of the pipeline is located below ground."*

In light of the above findings, the following conditions are recommended:

- Approval is gained from the Heritage Council for the proposed works. The reason for this condition is that the proposed excavation may disturb an archaeological relic.

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- Written confirmation is obtained from Sydney Water confirming that the proposed development will not have any adverse impact on the significance of the *pressure tunnel and shafts*.

## **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 site is identified as having Class 5 acid sulfate soils but is not within 500m of land within Class 1, 2, 3 or 4. A *Geotechnical Investigation Report*, prepared by *Geo-environmental Engineers*, confirms that an Acid Sulfate Soils Management Plan is not required.

### **6.2 Earthworks**

Excavation to accommodate a single basement car parking level is proposed. The matters of consideration in relation to *earthworks* have been assessed by Council's engineer, who has determined the proposed excavation to be satisfactory, subject to conditions.

### **6.3 Flood planning**

The subject site is not flood affected.

Council's Engineer notes that the OSD tank has been designed with internal mechanisms to negate the likelihood of internal flooding.

### **6.4 Essential services**

The subject site is located within an existing urban area with all essential services available.

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

A *Waste Management Plan* has been submitted with the application. This proposes kerbside collection of waste, and bases the number of bins proposed on a *typical occupancy* rate of 45 lodgers, rather than the potential maximum of 63 lodgers.

Section 3.3.1(a) of Part H of SCDCP 2005 states the following:

*"Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, mixed use and commercial development must provide onsite, underground collection of waste."*



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Section 3.3.2 sets out the circumstances in which an exemption to underground collection may be considered:

*“On a merit basis, Council may consider alternative onsite collection arrangements to underground waste collection, provided the applicant can justify this departure with relevant reports. Only in exceptional circumstances will Council consider kerb-side collection for the above development types.*

*A decision to support an exemption to underground or onsite collection will be based on assessment of a range of factors, such as ability to comply with the broader objectives of the SCDCP, site constraints, locality constraints, scale of the development and alternative options.”*

Section 3.3.3(a) states that where an exemption for onsite collection is deemed appropriate, alternative solutions including a loading dock facility or collection from an on-site, at grade location where bins are transferred to the collection area, may be considered.

Due to the physical constraints of the site, the alternative onsite collection arrangements above are not viable.

Whilst Section 3.3.1(a) does not strictly apply to *Boarding houses*, due to the high-traffic volume along Homebush Road and the number of boarding rooms proposed, kerbside collection is not considered appropriate. In this regard, it is recommended that bins are collected directly from the bin store using a private waste contractor.

The proposed internal height clearance of the basement appears to be sufficient to accommodate a medium rigid vehicle. A condition is recommended, which requires evidence of a service agreement between the applicant and a private waste contractor to be provided. Furthermore, plans are to be detailed showing compliance with relevant Australian Standards and evidence that vehicles are able to exit the site in a forward direction.

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

**General Waste:** 60L / occupant space  
**Recycling:** 20L / occupant space

Having regard to the above rates and based on a maximum of 63 lodgers at any one time, 3780L (16 x 240L general waste bins) and 1260L (6 x 240L recycling bins) are required.

The proposed bin store is capable of accommodating 16 X 240L bins. A condition is recommended to require the bin store to be amended to meet Council’s requirements.

**Part I – Provision of off-street parking facilities (SCDCP 2005)**

**Main Provisions**

The proposal is acceptable with regards to Section 2.0 of Part I of SCDCP 2005, subject to compliance with the following recommended conditions:

- all off-street car parking is to comply with *AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking*; and
- all vehicles must be able to exit the site in a forward direction.

**Parking Schedule**

The on-site parking requirements for the proposed development are as follows:

Use	No.	of	Parking rate	Loading	Minimum	Spaces	Complies
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	rooms		/ unloading	spaces required	provided	
Boarding houses	36 boarding rooms including one Managers Room.	1 space per bedroom plus 1 space per 6 employees plus 1 space for the manager	Nil	36	17	No

The car parking requirement under Council's DCP is inconsistent with the car parking requirement under the SEPP (ARH) 2009. The proposed on-site car parking provision of 17 spaces complies with the seventeen spaces required under the SEPP (ARH) 2009, and is therefore supported.

## Part Q – URBAN DESIGN

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

### 2.1: Public Domain and Place Making

2.1.1	Objectives	Satisfactory
A.	To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land	✓
B.	To enhance the quality of the Public Domain	✓
C.	To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed	✓
2.1.2	Development Controls	Complies
1.	All development applications involving substantial external changes that are visible from or effect public space, or have significant land use implications, must be designed in accordance with this DCP Part Q to ensure a positive contribution to the public environment.	✓
2.	Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.	✓
3.	Public access to the public domain is to be maximised	✓
4.	Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.	✓
5.	Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.	✓
6.	Continuous lengths of blank walls and fences at the public domain interface are to be avoided	✓

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## 2.2: Streetscape

2.2.1 Objectives		Satisfactory
A.	To ensure that all development contributes positively to the street and locality.	✓
B.	To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.	✓
C.	To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.	✓
D.	To maximise opportunities for buildings to define the Public Domain.	✓
E.	To encourage attractive street frontages and improve pedestrian amenity	✓
2.2.2 Development Controls		Complies
1.	Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls;	✓
2.	Buildings and fences must be designed to complement and/or visually improve existing streetscapes	✓
3.	Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area (refer Figure 1a)	✓
4.	Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.	✓
5.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	✓
6.	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene	✓
7.	Buildings on corner sites must be designed and articulated to address each street frontage and must define corners (refer Figure 4).	n/a
8.	Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain	n/a
9.	Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape	✓
10.	The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors).	✓
11.	Where side setbacks are an important part of the local streetscape character, these are to be maintained	✓

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### Comments:

#### Streetscape

The proposal has been amended to improve the presentation of the building façade to the public domain. It is recommended that suitable trees are incorporated into the front setback landscape plan capable of reaching a minimum height of 6m at maturity, in order to enhance the streetscape amenity.

It is further recommended that the proposed FB2 *Face Brick – 'Miro'* is replaced with FB1 *Face Brick: 'Gamet'* as proposed in order to achieve greater consistency with adjoining residential development.

### 2.3: Siting

2.3.1	Development Controls	Complies
1.	Development must respond to the scale of surrounding buildings and definition of the street networks and public spaces.	✓
2.	The distinctive and valued character of the surrounding area, particularly those elements that contribute to a sense of place and identity, must be protected and enhanced.	✓
3.	Building forms (including heights and massing) are to be arranged to reinforce the future desired structure and character of the area	✓
4.	Buildings must address the street, laneway, new through-site link or open space.	✓
5.	Street edges must be defined with low rise buildings or appropriately scaled podiums to create a pedestrian scale and active frontages at street level.	✓
6.	Appropriate building separation must be provided to protect privacy and solar access to private property and the Public Domain.	✓
7.	Building corners on key streets must be emphasised to signify key intersections and enhance Public Domain legibility.	n/a
8.	Possible future development on adjoining sites must be considered as part of any design	✓

### 2.4: Building Envelope

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

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

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## 2.5: Building Massing and Scale

2.5.1 Objectives		Satisfactory
A.	To ensure buildings are compatible in form relative to the spatial characteristics of the local area.	✓
B.	To ensure building mass and form reinforces, complements and enhances the visual character of the street.	✓
C.	To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics.	✓
D.	To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.	✓
2.5.2 Development Controls		Complies
1.	Buildings must be of a height that responds to the topography and shape of the site.	✓
2.	Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character	✓
3.	Building heights are to be reduced and setbacks increased to provide appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.	✓
4.	The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building patterns in the street.	✓
5.	Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.	✓
6.	The form and massing of buildings must provide a transition between adjoining land use zones and building types.	✓
7.	Building form and massing must support individual and communal entries.	✓

## 2.6: Transition Zones

2.6.1 Development Controls		Complies
1.	Development proposing to be higher than adjoining development must incorporate gradual stepping up of the built form at its interface with existing low-rise development. Where there is a common boundary between areas where a different height limit is specified, one solution may be that the top storey of the development on the land with the higher height limit be stepped back to fit within a plane projected at a 45° angle from the floor below the topmost floor (refer Figure 7)	✓
2.	Development proposals are to be sensitive and complementary in scale and site location to surrounding properties of identified heritage and/or streetscape value, and which contributes positively to the desired character of the street or area concerned (refer Figure 8)	✓

## 2.7: Building Frontages to the Public Domain

2.7.1 Objectives		Satisfactory
A.	To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.	✓

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B.	To encourage contemporary designs which integrate with the appearance of the streetscape.	✓
C.	To provide attractive building facades which establish identity and contribute to the streetscape.	✓
<b>2.7.2</b>	<b>Development Controls</b>	<b>Complies</b>
1.	Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings	✓
2.	Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.	✓
3.	Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture	✓
4.	Alterations and additions must be compatible with design elements of the existing building.	n/a
5.	Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain	✓
6.	Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.	✓
7.	New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council	✓ (reflectivity report not required)
8.	Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey	✓
9.	New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	n/a
10.	Where dwelling houses do not face the street, they are to have recognisable entries and a sense of address as they would if they faced the street.	n/a
11.	For commercial and mixed-use development: (i) ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and (ii) awnings or colonnades for weather protection and shade must be provided along active frontages.	n/a  n/a
12.	Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.	✓

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13.	Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.	✓
14.	Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.	✓
15.	Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.	✓
16.	The reflectivity of external materials and finishes (including roofs and walls) must be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare and reflectivity from external surfaces in certain circumstances.	✓

## 2.8: Roof Forms

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

### Plant

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No roof plant or details of any car park ventilation plant or air conditioning plant have been submitted with the DA.

A condition is recommended to require that no plant is installed on the roof or in a location that is visible from adjoining properties or the public domain.

### 3.1: Accessibility and Connectivity

<b>3.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.	✓
<b>B.</b>	To encourage pedestrian through-site links that are designed to promote safety and amenity.	n/a
<b>3.1.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>1.</b>	Pedestrian links must be provided where possible through large development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools. Where Council considers it appropriate to have through site links, it will consider the public benefit that is derived from this in terms of potential loss of development potential.	n/a
<b>2.</b>	Through-site links must be arranged on the site to enable casual surveillance from buildings on the site and from the street or Public Domain. Through-site links are to be landscaped appropriately and include provision for appropriate lighting.	n/a
<b>3</b>	Public, communal and private areas must be clearly delineated within the site	✓
<b>4.</b>	Pedestrian and cycle links must be provided on sites adjacent to waterways to improve accessibility to these natural systems.	n/a
<b>5</b>	Existing through-site pedestrian links are to be retained by all types of development, except where alternative access can be provided to Council's satisfaction.	n/a

### 3.2: Building Entries

<b>3.2.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	To create street entrances with a strong identity that provide a transition from the street to residential interiors.	✓
<b>B.</b>	To ensure car park entries do not detract from the street	✓
<b>3.2.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>1.</b>	Legible entry/lobby areas accessed from a public street are to be provided to encourage surveillance and activation of the Public Domain, thereby increasing safety.	✓
<b>2.</b>	Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.	✓
<b>3.</b>	Car park entrances and crossovers are not permitted unless there is no	✓ (no



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	alternative in retail and commercial areas. Entrances must be located off streets that have a predominantly service role, and these streets should be upgraded as necessary to cater for this role.	alternative to Homebush Road)
4.	Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.	✓
5.	New commercial and industrial buildings must be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	n/a
6.	Where a dwelling house does not face the street, it must have a recognisable entry and a sense of address.	n/a

### 3.3: Visual and Acoustic Privacy

3.3.1	Objectives	Satisfactory
A.	To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.	✓
B.	To ensure that visual privacy is provided both within a development and between a development and its neighbours.	✓
C.	To ensure that the siting and design of development minimises the impacts of noise transmission between properties.	✓
3.3.2	Development Controls	Complies
1.	New development must ensure adequate visual and acoustic privacy levels for neighbours and residents	✓
2.	Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.	✓
3.	The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.	✓
4.	Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards	✓
5.	The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas (refer Figure 9).	✓
6.	Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards (refer Figure 10).	✓
7.	The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission.	✓
8.	Appropriate building materials shall be used to provide acoustic privacy.	✓
9.	Consideration to the relationship between residential and non-residential components of mixed use development with regard to noise attenuation and privacy must be demonstrated in the design of the development.	✓

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### 3.4: Acoustic Amenity and Air Quality

3.4.1 Objectives		Satisfactory
A.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses.	✓ (Acoustic assessment report submitted)
B.	To ensure that new commercial or industrial development does not unreasonably diminish the amenity of nearby residential uses by noise intrusion.	n/a
C.	To ensure mitigation measures such as building layout and design and building materials are taken into consideration where poor air quality is likely to affect inhabitants.	n/a
3.4.2 Development Controls		Complies
1.	Where dwellings are proposed within proximity to noise-generating land uses such as major roads and rail corridors; entries, halls, storage rooms, bathrooms and laundries must be located on the noise affected side of each dwelling and should be able to be sealed off by doors from living areas and bedrooms where practicable.	✓
2.	Where dwellings are proposed within proximity to noise-generating land uses, appropriate materials with acoustic properties shall be incorporated into the development	✓
3.	New non-residential development must not adversely affect the amenity of adjacent residential development in terms of noise, odour, poor air quality, hours of operation and/or service deliveries.	✓
4.	Noise generating developments particularly those adjacent residential developments and residential developments adjacent to noise generating sources such as busy roads and rail corridors, must submit an Acoustic Report prepared by a suitably qualified acoustic consultant with a development application	✓
5.	The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration, to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as schools, child care centres, places of public worship and health services facilities when designing a development proposal	✓
6.	For residential development: – internal habitable rooms of dwellings affected by high levels of external noise must be designed to achieve internal noise levels of no greater than 50dBA; – The internal layout of buildings/dwellings shall be designed so as to minimize the impacts of poor air quality on inhabitants.	✓ (condition recommended)

#### Mechanical plant

The mechanical plant including the carpark ventilation plant and air conditioning plant have not yet been selected for this development.

The submitted *Acoustic Report* recommends that noise emissions from the mechanical plant are assessed at the *Construction Certificate* stage and/or once the plant selection is finalised. The mechanical plant and air conditioning units should be acoustically treated to reduce the noise emission level at nearby residences to levels complying with the noise criteria in Section 3.5 of the *Acoustic Report*. A condition to this effect is included within the Recommendation.

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### 3.5: Solar Access and Cross Ventilation

3.5.1	Objectives	Satisfactory
A.	To provide thermal comfort for occupants.	✓
B.	To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.	✓
C.	To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.	✓
D.	To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.	✓
E.	To ensure that sunlight access is provided to the Public Domain.	✓
3.5.2	Development Controls	Complies
1.	Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc. - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments. Note: Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.	✓
2.	Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.	n/a (ARH SEPP 2009 prevails)
3.	Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.	n/a
4.	In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.	✓
5.	Landscaping must provide shade in summer without reducing solar access in winter.	✓
6.	Buildings must have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.	✓
7.	Buildings must be orientated to benefit from prevailing breezes.	✓
8.	All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.	✓
9.	Natural cross ventilation shall be achieved by locating window openings in opposing walls and in line with each other.	✓
10.	Building elements such as operable louvres and screens, pergolas, blinds	✓

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etc. shall be used to modify environmental conditions where required, such as maximizing solar access in winter and sun shading in summer.

### 3.6: Safety and Security

3.6.1 Objectives		Satisfactory
A.	To ensure a safe physical environment by promoting crime prevention through design.	✓
B.	To encourage increased use of shopping centres, particularly at night.	✓
C.	To create a balance of uses that are safe and easily accessible	✓
D.	To ensure there is adequate lighting and signage.	✓
E.	To reduce crime risk and minimise opportunities for crime.	✓
F.	To increase and contribute to the safety and perception of safety in public and semi-public spaces.	✓
G.	To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.	✓
H.	To encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.	✓
3.6.2 Development Controls		Complies
1.	Development must be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.	✓
2.	Development must be designed to minimise opportunities for crime through suitable access control. Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	✓
3.	Development must incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.	✓
4.	Building entrances must be clearly identified and accentuated. Entries and associated elements including signs, street numbers, post boxes, landscaping etc. must be designed to emphasise their visible presence from various locations or approaches to the building.	✓
5.	Entrances must serve as points of orientation or way-finding within the development, and providing clear sightlines and visual connections between the street, the entry, foyers and residential interiors.	✓
6.	The installation of solid security shutters as a means of defining the boundaries between public and private spaces will not be supported.	✓ (no solid security shutters proposed)
7.	The incorporation of crime prevention measures in the design of new buildings and spaces shall not detract from the quality of the streetscape. Subtle design techniques must blend into façades and places and be integrated with the overall design of the development.	✓

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8.	A site management plan and formal crime risk assessment (Safer by Design Evaluation) involving the NSW Police Service may be required for large developments, which in Council's opinion, would create a crime risk	n/a
9.	The design of buildings adjoining laneways and through site connections must be designed to activate these spaces at ground level and provide casual surveillance from ground and upper levels	n/a
10.	Lighting of laneway space is required	n/a

### 3.8: Views

3.8.1	Objectives	Satisfactory
A.	To provide view sharing for both existing and proposed and future residents	✓
B.	To minimise disruption to views from adjacent and nearby development and views to and from public spaces, including accumulated view loss i.e. 'view creep'.	✓
3.8.2	Development Controls	Complies
1.	The design of any development must minimise the loss of views from neighbouring and nearby dwellings and from public spaces.	✓
2.	Views between and over buildings are to be maximised and exceptions to side boundary setbacks will not be considered if they contribute to loss of primary views from living areas.	✓
3.	View assessment is to be carried out having regard to the Land and Environment Court Planning Principle in respect of view sharing, which was set out in Tenacity Consulting v Warringah Council (2004) NSWLEC40 ("Tenacity").	n/a

### 3.9: Landscaping

3.9.1	Objectives	Satisfactory
A.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings	✓
B.	To ensure developments make an equitable contribution to the landscape setting of the locality	✓
C.	To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade	✓
3.9.2	Development Controls	Complies
1.	The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.	✓
2.	Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.	✓ (conditioned to require suitable trees)
3.	Existing trees on Council's Road Reserve area must be retained and protected. New driveway locations that necessitate removal of a Council street tree will not be supported.	✓ (Conditioned for retention and protection)

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4.	In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.	✓
5.	Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.	✓
6.	Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.	✓
7.	In areas adjacent to native habitat, the design of development must be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna	n/a
8.	In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve: – shaded buildings in summer; – reduced glare from hard surfaces; – sunlight access into living rooms in cooler months; – cooling air currents channelled into the dwelling in summer; and – windbreaks where desirable.	Details of plant species are to be confirmed at CC stage.
9.	Natural features on the site, such as trees, rock outcrops, cliffs, ledges, Indigenous species and vegetation communities must be retained and incorporated into the design of development.	n/a
10.	Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements	✓
11.	Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern	✓
12.	Landscaping is to be designed so as to minimise overlooking between properties.	✓
13.	The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.	✓ (Stormwater concept plans acceptable)

**3.10: Private and Communal Open Space**

<b>3.10.1 Objectives</b>		<b>Satisfactory</b>
A.	To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.	✓
B.	To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.	✓
C.	To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting	✓
<b>3.10.2 Development Controls</b>		<b>Complies</b>
1.	Private open space must be: - Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal	n/a (ARH SEPP 209 prevails)

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	<p>dwelling). Open space within the front setback does not constitute private open space.</p> <ul style="list-style-type: none"> <li>- Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development.</li> <li>- Located so as to maximise solar access.</li> <li>- - Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment.</li> </ul>	
2.	<p>Communal open space must be:</p> <ul style="list-style-type: none"> <li>- Located where it is highly visible and directly accessible to the maximum number of dwellings.</li> <li>- Designed with an integral role in the site and include uses such as circulation, BBQ or play areas, and areas of passive amenity, but excludes swimming pools.</li> <li>- Integrated with the deep soil zone to provide a landscaped setting with opportunities for large and medium size tree planting</li> <li>- - Located adjacent to surrounding public open spaces such as reserves and public through site links where appropriate.</li> </ul>	n/a (ARH SEPP 209 prevails)

**3.11: Energy Efficient Design**

<b>3.11.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	To promote sustainable development which uses energy efficiently and minimises non-renewable energy usage in the construction and use of buildings.	✓
B.	To ensure that development contributes positively to an overall reduction in energy consumption and greenhouse gas emissions.	✓

<b>3.11.2</b>	<b>Development Controls</b>	<b>Complies</b>
1.	Where applicable, development must demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.	✓
2.	For residential development not subject to BASIX, the principles and properties of thermal mass, glazing, insulation and solar energy must be recognised and incorporated into the design of the development.	✓
3.	Water Sensitive Urban Design principles must be integrated into the development through the design of stormwater drainage, on-site detention and landscaping and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge.	✓
4.	All commercial, mixed-use and residential flat buildings must achieve a 4-6 green star rating in accordance with the Green Building Council of Australia's Green Star program	n/a

**4.1: Car Parking and Vehicular Access**

<b>4.1.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	Vehicular access points are to be minimised and should not break the continuity of the streetscape. Landscaping should be used to minimise the visual intrusion of vehicular access points.	✓

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B.	Garages and parking structures are not to dominate the building facade and front setback	✓
C.	To ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact.	✓
<b>4.1.2</b>	<b>Development Controls</b>	<b>Complies</b>
1.	Vehicle access points and parking areas must: <ul style="list-style-type: none"> <li>- be easily accessible and recognisable to motorists;</li> <li>- not disrupt pedestrian flow and safety;</li> <li>- be located to minimise traffic hazards and the potential for vehicles to queue on public roads; and</li> <li>- - minimise the loss of on street car parking, and to minimise the number of access points.</li> </ul>	✓
2.	Car parking and service/delivery areas must be located so that they do not visually dominate either the development or the Public Domain surrounding the development.	✓
3.	For mixed-use development: – loading/manoeuvring areas must be located within buildings or screened from adjacent residential uses; and – residential non-residential car parking spaces must be physically separated.	n/a
4.	For industrial development: <ul style="list-style-type: none"> <li>- loading docks must be designed to allow heavy vehicles to enter and leave the site in a forward direction, without interfering with visitor and employee parking;</li> <li>- adequate and suitable on-site receiving areas and parking for trucks and large vehicles must be provided to prevent queuing or off-site parking of such vehicles;</li> <li>- materials for kerbs, gutters, footpaths, walkways and driveways must be selected to resist damage by large vehicles or frequent use; and</li> <li>- – a traffic management plan must be prepared detailing all transport options for the development, including type of transport used, size of trucks and frequency.</li> </ul>	n/a
5.	Development on corner sites may be required to accommodate a splay corner to facilitate improved traffic conditions. This matter should be identified at the initial design stage in consultation with Council's development assessment officers.	n/a
6.	Where properties have access to a rear lane or secondary street frontage, parking and servicing access shall be provided from the secondary street/lane.	n/a
7.	Driveways must be designed to avoid a long and straight appearance by using landscaping and variations in alignment.	✓
8.	Car parking areas and vehicle access ways shall be landscaped to integrate sympathetically with the development and the landscape character of the locality.	✓
9.	The area between property boundaries and driveways, access ways and parking spaces must be of sufficient width to enable landscaping and screen planting.	✓ (planting on structures proposed)
10	All parking provision must be designed and sited to respond to and respect the prevailing streetscape. The visual impact of parking within the front setback is to be minimised.	✓



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11	The width and number of footpath crossings shall be minimised	✓
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#### 4.2: Front Fences

<b>4.2.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
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A.	To avoid creating inactive frontages as a result of fencing private open spaces	✓
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B.	To ensure fences complement and conserve the visual character of the street and neighbourhood.	✓
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C.	To contribute positively to the Public Domain.	✓
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<b>4.2.2</b>	<b>Development Controls</b>	<b>Complies</b>
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1.	Front fences shall generally be low, open or partially transparent.	✓
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2.	Front fences are to be consistent with the existing character or contribute to establishing a new neighbourhood character.	✓
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3.	Front fences and landscaping shall allow residents to view street activity, thereby encouraging passive surveillance of the Public Domain.	✓
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4.	Colours and materials of new fences are to be consistent with the associated building and adjoining fences.	✓
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5.	Fences must respond to the architectural character of the street and/or area and the buildings that they front, with streetscape character maintained on all street frontages.	✓
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6.	Front fences must not be erected where the streetscape is characterised by an absence of front fences. In these instances, landscaping shall be used to create identifiable street address and privacy	✓
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7.	Use of continuous lengths of blank walls at street level must be avoided	✓
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8.	Suitable planting shall be used to soften the edges of fences at the interface of the Public Domain	✓
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9.	Sheet metal fencing is not to be used at the street frontage or forward of the building line or in locations that have an interface with the Public Domain.	✓
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10.	Fencing must respond to the topography of the site.	✓
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11.	Front fencing, particularly on busy roads, must be designed to ensure an appropriate level of visibility and outlook, informal surveillance, privacy, security and frontage activity	✓
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12.	Fences must not be constructed in floodways. Where this is unavoidable fences are to be constructed in a manner that will not restrict the flow of flood water or cause blockages.	✓
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#### 4.7: Development Adjoining Residential Zones

<b>4.7.1</b>	<b>Development Controls</b>	<b>Complies</b>
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1.	Wherever the Council considers it to be appropriate, proposed buildings must be compatible with the height, scale, siting and character of adjoining buildings within the residential zone.	✓
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2.	Any goods, plant, equipment and other material that will be on the land as a consequence of the proposed development shall be stored within a building, or be suitably screened and located at least 3m from the	✓
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	boundary with a residential zone.	
3.	The elevation of any proposed building facing land in a residential zone must be compatible with existing buildings within the residential zone, or be suitably screened.	✓
4.	The development must not inhibit reasonable solar access to existing buildings within the residential zone between the hours of 9am and 3pm during the winter solstice.	✓
5.	The development must not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like.	✓
6.	Windows facing residential areas shall be treated to avoid overlooking of private open spaces or windows of adjoining residences.	✓

#### 4.8: Development within Mixed Use Zones

4.8.1	Development Controls	Complies
1.	Any new mixed-use development must complement significant elements of the built environment in the vicinity of the land;	✓
2.	Any new mixed-use development must improve the appearance of the built environment in the vicinity of the land, particularly in terms of the relationship of buildings to each other and from the perspective of motorists, pedestrians, employees and users of the Public Domain generally	✓
3.	Any proposal shall be consistent with the established landscaping themes that the Council considers to be desirable.	✓
4.	Activities associated with mixed use developments that impact on the use of the Public Domain such as management arrangements, including ownership/ leasing proposals must be considered at the design stage to ensure proper functioning of various components of the building.	n/a

#### 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 AS2601 – 1991: *The Demolition of Structures*. Suitable conditions are recommended to ensure compliance with AS2601-1991.

##### (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

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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**

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

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

The proposed development is considered to be suitable to the site. The amended proposal is considered to complement the prevailing streetscape character and is consistent with the objectives of the B4 Mixed Use zone.

The proposed development is considered to provide a suitable transition in height, bulk and scale to adjoining land zoned R2 Low Density Residential.

**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 24/04/2018 to 16/05/2018, with 21 submissions received including a petition of 27 signatories.

A summary of the issues raised is included below:

Issues	Comments
Traffic congestion	<ul style="list-style-type: none"> <li>• Vehicular egress onto Homebush Road is already difficult during peak periods.</li> <li>• The proposed building of sixty-nine (69) units will further compound existing traffic problems.</li> <li>• Safety impacts to children of nearby Strathfield South Primary School due to increased traffic during peak hours.</li> <li>• Traffic congestion impacts during the construction period and during peak hour periods.</li> </ul>
Car parking	<ul style="list-style-type: none"> <li>• Existing area already has a customer parking shortfall for existing businesses.</li> <li>• Sharing secure residential parking with commercial parking severely limits the parking spaces available. Any retail, restaurants or professional rooms need customer parking.</li> <li>• Existing parking is already very restricted.</li> <li>• The proposed car parking would be non-compliant with the proposed amendments to the affordable housing SEPP.</li> <li>• The basement plan utilises stacked parking for the commercial spaces and provides little room to manoeuvre to enable egress from the site in a forward direction.</li> </ul>
Stormwater/siltation run-off and flooding	<ul style="list-style-type: none"> <li>• Potential runoff and flooding to No. 12 Barton Street from the proposed development, due to the subject land being higher. It is recommended that a</li> </ul>

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	<p>flood assessment study and improved stormwater drainage design including structural retaining wall to the rear boundary for containment of runoff within the development site, is provided.</p>
Privacy	<ul style="list-style-type: none"> <li>• Loss of privacy to downstairs family/TV/dining room and rear garden at No. 14 Barton Street, Strathfield South from the western end of the communal open space on Level 3. Request a 1.8m high privacy screen is installed.</li> <li>• Screen planting is recommended prior to any occupation of the premises.</li> <li>• Overlooking from the kitchen window of Unit 35 at second floor level and the north facing balcony on Level 3, to No. 14 Barton Street.</li> <li>• Loss of privacy to No. 16 Barton Street.</li> <li>• Overlooking from the western end of the communal open space area on Level 2</li> <li>• Loss of privacy to the kitchen/dining and living area of No. 12 Barton Street</li> </ul>
Building height	<ul style="list-style-type: none"> <li>• The height of the building exceeds the 11m height allowed under SLEP 2012 by 2.3m.</li> <li>• Concerns regarding four (4) storey presentation.</li> <li>• Removal of level 3 would ensure compliance with SLEP, reduce the bulk and scale of the building and overshadowing impacts, as well as ensure a more gradual transition to the adjoining two (2) storey dwelling.</li> </ul>
Inconsistency with the character of the local area	<ul style="list-style-type: none"> <li>• The proposed four (4) storey development will destroy the character of the neighbourhood and overwhelm the surrounding area.</li> <li>• The existing streetscape is characterised by single and two (2) storey dwelling houses.</li> <li>• The bulk and scale of the proposed four (4) storey building is out of character with the existing surrounding streetscape.</li> <li>• The area was not intended for high density.</li> <li>• The proposed development is out of step with community expectations and the character of the area.</li> </ul>
Overshadowing	<ul style="list-style-type: none"> <li>• Overshadowing to No. 255 Homebush Road.</li> <li>• Overshadowing to No. 16 Barton Street, Strathfield South.</li> <li>• Overshadowing to No. 12 Barton Street.</li> <li>• Homebush Road from 247 onwards slopes down to the south. A proposed 5 storey building on 251-253 Homebush Road will mean that residences further south from 255 will not receive any sunlight in the winter months.</li> </ul>
Strain on local infrastructure	<ul style="list-style-type: none"> <li>• Cumulative impact of residential flat buildings in the vicinity will increase the strain on local infrastructure. This includes skewing of the residence to green space ratio.</li> <li>• The existing area is inadequately serviced by local and community infrastructure.</li> <li>• Increased overcrowding of existing bus services, particularly services to Strathfield Station.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Noise impacts from air conditioning units to adjoining properties.</li> <li>• Noise impacts from over 69 occupants.</li> </ul>
Waste Management	<ul style="list-style-type: none"> <li>• The proposed 12 bins for kerbside collection will cause significant traffic delays on Homebush Road and amenity issues.</li> <li>• The basement should be capable of accommodating a garbage truck for collection.</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• The adjoining block at 247-249 Homebush Road to the north has a 3.5m setback and No. 255 Homebush Road to the south has a 5.2m front setback. The predominant front setback along Homebush Road is 5.2m. The proposed 3.5m front setback is non-compliant with the DCP front setback requirement and in conflict with the existing streetscape.</li> <li>• The proposed development does not meet the setback requirements under the ADG.</li> </ul>
Adaptable Housing	<ul style="list-style-type: none"> <li>• A minimum of 15% of the total number of dwellings must be adaptable in accordance with AS4299 – Adaptable Housing. Only one (1) adaptable unit is proposed. Six (6) units should be provided.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>• The DCP requires 50% (451m<sup>2</sup>) of the site to consist of landscaped area. Further, 35% of the site area is required to consist of deep soil zones. Only 117m<sup>2</sup> landscaped area is proposed at the rear, which is non-compliant.</li> </ul>

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	<ul style="list-style-type: none"> <li>The proposal is inconsistent with Division 3 of the affordable housing SEPP, which requires the landscape treatment of the front setback to be compatible with the streetscape.</li> <li>The application notes trees and shrubs along the southern common boundary and the west elevation will be provided to improve privacy and separation however this does not appear to be true along our boundary and west elevation.</li> </ul>
Affordable Housing SEPP	<ul style="list-style-type: none"> <li>The proposed development does not meet the standard criteria to be assessed under Clause 29 of SEPP (ARH) 2009.</li> </ul>
Reduced Property and Land Values	<ul style="list-style-type: none"> <li>The close proximity of this development will have a detrimental effect on the values of my property and adjacent properties along Barton Street and Homebush Road.</li> </ul>

**Assessing officer's comments:**

The submissions relate to the original scheme. The amended plans were not required to be re-notified as the modifications will have no greater cumulative environmental impact or amenity impact.

Responses to each of the matters raised above are provided below:

Issues	Comments
Traffic congestion	<ul style="list-style-type: none"> <li>A Traffic and Parking assessment report has been submitted with the DA. Notwithstanding the findings are based on the original proposal, the findings are still relevant. The report concludes that the projected change in the traffic generation potential of the site as a consequence of the development proposal is minimal, and will not give rise to any unacceptable traffic implications in terms of road network capacity. The proposal including the submitted Traffic and Parking assessment report was referred to Council's Traffic Engineer who has raised no objection to the proposal subject to standard conditions.</li> </ul>
Car parking	<ul style="list-style-type: none"> <li>The commercial tenancy has been deleted under the amended scheme, thereby precluding the need for separate commercial parking.</li> <li>The proposed on-site parking car parking provision is consistent with the parking requirements under the SEPP (ARH) 2009 (as amended).</li> </ul>
Stormwater/siltation run-off and flooding	<ul style="list-style-type: none"> <li>The proposed concept stormwater plans are supported by Council's Engineer, subject to recommended conditions of consent to mitigate any adverse impact to adjoining properties.</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>The rear building alignment is generally setback 6m from the rear boundary. This is consistent with the building separation guidelines under the <i>Apartment Design Guide</i> (ADG).</li> <li>Existing mature trees along the rear boundary are conditioned for retention and protection.</li> </ul>
Building height	<ul style="list-style-type: none"> <li>The proposed development has been amended to comply with the 11m height standard under SLEP 2012.</li> </ul>
Inconsistency with the character of the local area	<ul style="list-style-type: none"> <li>The proposal has been amended to comply with the 11m height control, thereby providing an appropriate transition in height, bulk, and scale to adjoining low density residential development.</li> <li></li> </ul>
Overshadowing	<ul style="list-style-type: none"> <li>Overshadowing impacts to adjoining development is considered acceptable. The proposed development comprises a compliant scheme with appropriate setbacks incorporated to minimise overshadowing impacts to the adjoining properties.</li> </ul>
Strain on local infrastructure	<ul style="list-style-type: none"> <li>The proposed development is consistent with development envisaged for the precinct under Council's LEP, DCP, and State-led strategic planning documents.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>Noise impacts from the proposed development are acceptable. This is verified in the submitted Noise Assessment Report.</li> <li>The submitted Plan of Management indicates that the use of outdoor recreation areas will be prohibited between 10pm and 7am.</li> </ul>

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Waste Management	<ul style="list-style-type: none"> <li>A condition is recommended prohibiting the presentation of bins kerbside for collection.</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>The stepped front setback is considered to be consistent with the prevailing streetscape character and is acceptable on merit.</li> </ul>
Adaptable Housing	<ul style="list-style-type: none"> <li>Six (6) accessible rooms are provided, which exceeds the 15% minimum under AS4299 – Adaptable Housing.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>The DCP controls relating to Multi-Unit housing under Part C do not apply to boarding houses. Accordingly, there is no numeric landscaping requirement beyond the Urban Design Controls in Part Q and requirements pertaining to the front setback area under the SEPP (ARH) 2009.</li> <li>The proposed deep soil areas and plantings to the front and side setback areas have been increased to a satisfactory level under the amended scheme. This includes provision of canopy trees.</li> </ul>
Affordable Housing SEPP	<ul style="list-style-type: none"> <li>The proposed development is consistent with the standard criteria under Clause 29 of SEPP (ARH) 2009, as evidenced in this assessment report.</li> </ul>
Reduced Property and Land Values	<ul style="list-style-type: none"> <li>Reduced property and land values is not a matter for consideration under the Section 4.16 Matters for Consideration of the EP&amp;A Act 1979.</li> </ul>

**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	\$46,529.06
Provision of Major Open Space	\$211,693.28
Provision of Local Open Space	\$46,584.78
Provision Roads and traffic Management	\$10,742.76
Administration	\$4,012.09
<b>TOTAL</b>	<b>\$319,561.97</b>

**CONCLUSION**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy 55 (Remediation of Land), State Environmental Planning

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Policy (BASIX) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Strathfield Local Environmental Plan 2012, and Strathfield Development Control Plan 2005 and is considered to be satisfactory for APPROVAL, subject to the recommended conditions of consent.

**PEER REVIEW**

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

**RECOMMENDATION**

That Development Application No. 46/2018 for the demolition of existing structures and construction of a three (3) storey boarding house consisting of thirty-five (35) rooms including one (1) Manager's room set above one basement car parking level containing seventeen (17) car parking spaces, landscaping and associated site works at 251-253 Homebush Road, Strathfield South be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)****1. BIN STORE (SC)**

The proposed bin store shall be amended to provide 16 x 240L general waste bins and 6 x 240L recycling bins. Plans are to be suitably amended to demonstrate compliance with this requirement, prior to the issue of the Construction Certificate.

(Reason: To ensure compliance with Part H of SCDCP 2005.)

**2. WASTE COLLECTION (SC)**

Bins are prohibited from being presented kerbside for collection. Bins are to be collected directly from the bin store from within the premises. Evidence of a written agreement between the applicant and the private waste collector is to be provided to Council, prior to the issue of any Construction Certificate.

Evidence that all relevant standards are satisfied with regards to waste collection in terms of internal height clearance of the basement, turning circles, manoeuvrability and ability for the waste collection vehicle to exit the site in a forward direction are to be provided to Council and the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To minimise traffic impacts on the surrounding road network and to maintain streetscape amenity.)

**3. EXTERNAL MATERIALS (SC)**

The proposed FB2 Face Brick – 'Miro' is to be replaced with FB1 Face Brick: 'Gamet'. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: To achieve greater consistency with adjoining residential development.)

**4. BOARDING HOUSE – APPROVED USE (SC)**

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of thirty-five boarding rooms (plus one Manager's Room). This includes 28 x double rooms (maximum 2 persons per room) and 7 single rooms (maximum 1 person per room). No more than 63 lodgers are to be present on the site at any one time.

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All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Strathfield Local Environmental Plan 2013 and SEPP (ARH) 2009.

The approved boarding house must operate within the definition of 'boarding house' under SLEP 2012 and SEPP (ARH) 2009. The approved boarding house cannot be strata or community title subdivided.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time.)

**5. BOARDING HOUSE – CONSTRUCTION OF (SC)**

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;
- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

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

(Reason: To ensure compliance with relevant legislation.)

**6. RESTRICTION AS TO USER OF THE BUILDING (SC)**

Prior to the issue of any Occupation Certificate, a restriction as to user is to be registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of the subject property for the purposes of a boarding house, as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009.

**7. CONSTRUCTION NOISE MANAGEMENT PLAN (SC)**

A Construction Noise Management Plan (CNMP) is to be prepared prior to any works commencing (including demolition) to limit the impact on nearby residences.

The CNMP is to be prepared in accordance with the guidance provided in AS2436-2010 and the Interim Construction Noise Guideline, and submitted to the Principal Certifying Authority, prior to the commencement of any works.

(Reason: In accordance with the recommendation of the Noise Assessment Report, prepared by DK Acoustics Pty Ltd, dated 20 March 2018.)

**8. NOISE FROM PLANT EQUIPMENT (SC)**

Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed in a sound proof enclosure.

Once the carpark ventilation plant and air conditioning plant are selected, the submitted Noise Assessment Report is to be updated to include a noise assessment of the selected plant, demonstrating compliance with any applicable guidelines including those of the Environmental Protection Authority (EPA). The drawings accompanying the Construction Certificate application



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shall demonstrably comply with any recommendations of the amended Noise Assessment Report.

(Reason: To mitigate any adverse acoustic impacts to the adjoining properties).

**9. LOCATION OF PLANT EQUIPMENT (SC)**

No roof plant is to be installed, without the prior approval of Council. Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed and integrated with the design of the development, concealed from adjoining properties and the public domain and designed in accordance with any relevant standards and the Building Code of Australia.

(Reason: To ensure the proposed development does not contravene the 11m height control under SLEP 2012, and to mitigate any adverse visual impact on the surrounding area.)

**10. CLOTHES DRYING FACILITIES (SC)**

Clothes drying facilities are to be provided at the rear of the property and integrated into the design of the development.

(Reason: To mitigate any adverse visual impact on the streetscape).

**11. TREE PROTECTION MEASURES (SC)**

Trees 1, 4, 5, 12 and 13 in the submitted Arboricultural Impact Assessment Report prepared by Advanced Treescape Consulting dated 09/03/2018 shall be retained and protected in accordance with the tree protection recommendations contained within the Report.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

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

**12. CANOPY TREES IN THE FRONT SETBACK (SC)**

At least two (2) canopy trees are to be provided within the front setback adjacent the front boundary. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 6m.

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

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

**13. GEOTECHNICAL REPORT RECOMMENDATIONS (SC)**

The recommendations contained within the Geotechnical Investigation Report prepared by Geo Environmental Engineering, dated 08/03/2018, are to be fully complied with.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority.

(Reason: Site stability).

**14. ROOF DRAINAGE PLAN (SC)**

The Stormwater drainage concept plan does not reflect roof runoff drainage to the OSD tank. An

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amended concept plan is required to address this inconsistency, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer).

**15. BASEMENT PUMP WELL (SC)**

The contributing catchment to the pump well system is to be limited to the basement access ramps and subsoil drainage only. The stormwater concept plan is to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

**16. COUNCILS DRAINAGE INFRASTRUCTURE (SC)**

Driveway crossings, including the apron and layback are to 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. The concept stormwater plans shall be amended to demonstrate compliance, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

**17. SYDNEY WATER APPROVAL - PRESSURE TUNNEL AND SHAFTS (SC)**

Prior to any works commencing on the site (including demolition), written confirmation is to be obtained from Sydney Water confirming that the proposed development will not have any adverse impact on the pressure tunnel and shafts, which traverse the site in an east/west direction.

(Reason: To ensure that the proposed development will not have any adverse impact on the Pressure tunnel and shafts).

**18. HERITAGE COUNCIL OF NSW APPROVAL - PRESSURE TUNNEL AND SHAFTS (SC)**

Written approval is to be obtained from the Heritage Council of NSW for the proposed development.

(Reason: To ensure that the proposed excavation will not disturb an archaeological relic, or have any adverse impact on the significance of the State heritage listed pressure tunnel and shafts).

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/046:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA01-A	Concept Data	ADG Architects	Issue 3 / 25/10/2018	29/10/2018
DA02	Site Plan			

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DA04	Basement 1 Floor Plan						
DA05	Ground Floor Plan						
DA06	Level 1 Floor Plan						
DA07	Level 2 Floor Plan						
DA08	Roof Plan						
DA10	North and South Elevations						
DA11	East and West Elevations						
DA12	Sections						
L/01 'D'	Proposed Landscape Plan – Ground Floor				A Total Concept Landscape Architects	Revision E, dated 24/10/2018	29/10/2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/138:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects (Amended)	Shanahan Planning	July 2018	20/07/2018
Traffic and Parking Assessment Report (Ref 18001)	Varga Traffic Planning Pty Ltd	03/04/2018	10/04/2018
Noise Assessment Report (Ref 180226)	DK Acoustics Pty Ltd	20/03/2018	10/04/2018
Arboricultural Impact Assessment	Advanced Treescape Consulting	09/03/2018	10/04/2018
Waste Management Plan	ADG Architects	Undated	10/04/2018
Geotechnical Investigation Report	Geo-Environmental Engineering	08/03/2018 / Rev 01	10/04/2018
Stage 1 Preliminary Site Investigation	Geo-Environmental Engineering	07/03/2018	10/04/2018
BASIX Cert No.916883M_02		dated	20 September 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.)

## **20. 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.)

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**21. 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.)

**22. 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.)

**23. 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 \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council (Note: The policy is to note Council as an interested party).

(Reasons: Statutory requirement and health and safety.)

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

All common and private landscape areas including all planters are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

**25. LANDSCAPING (GC)**

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, and tree management plan as applicable.

a) The following trees shall be retained

Trees reference in Arborist Report	Species	Location
Tree 1	<i>Tristaniopsis laurina</i>	Road reserve

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	(Water Gum)	
Tree 4	<i>X Cupressocyparis leylandii</i> (Leyland Cypress)	Rear boundary of No. 251 Homebush Road
Tree 5	<i>Syzygium australe</i> (Brush Cherry)	Rear boundary of No. 251 Homebush Road
Tree 12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear boundary of No. 253 Homebush Road
Tree 13	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear boundary of No. 253 Homebush Road

b) The following trees on the subject site may be removed:

Tree reference in Arborist Report	Tree	Location
Tree 2	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Front setback
Tree 3	<i>Juniperus spp.</i> (Juniper)	Adjacent southern side boundary of No. 251 Homebush Road at the rear.
Tree 6	<i>Cotoneaster glaucophyllus</i> (Grey-leaved Cotoneaster)	Rear boundary of No. 251 Homebush Road
Tree 7	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Rear boundary of No. 251 Homebush Road
Tree 8	<i>Ligustrum lucidum</i> (Glossy Privet)	Adjacent northern side boundary of No. 251 Homebush Road at the rear.
Tree 9	<i>Leptospermum spp.</i> (Fine Leaf Tea Tree)	As above.
Tree 11	<i>Murraya paniculata</i> (Orange Jessamine)	Centre of site
Tree 14	<i>Casuarina glauca</i> (Swamp She-oak)	Rear boundary of No. 253 Homebush Road

(Reason: To ensure landscaping is in accordance with the approved Landscape Plan.)

## 26. 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.)

## 27. LANDSCAPING (GC)

The principal contractor or owner must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

(Reason: To ensure that all landscaping work is completed prior to issue of the Final Occupation Certificate.)

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## 28. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

## 29. 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.)

## 30. SITE MANAGEMENT - DURING DEMOLITION AND CONSTRUCTION WORKS (GC)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be

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- 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 docket, 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.)

**31. 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.)

**32. 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.)

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

#### **33. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

#### **34. 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.)

#### **35. 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.)

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a



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Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

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

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

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

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licence. All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Work Health and Safety Act 2011;
  - The Work Health and Safety Regulation 2011;
  - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
  - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - the date and time when asbestos removal works will commence;
    - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - the full name and license number of the asbestos removalist/s; and
    - the telephone number of WorkCover's Hotline 13 10 50
    - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
    - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

**38. 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

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your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

**Hoarding Permit**

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

**Work Zone Permit**

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

**Ground Anchoring Permit**

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

(Reason: Council requirement)

**39. 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.)

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

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

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

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

(Reason: Environmental protection.)

**41. 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.)

**42. FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures 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.)

**43. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)**

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water

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conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

**44. SECTION 7.11 CONTRIBUTION PAYMENT (CC)**

In accordance with the provisions of Section 7.11 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	\$46,529.06
Provision of Major Open Space	\$211,693.28
Provision of Local Open Space	\$46,584.78
Provision Roads and traffic Management	\$10,742.76
Administration	\$4,012.09
<b>TOTAL</b>	<b>\$319,561.97</b>

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

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

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

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

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

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

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

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full

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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.)

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

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

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

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

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

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#### **47. VENTILATION SYSTEMS (CC)**

Any natural or mechanical ventilation systems shall be designed, constructed and installed in accordance with the following:

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

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 any proposed ventilation system complies with the relevant requirements/standards.)

#### **48. 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.)

#### **49. 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.)

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

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

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart

**DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
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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.)

**51. 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.)

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

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

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

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

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

All civil engineering works adjacent/near/outside 4-10 Albert Road are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

**53. 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.



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(Reason: Council requirement.)

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

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

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

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

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

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

(Reason: Statutory requirement.)

### **55. 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.)

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

### **56. CONTAMINATED LAND UNEXPECTED FINDS (DW)**

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

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

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

(Reason: To ensure compliance with statutory requirements.)

### **57. 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.)

### **58. 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.)

### **59. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

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## 60. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION (DW)

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 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.)

## 61. 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:

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LOT 38 & 39 DP 2043 (Cont'd)**

- 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 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)****62. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

**63. ENGINEERING WORKS (CERTIFICATION OC)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

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

(Reason: Asset management.)

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

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental

**DA2018/046 - 251-253 Homebush Road, STRATHFIELD  
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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.)

**65. 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 on the site and road reserve, 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.)

**66. 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.

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

(Reason: Statutory requirement.)

#### **67. 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.)

#### **68. 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.).

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

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)**

##### **69. ENGINEERING WORKS - CERTIFICATION OF WORK AS EXECUTED (SC)**

Prior to the issue of the Subdivision Certificate, 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 all engineering works including the provision of services, drainage, driveways and earthworks have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council.

(Reason: To ensure adequate access and services have been provided for the new lots.)

#### **CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)**

##### **70. 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.

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(Reason: Fire safety)

## **71. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)**

An Operational Plan of Management is to be formulated and submitted to Council for approval, prior to the issue of any Occupation Certificate.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc.
- ii) All the responsibilities of the Caretaker/Manager.
- iii) An Incident Register to be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- iv) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc. can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate and commencement of the use.

The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (iii) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

(Reason: To minimise the impact of the use on surrounding residences.)

## **72. BOARDING HOUSE - ONGOING USE OF (OU)**

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
  - is wholly or partly let in lodgings, and
  - provides lodgers with a principal place of residence for 3 months or more, and
  - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers' accommodation, a

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- group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
  - iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
    - Boarding Houses Act 2012;
    - Boarding Houses Regulation 2013;
    - Local Government Act 1993; and
    - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
  - iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
  - v) No speakers or music is permitted outdoors or in the communal areas

(Reason: To minimise the impact of the boarding house on surrounding residences.)

**ATTACHMENTS**

- 1. [↓](#) Architectural Plans
- 2. [↓](#) Landscape Plan



**PROPOSED AFFORDABLE HOUSING**  
 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH

**STRATHFIELD COUNCIL  
 RECEIVED**

**AMENDED PLAN**

**DA2018/046  
 29 October 2018**



PERSPECTIVE ALONG HOMEBUSH ROAD

<table border="1"> <tr> <td>3</td> <td>FINAL REVIEW</td> <td>25/10/18</td> <td>JS</td> <td>PL</td> </tr> <tr> <td>2</td> <td>REVISED DA ISSUE</td> <td>06/07/18</td> <td>JS</td> <td>RJ</td> </tr> <tr> <td>1</td> <td>DA ISSUE</td> <td>06/04/18</td> <td>JS</td> <td>YS</td> </tr> </table>	3	FINAL REVIEW	25/10/18	JS	PL	2	REVISED DA ISSUE	06/07/18	JS	RJ	1	DA ISSUE	06/04/18	JS	YS	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250                  Postal Address P.O. BOX 457 Gosford NSW 2250                  Tel: 02 4310 5133 Fax: 02 4310 5117 a-ah@adgarchitects.com.au</p>	<p>Member                  Australian                  Institute of                  Architects</p>	<p>Project                  PROPOSED AFFORDABLE HOUSING</p> <p>Client                  HONG AND HA PHAM</p>	<p>Drawing                  COVER PAGE</p> <p>Location                  251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH                  (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of any drawings or the liability of any person is not to be affected, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<table border="1"> <tr> <td>Project Number <b>17_021</b></td> <td>Drawing Number <b>DA01</b></td> <td>Issue <b>3</b></td> </tr> <tr> <td>Scale As indicated @ A3</td> <td>Date Printed 25/10/2018 5:11:52 PM</td> <td></td> </tr> <tr> <td colspan="3">File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180910...</td> </tr> </table>	Project Number <b>17_021</b>	Drawing Number <b>DA01</b>	Issue <b>3</b>	Scale As indicated @ A3	Date Printed 25/10/2018 5:11:52 PM		File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180910...		
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**SITE CONSTRAINTS & DEVELOPMENT INFORMATION:**

INFORMATION OBTAINED FROM STRATHFIELD COUNCIL & AFFORDABLE RENTAL HOUSING SEPP 2009. BUILDING SETBACKS BASED ON PRE-DA MEETING

DESIGN CRITERIA	ALLOWABLE	PROPOSED DEVELOPMENT
SITE ZONING:	B4 (MIXED-USE)	
SITE AREA:	901.7m <sup>2</sup>	
FSR:	1.4+ 0.5 (BONUS 0.5 AHSEPP)	1.21:1
TOTAL GFA	1713m <sup>2</sup> (PERMISSIBLE)	1,093m <sup>2</sup>
MAX HEIGHT	11m	COMPLIES
LANDSCAPE	30% OF SITE AREA (270.5m <sup>2</sup> )	256m <sup>2</sup> (28%)
TOTAL PARKING SPACES (FROM ARHSEPP 2009 -)	18 CAR SPACES (INCLUDING 1 FOR MANAGER) 8 MOTORCYCLE SPACES 8 BICYCLE SPACES	17 SPACES (INCLUDING 2 ACC.) 9 SPACES 11 SPACES

SETBACKS OBTAINED FROM PRE-DA MEETING:

FRONT SETBACK	3.5m TO 249 HOMEBUSH ROAD 5.2m TO 255 HOMEBUSH ROAD	3.5m 5.2m
SIDE SETBACK	4m FACING 249 HOMEBUSH ROAD 6m FACING 255 HOMEBUSH ROAD	minor part exceeding minor part exceeding
REAR SETBACK	6m	minor part exceeding

Screening devices have been used to alleviate privacy concerns and increase amenity to residents

MINIMUM ROOM SIZE: 12m<sup>2</sup> SINGLE (EXCLUDING ENS & KITCHENETTE)  
16m<sup>2</sup> DOUBLE (EXCLUDING ENS & KITCHENETTE)  
ALL ROOMS TO INCLUDE A FRONT LOADER WASHING MACHINE

**ROOMS:**

GROUND FLOOR:	LEVEL 1:	LEVEL 2:
9 ROOMS (1 SINGLE ROOM + 8 DOUBLE ROOMS, INCLUDES 1 MANAGER ROOM (ACC.) AND 1 ACC. ROOM)	13 ROOMS (3 SINGLE ROOMS, 10 DOUBLE ROOMS, INCLUDES 2 ACC.ROOM)	13 ROOMS (3 SINGLE ROOMS, 10 DOUBLE ROOMS, INCLUDES 2 ACC.ROOM)

**TOTAL: 35 ROOMS (MANAGER ROOM IS INCLUDED)**  
**6 ACCESSIBLE ROOMS (ACCESSIBLE = ACC.)**  
**MAX. CAPACITY : 64 OCCUPANTS**

GROSS FLOOR AREA (EXCLUDES VERTICAL CIRCULATION AND BALCONY)

GF:	351m <sup>2</sup>
L1:	371m <sup>2</sup>
L2:	371m <sup>2</sup>
<b>TOTAL:</b>	<b>1,093m<sup>2</sup></b>

**SCHEDULE OF ROOMS**

NUMBER	AREA	ACCESSIBLE ROOMS
<b>GROUND FLOOR PLAN</b>		
1	18.1 m <sup>2</sup>	
2	17.3 m <sup>2</sup>	
3	17.3 m <sup>2</sup>	
4	16.8 m <sup>2</sup>	
5	41.4 m <sup>2</sup>	ACCESSIBLE
6	16.6 m <sup>2</sup>	ADAPTABLE
7	17.3 m <sup>2</sup>	
8	18.3 m <sup>2</sup>	
9	18.3 m <sup>2</sup>	
42	46.1 m <sup>2</sup>	
<b>GROUND FLOOR PLAN: 10</b>	<b>227.7 m<sup>2</sup></b>	
<b>LEVEL 01 FLOOR PLAN</b>		
10	22.8 m <sup>2</sup>	ACCESSIBLE
11	17.3 m <sup>2</sup>	
12	17.3 m <sup>2</sup>	
13	20.7 m <sup>2</sup>	ACCESSIBLE
14	16.5 m <sup>2</sup>	
15	17.3 m <sup>2</sup>	
16	19.2 m <sup>2</sup>	
17	13.8 m <sup>2</sup>	
18	13.8 m <sup>2</sup>	
19	13.8 m <sup>2</sup>	
20	17.4 m <sup>2</sup>	
21	18.3 m <sup>2</sup>	
22	18.3 m <sup>2</sup>	
<b>LEVEL 01 FLOOR PLAN: 13</b>	<b>226.6 m<sup>2</sup></b>	
<b>LEVEL 2 FLOOR PLAN</b>		
23	22.8 m <sup>2</sup>	ADAPTABLE
24	17.3 m <sup>2</sup>	
25	17.3 m <sup>2</sup>	
26	20.7 m <sup>2</sup>	ADAPTABLE
27	16.5 m <sup>2</sup>	
28	17.3 m <sup>2</sup>	
29	19.2 m <sup>2</sup>	
30	13.8 m <sup>2</sup>	
31	13.8 m <sup>2</sup>	
32	13.8 m <sup>2</sup>	
33	17.4 m <sup>2</sup>	
34	18.3 m <sup>2</sup>	
35	18.3 m <sup>2</sup>	
<b>LEVEL 2 FLOOR PLAN: 13</b>	<b>226.6 m<sup>2</sup></b>	
<b>TOTAL: 36</b>	<b>680.8 m<sup>2</sup></b>	

AREA EXCLUDES KITCHENETTE AND BATHROOM

MANAGER	11.1 m <sup>2</sup>
REC.	3.5 m <sup>2</sup>
<b>TOTAL</b>	<b>14.6 m<sup>2</sup></b>



**SITE LOCATION**

**DRAWING LIST**

- DA01 COVER PAGE
- DA01-A CONCEPT DATA
- DA02 SITE PLAN
- DA03 SITE ANALYSIS
- DA04 BASEMENT 1 FLOOR PLAN
- DA05 GROUND FLOOR PLAN
- DA06 LEVEL 1 FLOOR PLAN
- DA07 LEVEL 2 FLOOR PLAN
- DA08 ROOF PLAN
- DA10 NORTH AND SOUTH ELEVATIONS
- DA11 EAST AND WEST ELEVATIONS
- DA12 SECTIONS
- DA13 SECTIONS
- DA14 SHADOW DIAGRAMS - PROPOSED DEVELOPMENT (JUNE AND DECEMBER)
- DA15 SHADOW DIAGRAMS - ELEVATION
- DA16 SHADOW DIAGRAMS - ELEVATION
- DA17 SHADOW DIAGRAMS (30 MINS) - SHEET 1
- DA18 SHADOW DIAGRAMS (30 MINS) - SHEET 2
- DA19 SHADOW DIAGRAMS (30 MINS) - SHEET 3
- DA20 SHADOW DIAGRAMS (30 MINS) - SHEET 4
- DA21 SHADOW DIAGRAMS (30 MINS) - SHEET 5
- DA22 SHADOW DIAGRAMS (30 MINS) - SHEET 6
- DA23 SHADOW DIAGRAM - 255 HOMEBUSH RD
- DA24 11M HEIGHT PLANE
- SK17 SHADOW DIAGRAMS (30 MINS)

**MATERIAL SCHEDULE**

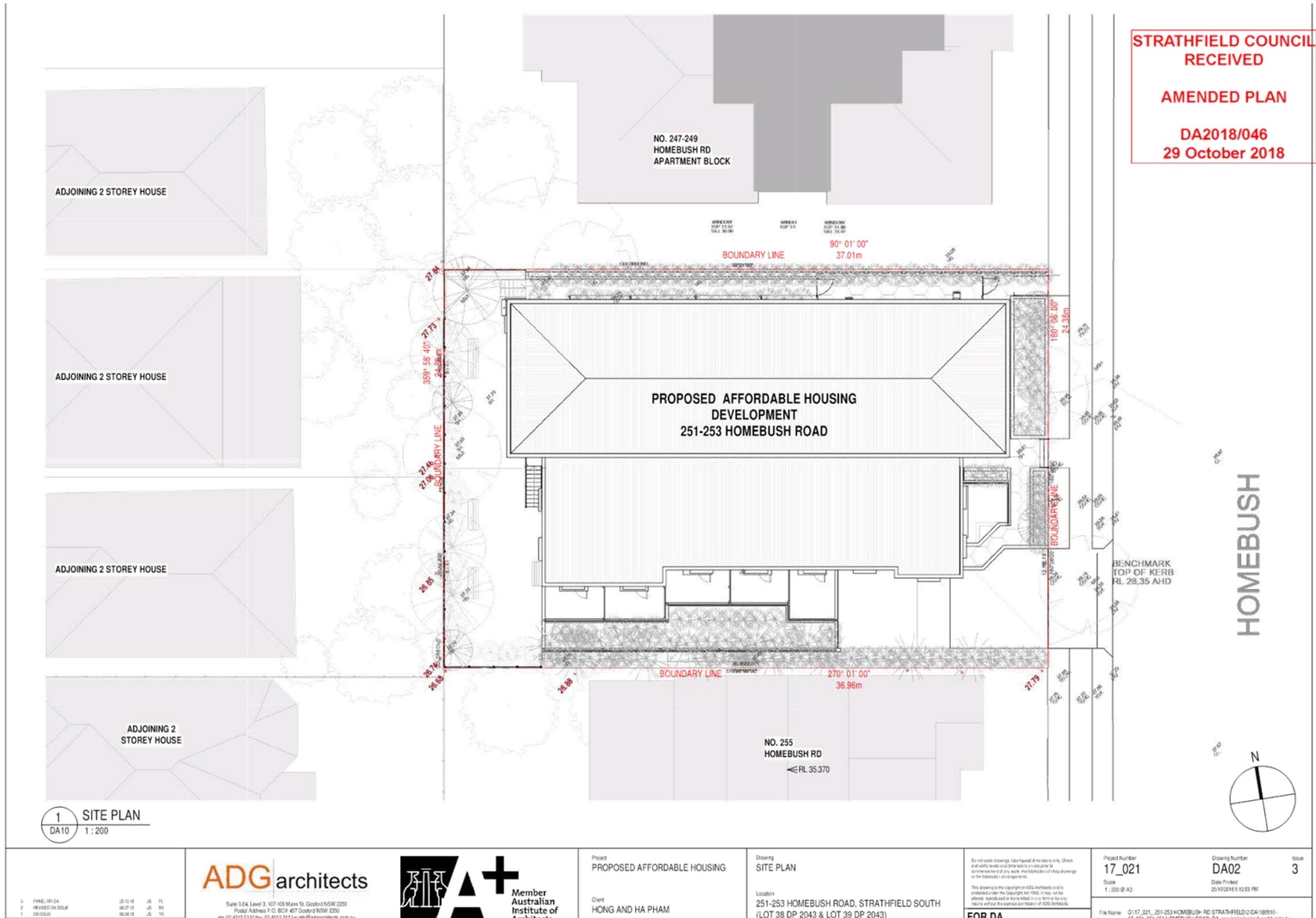


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**DA2018/046**  
**29 October 2018**

<p>3 PANELS/ISSUE</p> <p>2 PREVIOUS DA ISSUES</p> <p>1 DRAWING</p>	<p>ADG architects</p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250</p> <p>Postal Address P.O. BOX 457 Gosford NSW 2250</p> <p>tel: 02 4310 5130 fax: 02 4310 5117 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project</p> <p>PROPOSED AFFORDABLE HOUSING</p>	<p>Drawing</p> <p>CONCEPT DATA</p>	<p>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</p> <p>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p> <p><b>FOR DA</b></p>	<p>Project Number</p> <p>17_021</p>	<p>Drawing Number</p> <p>DA01-A</p>	<p>Issue</p> <p>3</p>
			<p>Client</p> <p>HONG AND HA PHAM</p>	<p>Location</p> <p>251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>		<p>Scale</p> <p>As indicated @ A3</p>	<p>Date Printed</p> <p>25/10/2018 5:11:58 PM</p>	



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**DA2018/046**  
**29 October 2018**

HOME BUSH

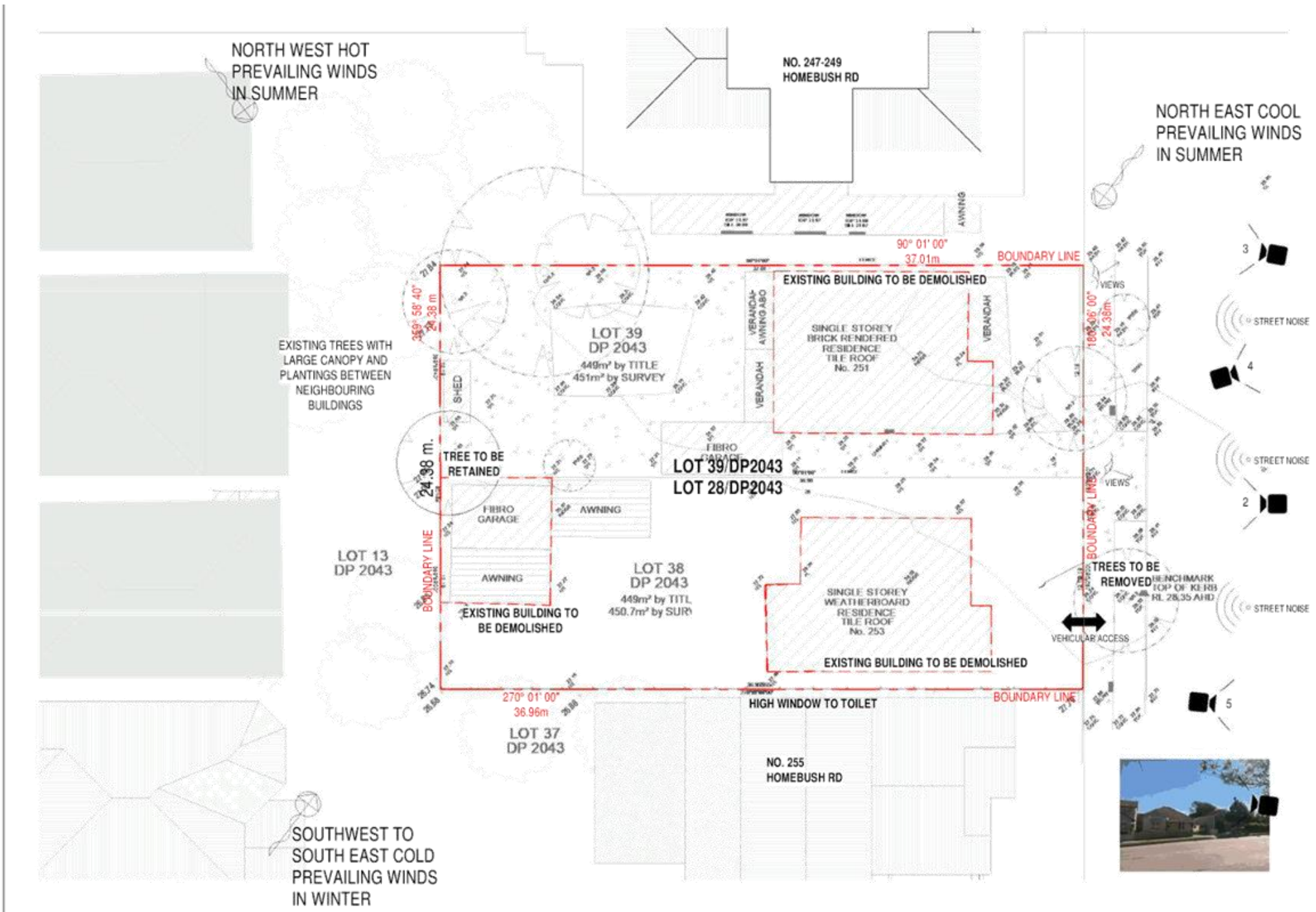


**1 SITE PLAN**  
DA10 1 : 200

<p>3 PANEL/ISSUE 05/10/18 JS FL 2 REVISED DA ISSUE 06/07/18 JS RV 1 ORIGINAL 08/04/18 JS YS</p>	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5133 fax: 02 4310 5117 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project <b>PROPOSED AFFORDABLE HOUSING</b></p> <p>Client <b>HONG AND HA PHAM</b></p>	<p>Drawing <b>SITE PLAN</b></p> <p>Location <b>251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</b></p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of this drawing is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale 1 : 200 @ A3</p>	<p>Drawing Number <b>DA02</b></p> <p>Issue <b>3</b></p> <p>Date Printed 25/10/2018 5:12:53 PM</p> <p>File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04-18\0010...</p>
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**DA2018/046**  
**29 October 2018**

HOMEBUSH ROAD



4. SITE CONDITION OPPOSITE OF PROPOSED SITE



5. SITE CONDITION OPPOSITE OF PROPOSED SITE



1. NEIGHBOURING BUILDING'S ON LEFT OF PROPOSED SITE

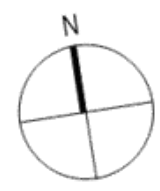


2. PROPOSED SITE



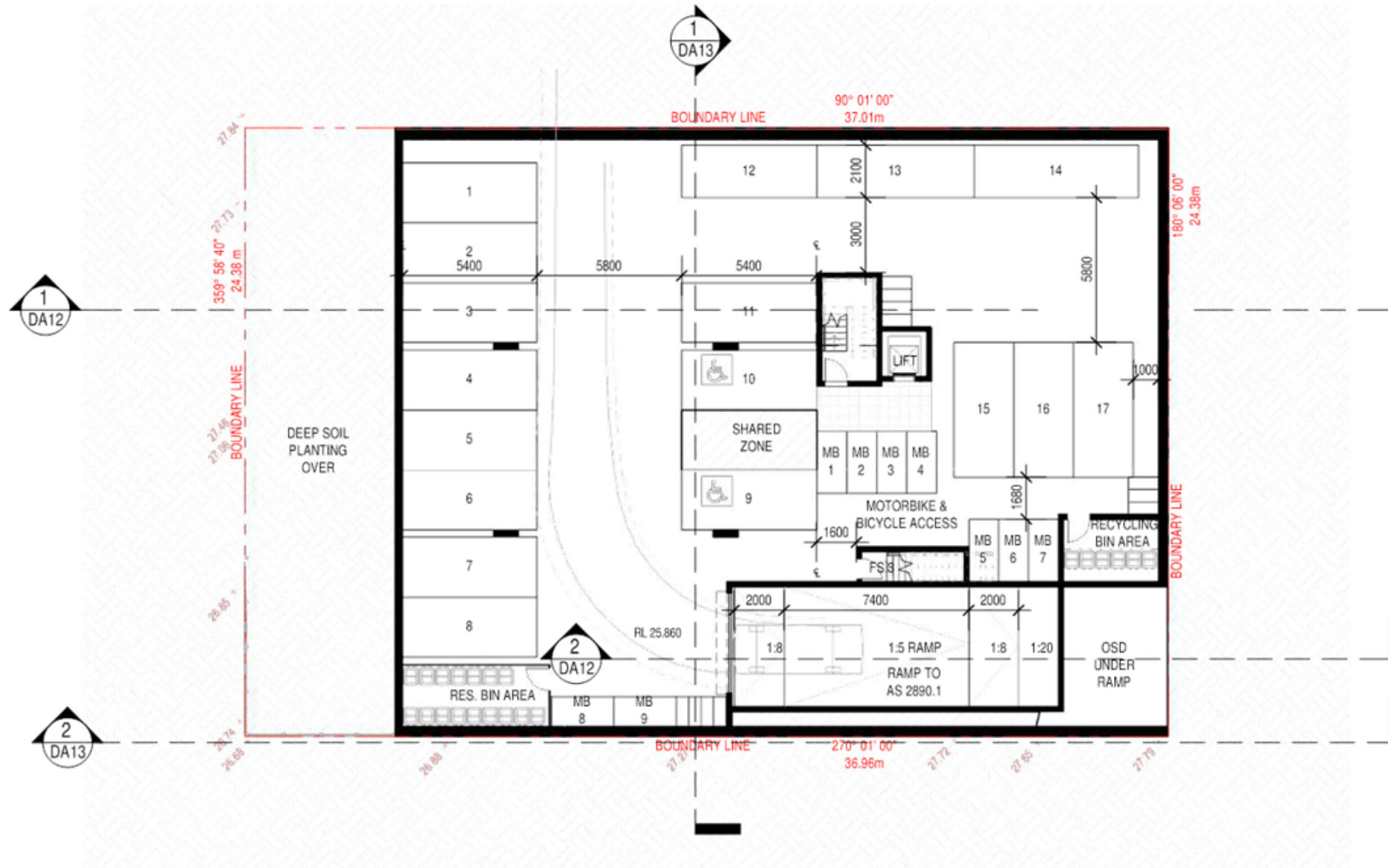
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**1 SITE ANALYSIS**  
DA10 1 : 250



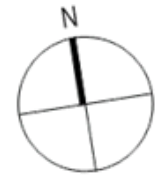
<p>3 PANEL REVIEW 05/10/18 JS FL</p> <p>2 PREPARED FOR ISSUE 06/07/18 JS RV</p> <p>1 DRAWING 08/04/18 JS YS</p>	<p><b>ADG architects</b></p> <p>Suite 3.24 Level 3, 307-308 Mares St, Gosford NSW 2250                  Postal Address P.O. BOX 487 Gosford NSW 2250                  Tel: 02 4319 5130 Fax: 02 4319 5170 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project <b>PROPOSED AFFORDABLE HOUSING</b></p> <p>Client <b>HONG AND HA PHAM</b></p>	<p>Drawing <b>SITE ANALYSIS</b></p> <p>Location <b>251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</b></p>	<p>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer only.</p> <p>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale As indicated @ A3</p>	<p>Drawing Number <b>DA03</b></p> <p>Date Printed 25/10/2018 5:12:58 PM</p> <p>Issue <b>3</b></p>
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**DA2018/046**  
**29 October 2018**



**1**  
DA10  
**BASEMENT 1**  
1 : 200

REFER TO STORMWATER ENGR.  
DRAWINGS FOR STORMWATER DETAIL



<p>3 PANEL/PIEA 05.10.18 JS FL 2 REVISED DA ISSUE 06.07.18 JS RV 1 DRAWING 08.04.18 JS YS</p>	<p><b>ADG</b> architects</p> <p><small>Suite 3.64 Level 3, 107-108 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 2512 5133 fax: 02 2512 5172 a.info@adgarchitects.com.au</small></p>	<p>Member Australian Institute of Architects</p>	<p>Project <b>PROPOSED AFFORDABLE HOUSING</b></p> <p>Client <b>HONG AND HA PHAM</b></p>	<p>Drawing <b>BASEMENT 1 FLOOR PLAN</b></p> <p>Location <b>251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</b></p>	<p>Do not scale drawings. Use figured dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The fabricator of shop drawings is the fabricator of any errors.</p> <p>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale 1 : 200 @ A3</p> <p>File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\18\0910...</p>	<p>Drawing Number <b>DA04</b></p> <p>Date Printed 25/10/2018 5:12:59 PM</p> <p>Issue <b>3</b></p>
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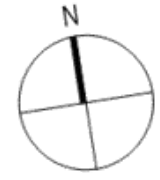
**AMENDED PLAN**

**DA2018/046  
29 October 2018**



**1 GROUND FLOOR PLAN**  
DA10 1:200

R - ROBE  
REFER TO STORMWATER ENGR. DRAWINGS FOR STORMWATER DETAIL  
REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPE DETAILS



3	PANEL REVIEW	05/10/18	JS	FL
2	REVISED DA ISSUE	06/07/18	JS	RV
1	DA ISSUE	08/04/18	JS	YS

**ADG architects**

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Project: PROPOSED AFFORDABLE HOUSING  
Client: HONG AND HA PHAM

Drawing: GROUND FLOOR PLAN  
Location: 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 & LOT 39 DP 2043)

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**DA2018/046**  
**29 October 2018**



**1** LEVEL 01 FLOOR PLAN  
DA10 1:200

R - ROBE  
REFER TO STORMWATER ENGR. DRAWINGS FOR STORMWATER DETAIL  
REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR LANDSCAPE DETAILS



<p>3 PANEL REVIEW 05/10/18 JS PL 2 REVISED DA ISSUE 06/07/18 JS RV 1 DRAWING 08/04/18 JS YS</p>	<p><b>ADG architects</b> Suite 3.24, Level 3, 507-509 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5133 fax: 02 4310 5117 e: info@adgarchitects.com.au</p>	<p><b>Member Australian Institute of Architects</b></p>	<p>Project: PROPOSED AFFORDABLE HOUSING Client: HONG AND HA PHAM</p>	<p>Drawing: LEVEL 1 FLOOR PLAN Location: 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer. This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p>	<p>Project Number: 17_021 Drawing Number: DA06 Issue: 3 Date Printed: 25/10/2018 5:12:28 PM File Name: G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180918\...</p>
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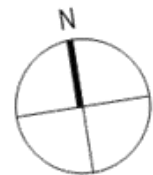
**AMENDED PLAN**

**DA2018/046  
29 October 2018**



**1 LEVEL 2 FLOOR PLAN**  
DA10 1:200

R - ROBE  
REFER TO STORMWATER ENGR.  
DRAWINGS FOR STORMWATER DETAIL  
REFER TO LANDSCAPE ARCHITECTS  
DRAWINGS FOR LANDSCAPE DETAILS



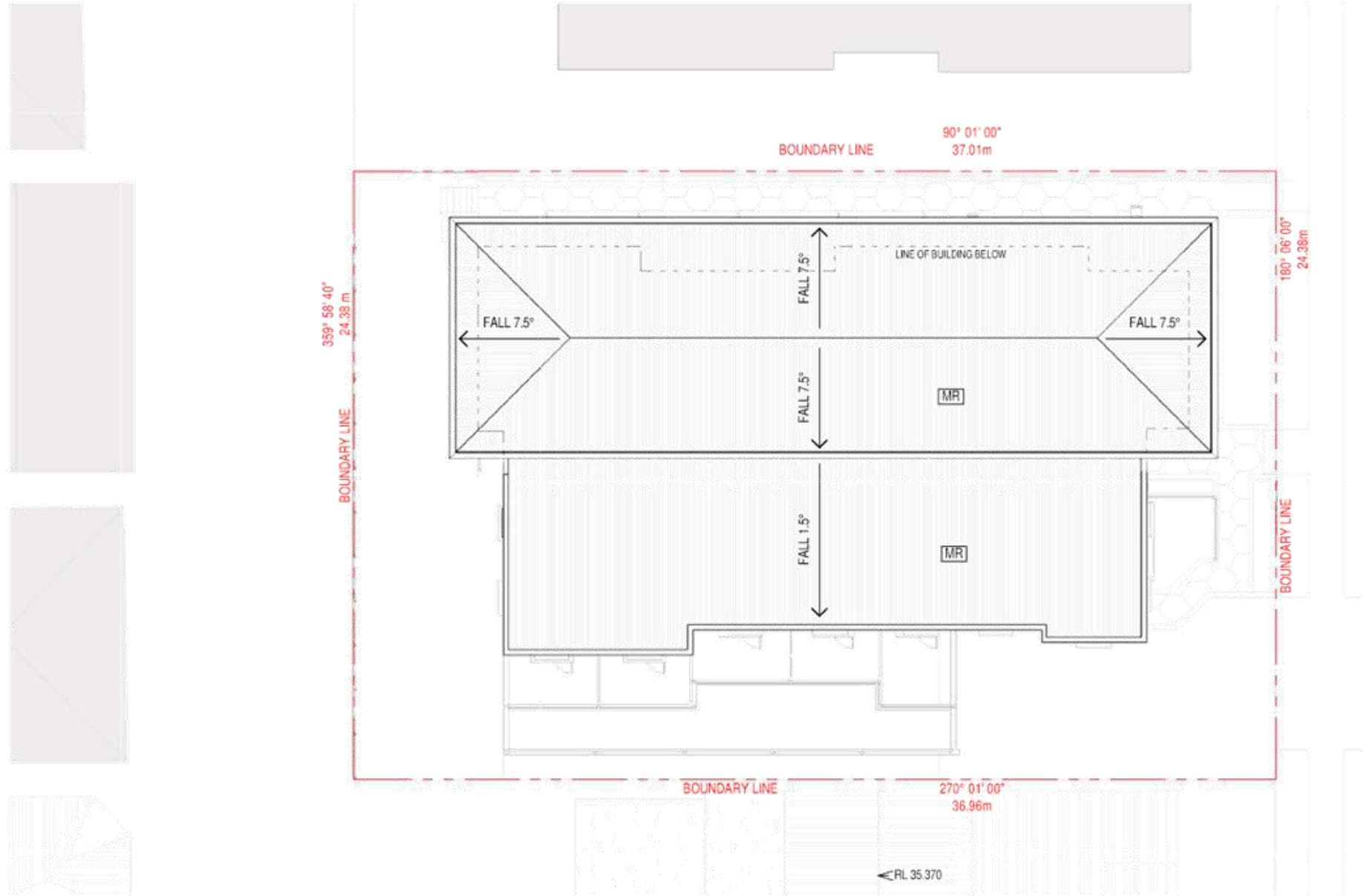
<p>3 PANEL REVIEW 05/10/18 JS PL 2 REVISED DA ISSUE 06/07/18 JS RV 1 DRAWING 08/04/18 JS YS</p>	<p><b>ADG architects</b> Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5133 fax: 02 4310 5117 a.m@adgarchitects.com.au</p>	<p><b>Member Australian Institute of Architects</b></p>	<p>Project <b>PROPOSED AFFORDABLE HOUSING</b></p> <p>Client <b>HONG AND HA PHAM</b></p>	<p>Drawing <b>LEVEL 2 FLOOR PLAN</b></p> <p>Location <b>251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</b></p>	<p><small>Do not scale drawings. Use figures &amp; notes only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be copied, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<table border="1"> <tr> <td>Project Number <b>17_021</b></td> <td>Drawing Number <b>DA07</b></td> <td>Issue <b>3</b></td> </tr> <tr> <td>Scale 1:200 @ A3</td> <td>Date Printed 25/10/2018 5:12:31 PM</td> <td></td> </tr> <tr> <td colspan="3">File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\18\0910...</td> </tr> </table>	Project Number <b>17_021</b>	Drawing Number <b>DA07</b>	Issue <b>3</b>	Scale 1:200 @ A3	Date Printed 25/10/2018 5:12:31 PM		File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\18\0910...		
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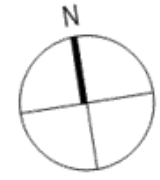
**AMENDED PLAN**

**DA2018/046  
29 October 2018**



**1 ROOF PLAN**  
DA10 1 : 200

REFER TO STORMWATER ENGR.  
DRAWINGS FOR STORMWATER DETAIL  
REFER TO LANDSCAPE ARCHITECTS  
DRAWINGS FOR LANDSCAPE DETAILS



<p>3 PANEL REVIEW 05/10/18 JS FL</p> <p>2 REVIEW DA ISSUE 06/07/18 JS RV</p> <p>1 DRAWING 08/04/18 JS YS</p>	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5130 fax: 02 4310 5117 a: info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing ROOF PLAN</p> <p>Location 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of this drawing is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<table border="1"> <tr> <td>Project Number <b>17_021</b></td> <td>Drawing Number <b>DA08</b></td> <td>Issue <b>3</b></td> </tr> <tr> <td>Scale 1 : 200 @ A3</td> <td>Date Printed 25/10/2018 5:12:34 PM</td> <td></td> </tr> <tr> <td colspan="3">File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04-18\0910...</td> </tr> </table>	Project Number <b>17_021</b>	Drawing Number <b>DA08</b>	Issue <b>3</b>	Scale 1 : 200 @ A3	Date Printed 25/10/2018 5:12:34 PM		File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04-18\0910...		
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 DA2018/046  
 29 October 2018



**1 NORTH ELEVATION**  
 1 : 200



**2 SOUTH ELEVATION**  
 1 : 200

3	PANEL REVIEW	05/10/18	JS	PL
2	REVISED DRAWING	06/07/18	JS	RV
1	DRAWING	08/04/18	JS	YS

**ADG architects**  
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 Tel: 02 4319 5133 Fax: 02 4319 5170 a.adg@adgarchitects.com.au



Project: PROPOSED AFFORDABLE HOUSING  
 Client: HONG AND HA PHAM

Drawing: NORTH AND SOUTH ELEVATIONS  
 Location: 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 & LOT 39 DP 2043)

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**FOR DA**

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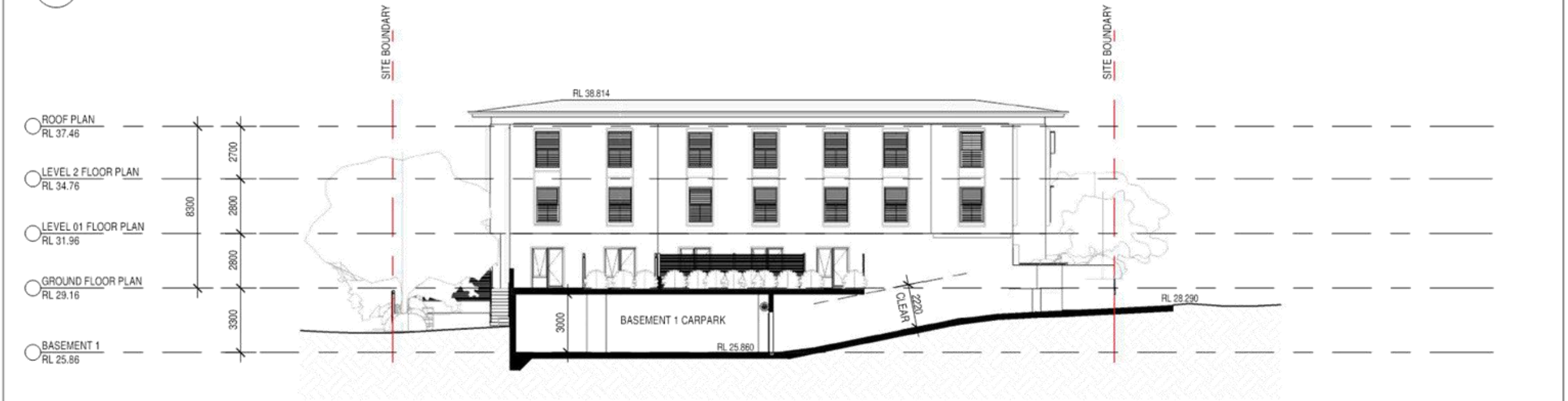
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**DA2018/046  
29 October 2018**



**1 SECTION 1**  
DA04 1 : 200



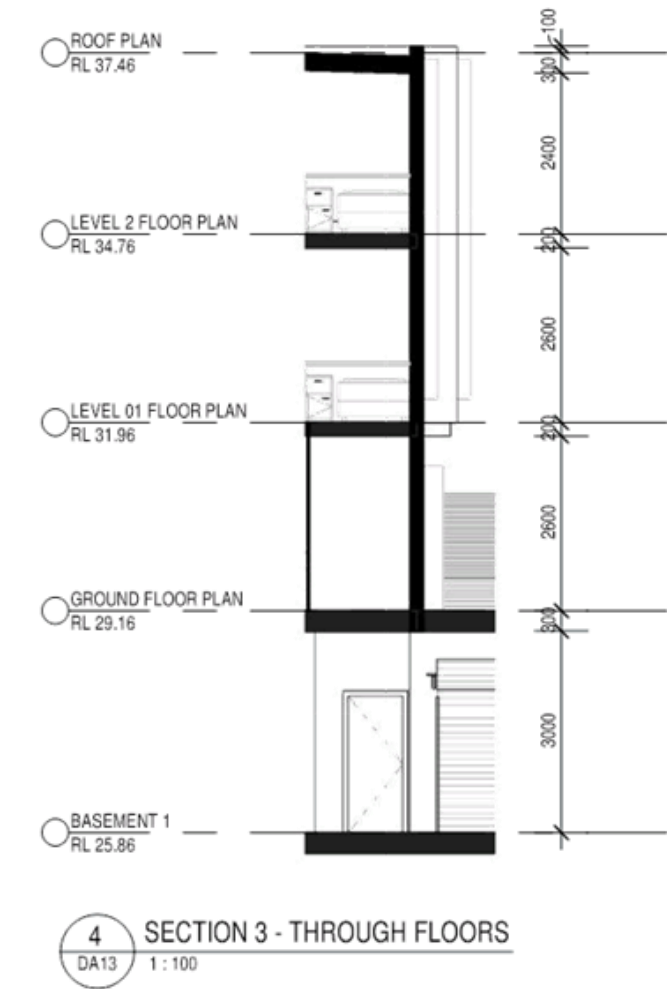
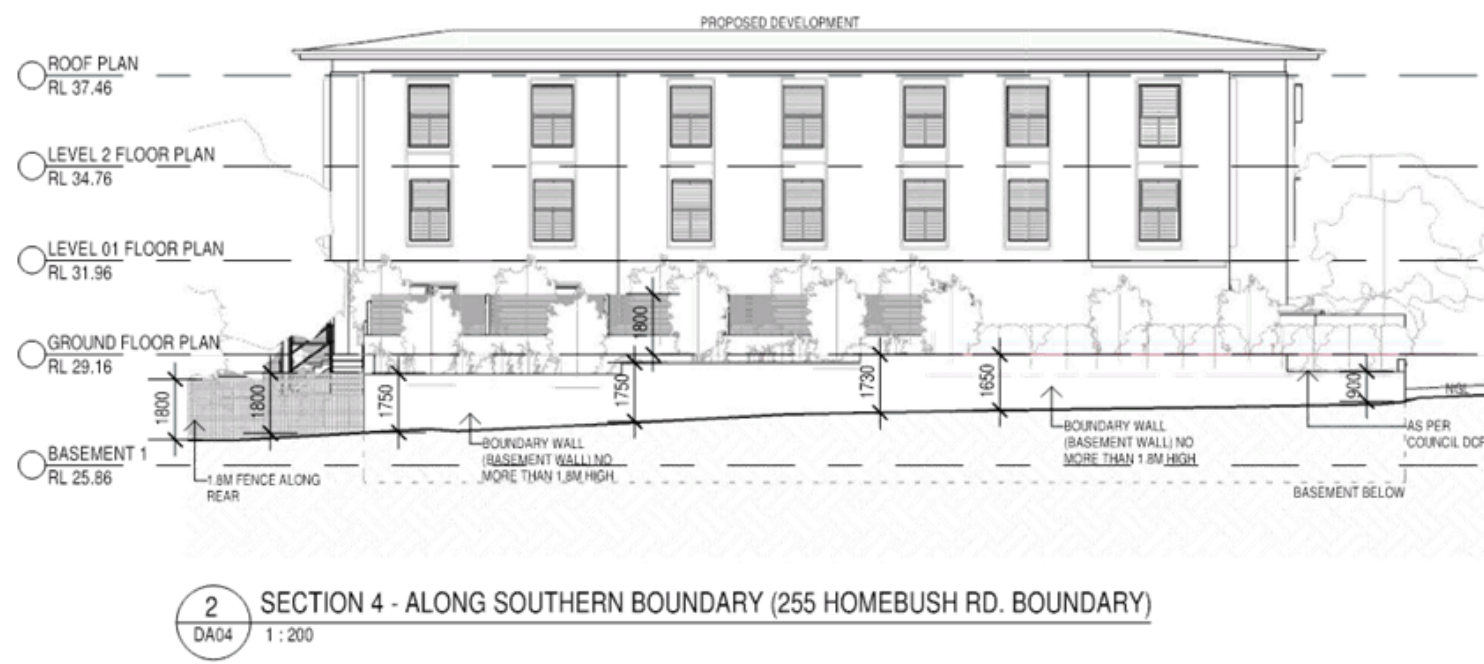
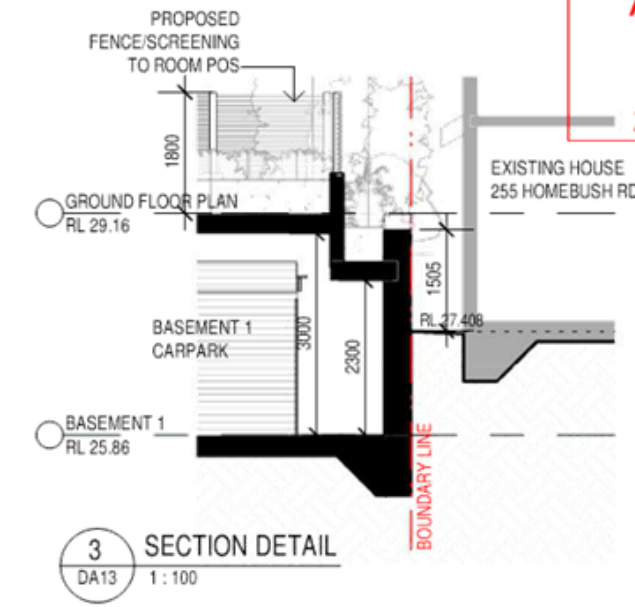
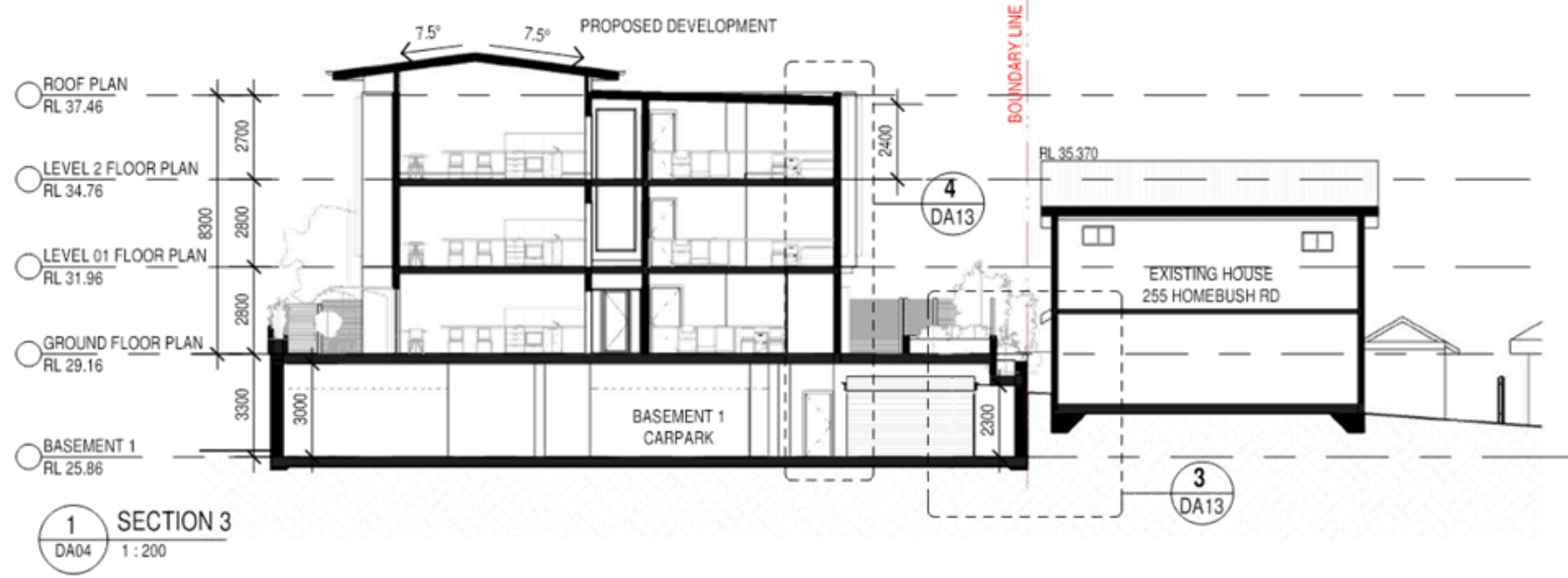
**2 SECTION 2**  
DA04 1 : 200

<p>3 PANEL REVIEW 25/10/18 JS FL</p> <p>2 PREPARED FOR ISSUE 18/07/18 JS RV</p> <p>1 DRAWING 08/04/18 JS YS</p>	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4312 5133 fax: 02 4312 5172 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project: PROPOSED AFFORDABLE HOUSING</p> <p>Client: HONG AND HA PHAM</p>	<p>Drawing: SECTIONS</p> <p>Location: 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of this drawing is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or distributed in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number: 17_021</p> <p>Scale: 1 : 200 @ A3</p> <p>Drawing Number: DA12</p> <p>Date Printed: 25/10/2018 5:13:17 PM</p> <p>Issue: 3</p> <p>File Name: G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-18\0910...</p>
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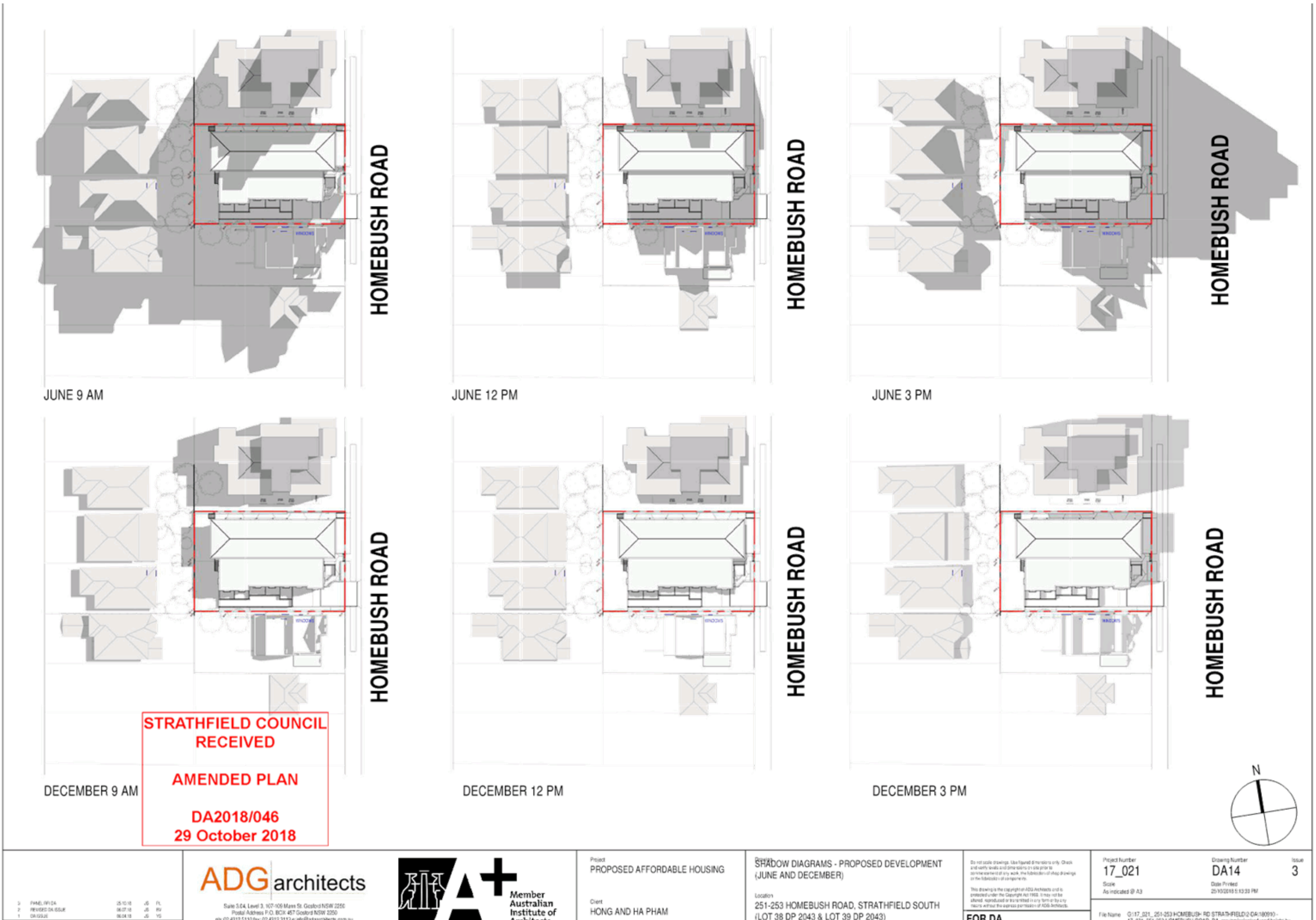
DA2018/046  
29 October 2018



2 SECTION 4 - ALONG SOUTHERN BOUNDARY (255 HOMEBUSH RD. BOUNDARY)  
DA04 1 : 200

4 SECTION 3 - THROUGH FLOORS  
DA13 1 : 100

<p>1 PANEL REVISIONS</p>	<p><b>ADG</b> architects Suite 3.64 Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 2512 5153 fax: 02 2512 5172 a.info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SECTIONS</p> <p>Location 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p>Do not scale drawings. Use figured dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The fabrication of shop drawings is the fabricator's responsibility.</p> <p>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p> <p><b>FOR DA</b></p>	<p>Project Number 17_021</p> <p>Scale As indicated @ A3</p>	<p>Drawing Number DA13</p> <p>Issue 1</p> <p>Date Printed 25/10/2018 5:13:21 PM</p> <p>File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180910...</p>
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3	FINAL/ISSUE	05.10.18	JS	PL
2	REVISED DA ISSUE	06.07.18	JS	RV
1	CR ISSUED	08.04.18	JS	YS

**ADG architects**  
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Project  
 PROPOSED AFFORDABLE HOUSING

Client  
 HONG AND HA PHAM

SHADOW DIAGRAMS - PROPOSED DEVELOPMENT  
 (JUNE AND DECEMBER)

Location  
 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH  
 (LOT 38 DP 2043 & LOT 39 DP 2043)

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**FOR DA**

Project Number <b>17_021</b>	Drawing Number <b>DA14</b>	Issue <b>3</b>
Scale As indicated @ A3	Date Printed 25/10/2018 5:13:33 PM	
File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-18\0910...		

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**DA2018/046**  
**29 October 2018**

- ROOF PLAN  
RL 37.46
- LEVEL 2 FLOOR PLAN  
RL 34.76
- LEVEL 01 FLOOR PLAN  
RL 31.96
- GROUND FLOOR PLAN  
RL 29.16



**1** ELEVATIONAL SHADOW DIAGRAM 9AM  
1 : 300

- ROOF PLAN  
RL 37.46
- LEVEL 2 FLOOR PLAN  
RL 34.76
- LEVEL 01 FLOOR PLAN  
RL 31.96
- GROUND FLOOR PLAN  
RL 29.16



**2** ELEVATIONAL SHADOW DIAGRAM 12PM  
1 : 300

- ROOF PLAN  
RL 37.46
- LEVEL 2 FLOOR PLAN  
RL 34.76
- LEVEL 01 FLOOR PLAN  
RL 31.96
- GROUND FLOOR PLAN  
RL 29.16



**3** ELEVATIONAL SHADOW DIAGRAM 3PM  
1 : 300

3	PANEL REVIEW	25/10/18	JS	FL
2	REVISED DA ISSUE	06/07/18	JS	RV
1	DR G222	08/04/18	JS	YS

**ADG architects**

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Project  
PROPOSED AFFORDABLE HOUSING

Client  
HONG AND HA PHAM

Drawing  
SHADOW DIAGRAMS - ELEVATION

Location  
251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH  
(LOT 38 DP 2043 & LOT 39 DP 2043)

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**FOR DA**

Project Number  
17\_021

Scale  
1 : 300 @ A3

File Name  
G:\17\_021\_251-253 HOMEBUSH RD STRATHFIELD\2-DA\180919\...

Drawing Number  
DA15

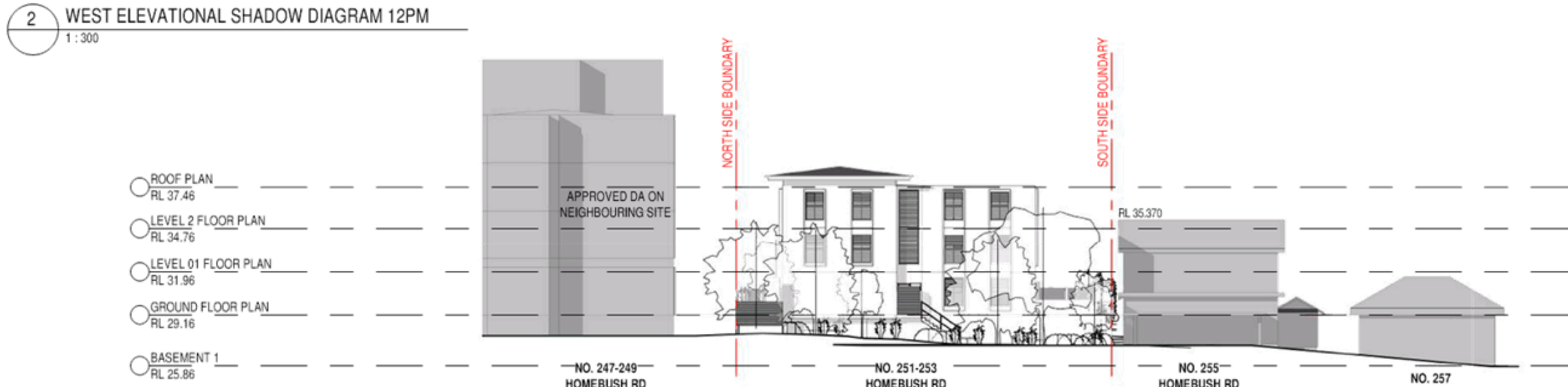
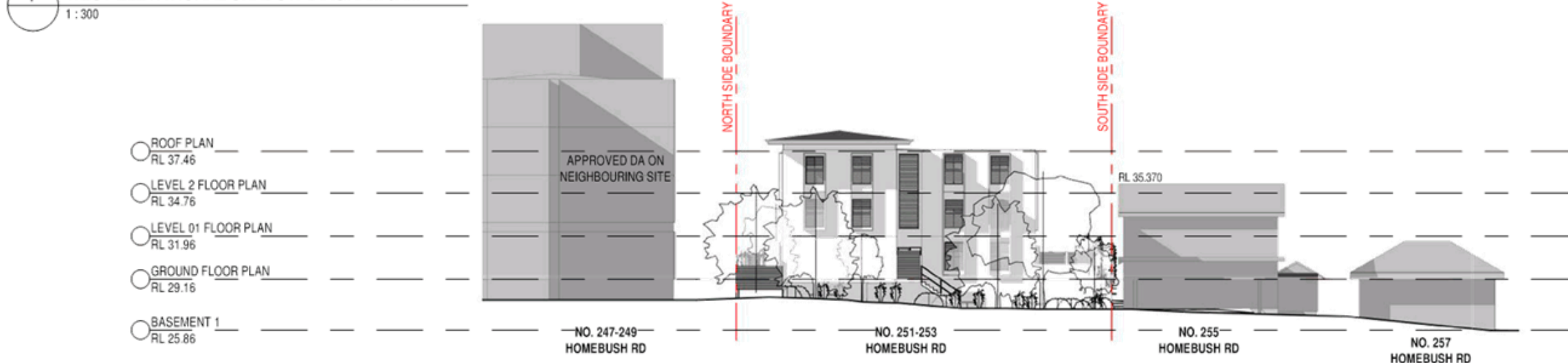
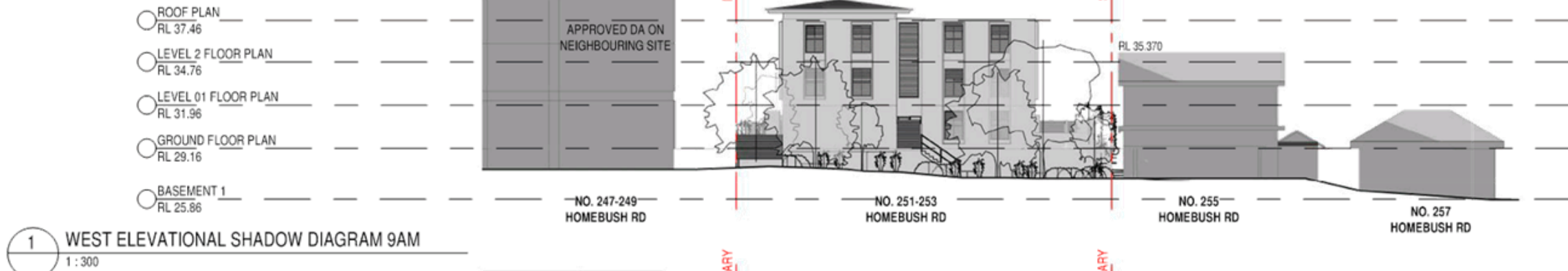
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25/10/2018 5:13:37 PM

Issue  
3

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29 October 2018**



<p>1 PANEL REVIEW 25/10/18 JS PL</p>	<p><b>ADG architects</b></p> <p>Suite 3.64, Level 3, 107-108 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 2512 5133 fax: 02 2512 5172 a.info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS - ELEVATION</p> <p>Location 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figured dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The fabrication of shop drawings is the fabricator's responsibility.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale 1 : 300 @ A3</p>	<p>Drawing Number <b>DA16</b></p> <p>Issue <b>1</b></p> <p>Date Printed 25/10/2018 5:13:44 PM</p> <p>File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-18\0910...</p>
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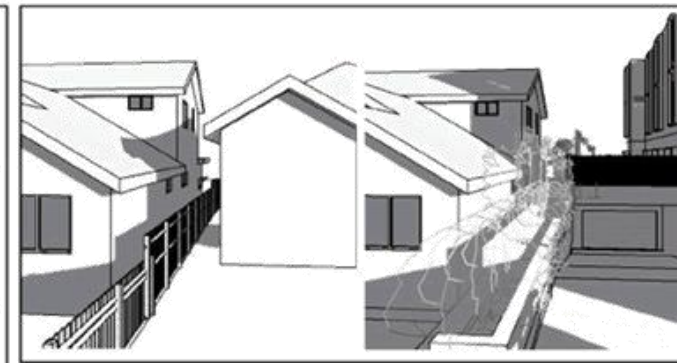
JUNE



8.00 - EXISTING      8.00 AM - EXISTING + APPROVED DA 249      8.00 AM - PROPOSED

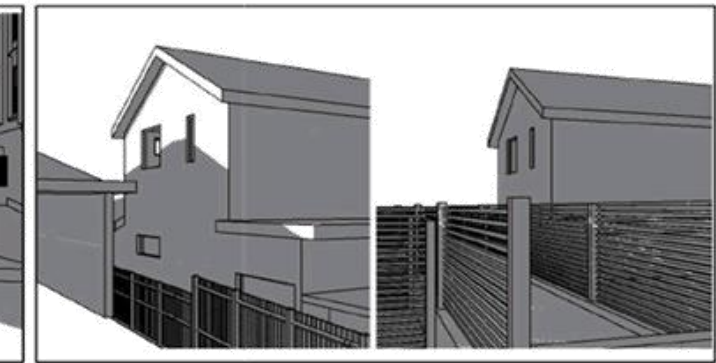
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOME BUSH RD. PROPERTY

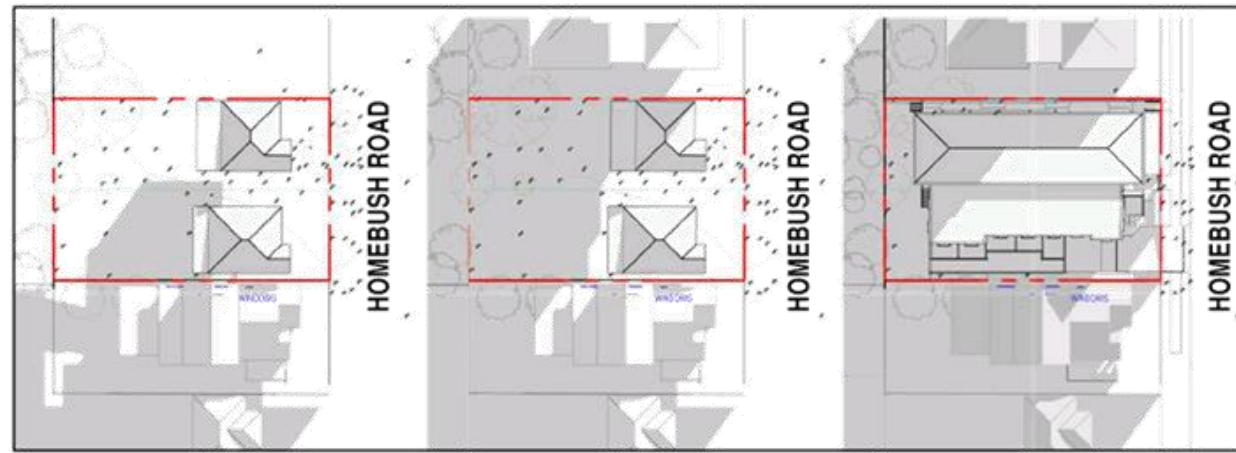


8 AM - HOME BUSH RD. VIEW (EXISTING)      8 AM - HOME BUSH RD. VIEW (PROPOSED)

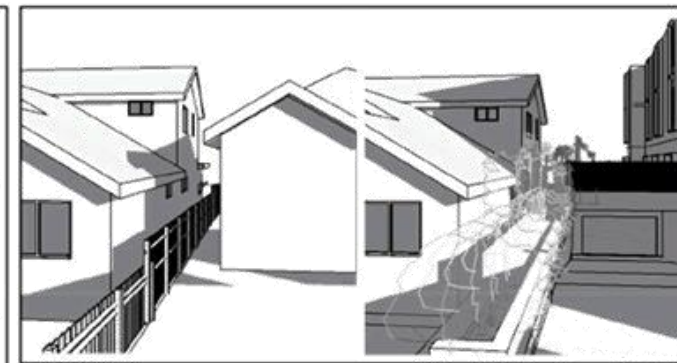
VIEW TOWARDS WESTERN FACADE OF 255 HOME BUSH RD. PROPERTY



8 AM - NW VIEW (EXISTING)      8 AM - NW VIEW (PROPOSED)



8.30 - EXISTING      8.30 AM - EXISTING + APPROVED DA 249 PROPERTY      8.30 AM - PROPOSED

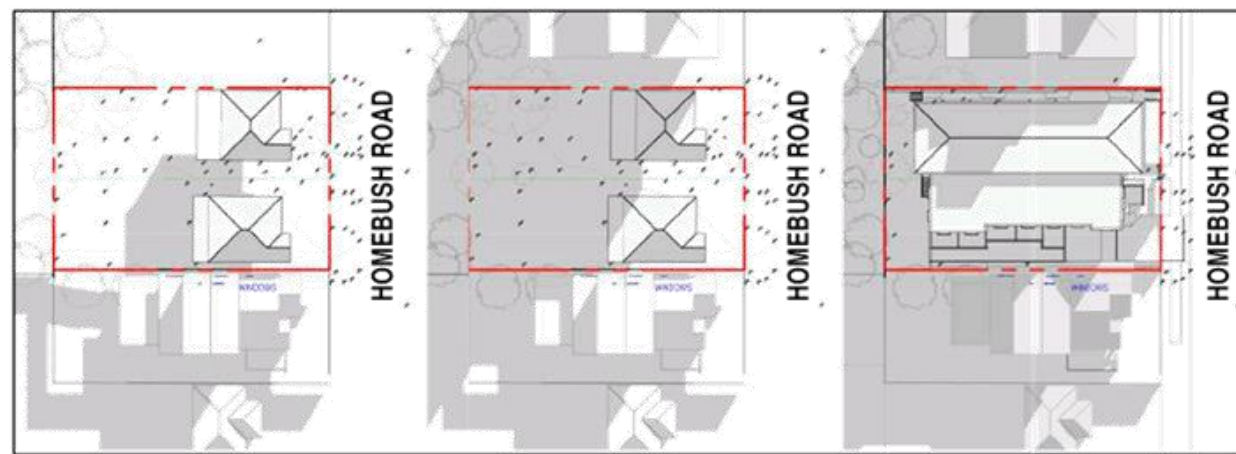


8.30 AM - HOME BUSH RD. VIEW (EXISTING)      8.30 AM - HOME BUSH RD. VIEW (PROPOSED)

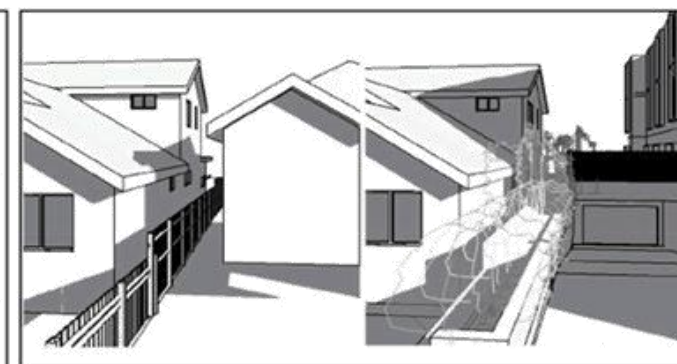


8.30 AM - NW VIEW (EXISTING)      8.30 AM - NW VIEW (PROPOSED)

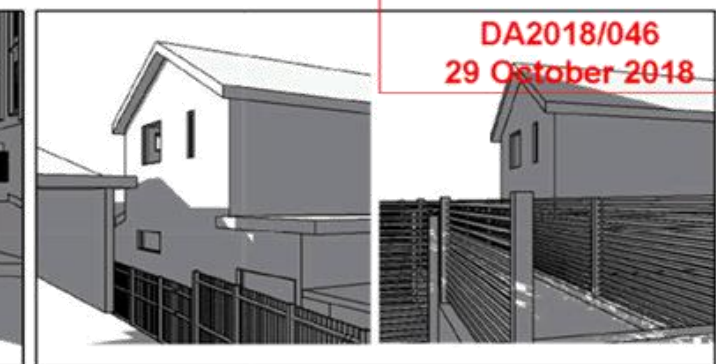
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**DA2018/046  
29 October 2018**



9.00 - EXISTING      9.00 AM - EXISTING + APPROVED DA 249 PROPERTY      9.00 AM - PROPOSED



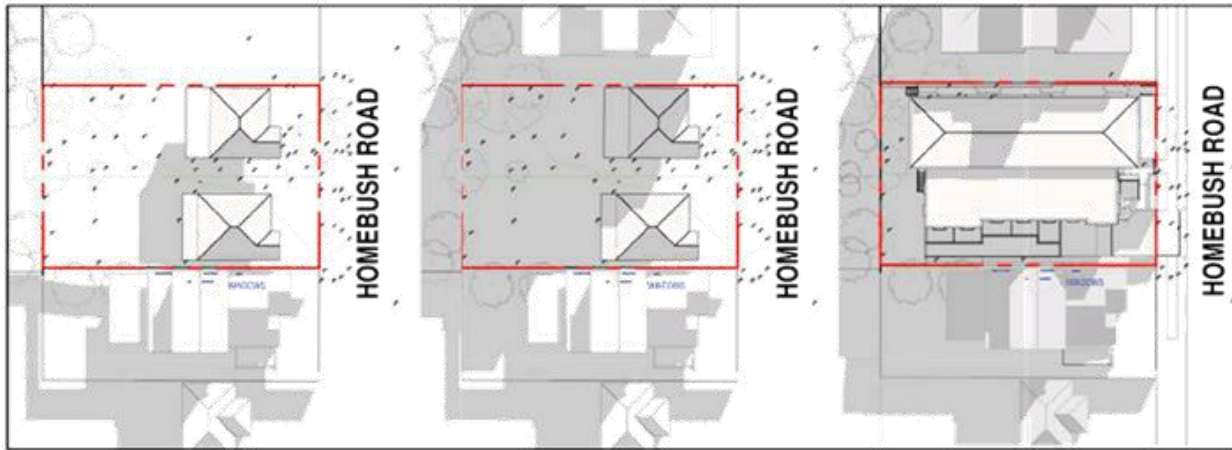
9 AM - HOME BUSH RD. VIEW (EXISTING)      9 AM - HOME BUSH RD. VIEW (PROPOSED)



9 AM - NW VIEW (EXISTING)      9 AM - NW VIEW (PROPOSED)

<p>1 PANEL: RW/DA 25/10/18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5133 fax: 02 4310 5117 a.mh@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS (30 MINS) - SHEET 1</p> <p>Location 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figured dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale As indicated @ A3</p>	<p>Drawing Number <b>DA17</b></p> <p>Issue <b>1</b></p> <p>Date Printed 25/10/2018 5:14:05 PM</p> <p>File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-18\0910-</p>
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JUNE



9.30 - EXISTING      9.30 AM - EXISTING + APPROVED DA 249 PROPERTY      9.30 AM - PROPOSED

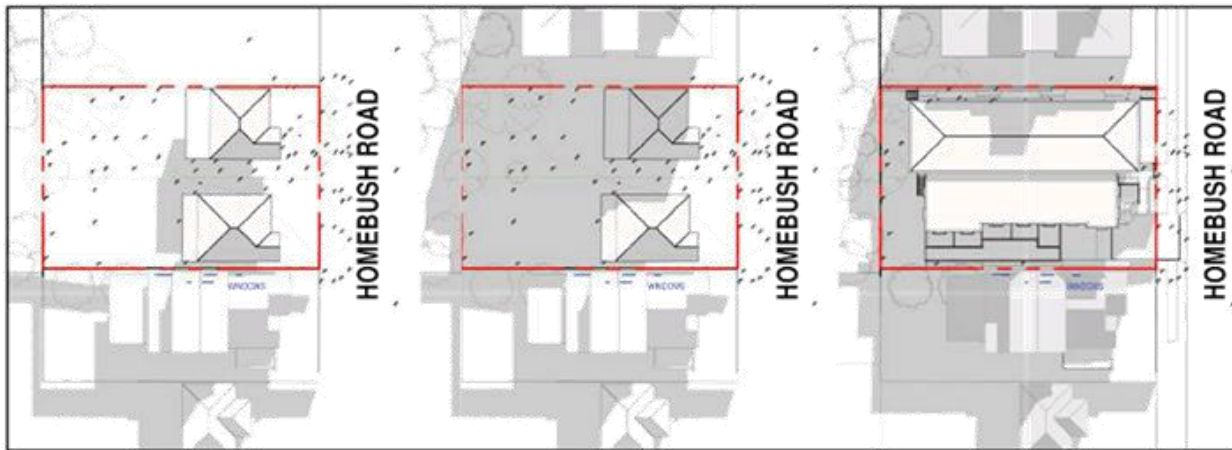
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOME BUSH RD. PROPERTY

VIEW TOWARDS WESTERN FACADE OF 255 HOME BUSH RD. PROPERTY



9.30 AM - HOME BUSH RD. VIEW (EXISTING)    9.30 AM - HOME BUSH RD. VIEW (PROPOSED)    9.30 AM - NW VIEW (EXISTING)    9.30 AM - NW VIEW (PROPOSED)

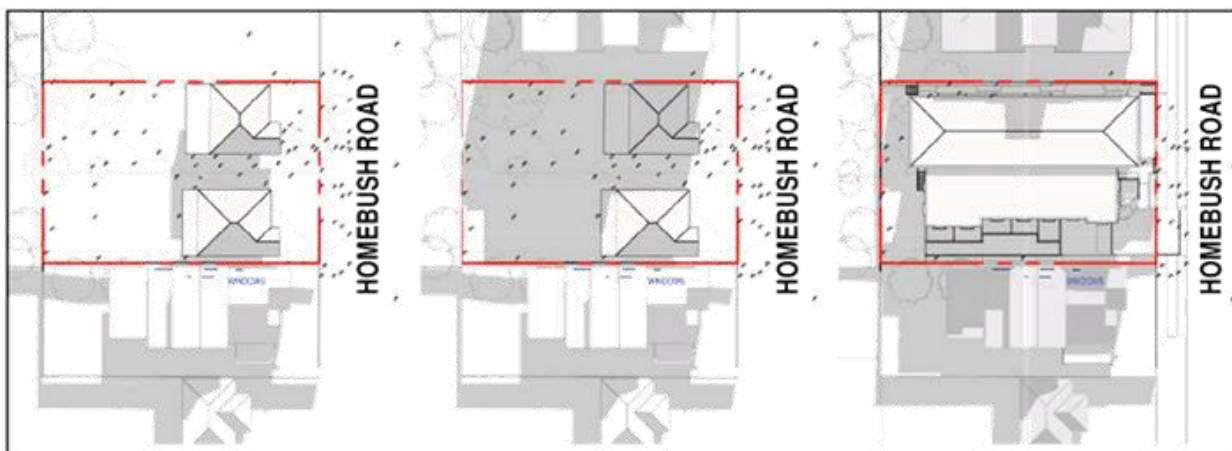


10.00- EXISTING      10.00 AM - EXISTING + APPROVED DA 249 PROPERTY      10.00 AM - PROPOSED



10 AM - VIEW FROM HOME BUSH RD. (EXISTING)    10 AM - HOME BUSH RD. VIEW (PROPOSED)    10 AM - NW VIEW (EXISTING)    10 AM - NW VIEW (PROPOSED)

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29 October 2018**



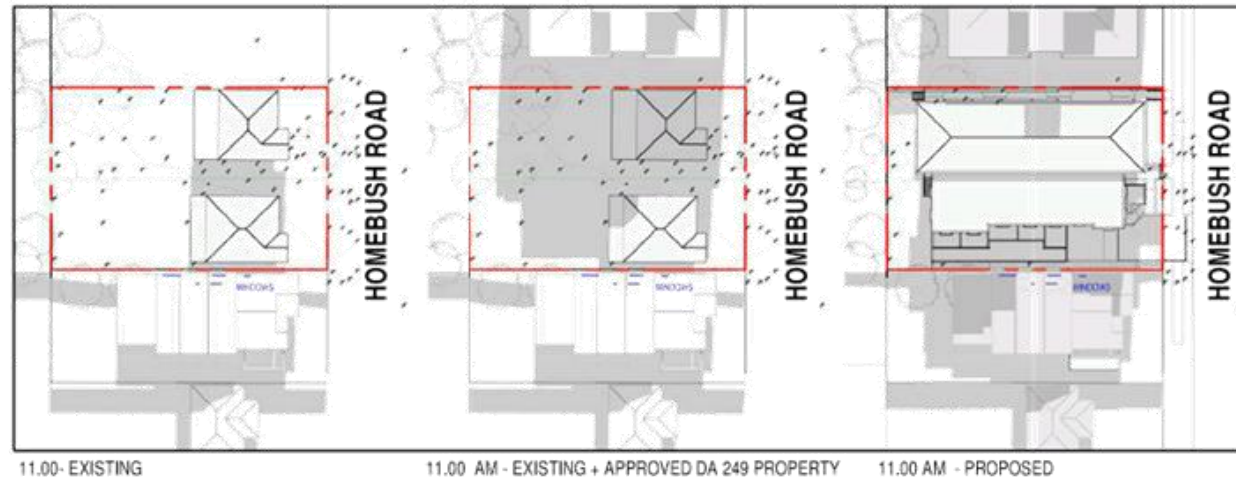
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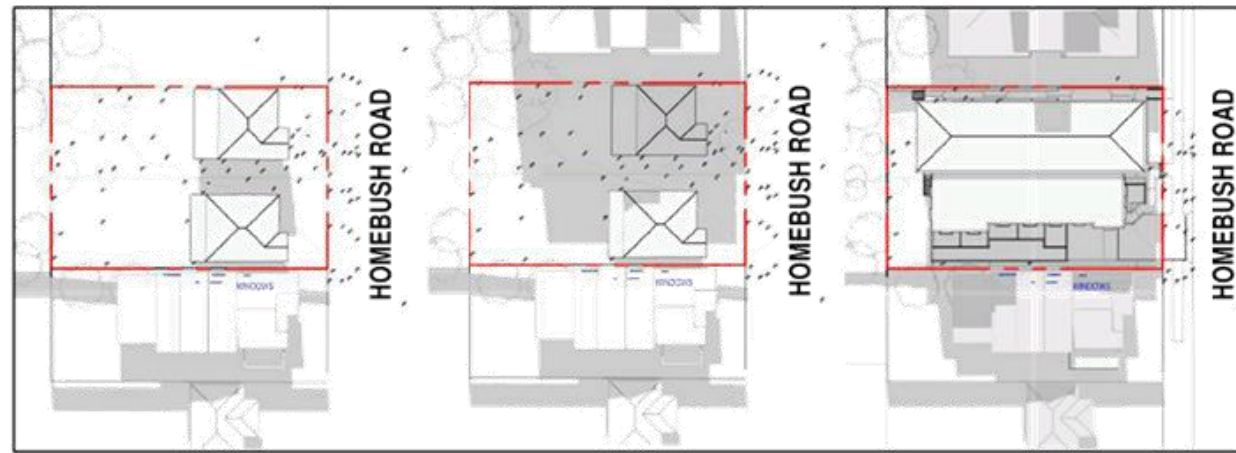
10.30 AM - HOME BUSH RD. VIEW (EXISTING)    10.30 AM - HOME BUSH RD. VIEW (PROPOSED)    10.30 AM - NW VIEW (EXISTING)    10.30 AM - NW VIEW (PROPOSED)

<p>1 PANEL R12A 25/10/18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24 Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4319 5133 fax: 02 4319 5170 e: info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS (30 MINS) - SHEET 2</p> <p>Location 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The fabricator of these drawings or the fabricator of any component. This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</p> <p><b>FOR DA</b></p>	<p>Project Number 17_021</p> <p>Scale As indicated @ A3</p>	<p>Drawing Number DA18</p> <p>Date Printed 25/10/2018 5:14:22 PM</p> <p>Issue 1</p> <p>File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\2-DA180919\...</p>
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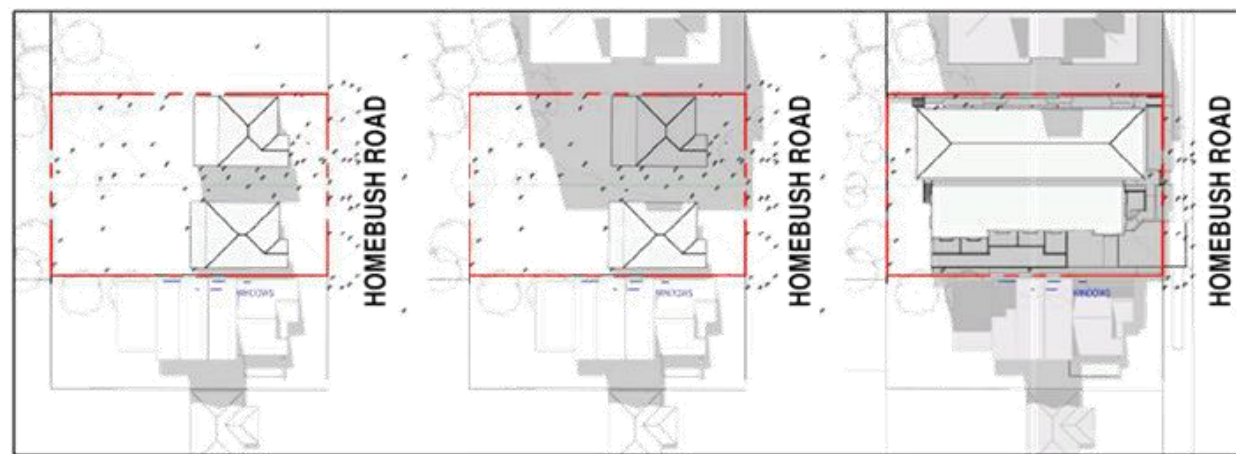
JUNE



11.00- EXISTING                      11.00 AM - EXISTING + APPROVED DA 249 PROPERTY                      11.00 AM - PROPOSED



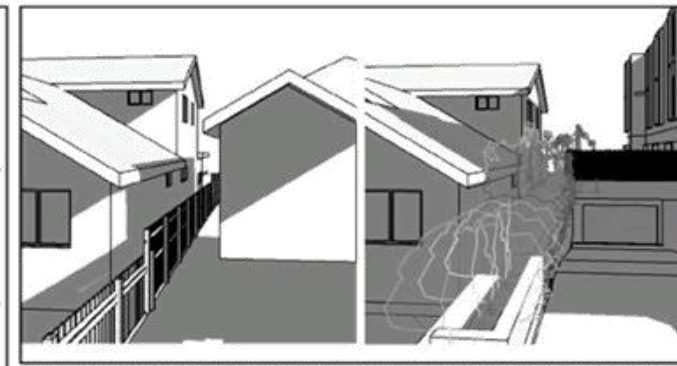
11.30- EXISTING                      11.30 AM - EXISTING + APPROVED DA 249 PROPERTY                      11.30 AM - PROPOSED



12.00 PM - EXISTING                      12.00 PM - EXISTING + APPROVED DA 249 PROPERTY                      12.00 PM - PROPOSED

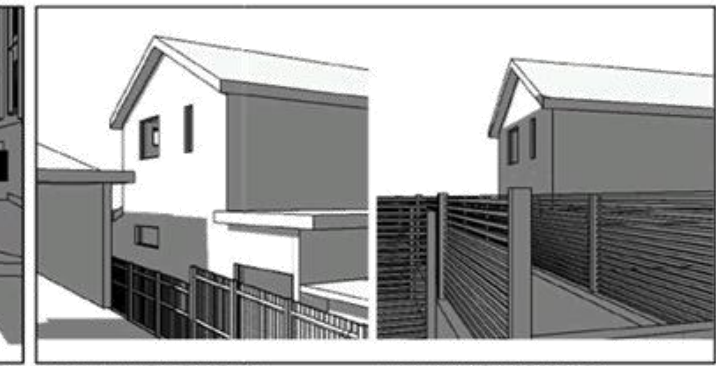
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOMEBUSH RD. PROPERTY



11 AM - HOMEBUSH RD. VIEW (EXISTING)                      11 AM - HOMEBUSH RD. VIEW (PROPOSED)

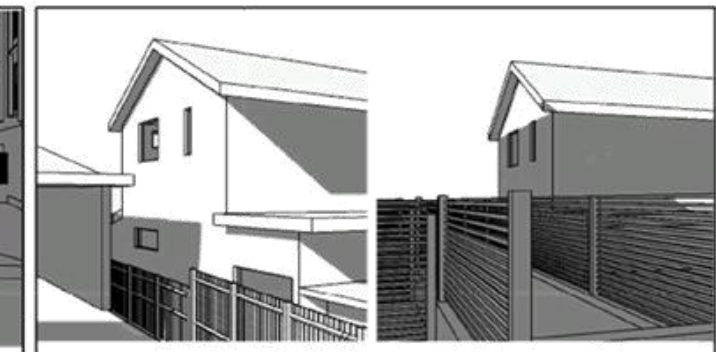
VIEW TOWARDS WESTERN FACADE OF 255 HOMEBUSH RD. PROPERTY



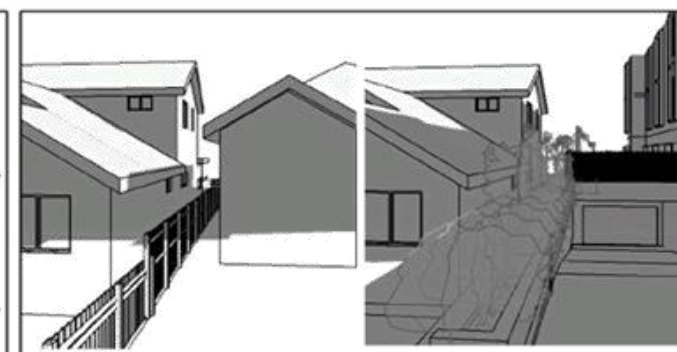
11 AM - NW VIEW (EXISTING)                      11 AM - NW VIEW (PROPOSED)



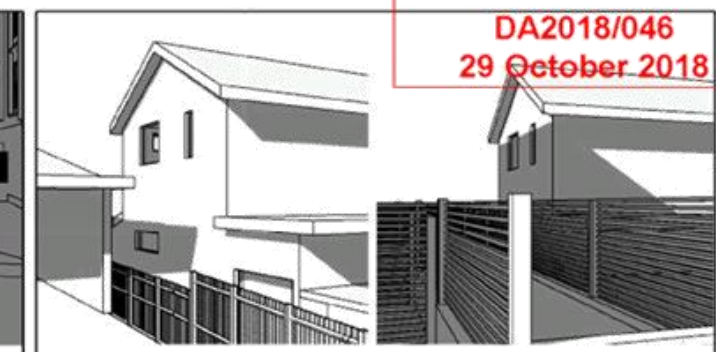
11.30 AM - HOMEBUSH RD. VIEW (EXISTING)                      11.30 AM - HOMEBUSH RD. VIEW (PROPOSED)



11.30 AM - NW VIEW (EXISTING)                      11.30 AM - NW VIEW (PROPOSED)



12 PM - HOMEBUSH RD. VIEW (EXISTING)                      12 PM - HOMEBUSH RD. VIEW (PROPOSED)

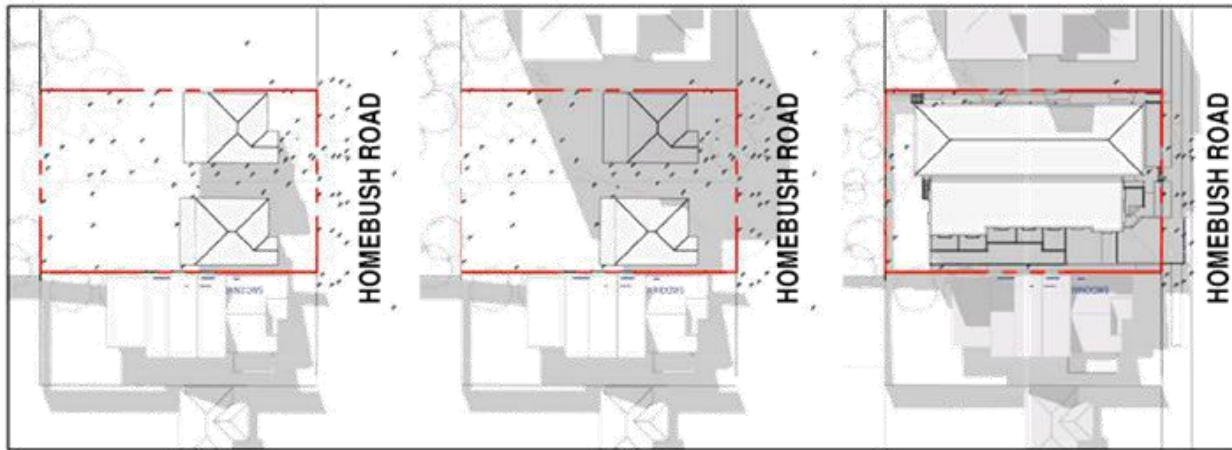


12 PM - NW VIEW (EXISTING)                      12 PM - NW VIEW (PROPOSED)

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29 October 2018**

<p>1 PANEL PRICE 25.10.18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24 Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4317 5133 fax: 02 4317 5117 a.info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS (30 MINS) - SHEET 3</p> <p>Location 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The fabricator of shop drawings is the fabricator of all components.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale As indicated @ A3</p>	<p>Drawing Number <b>DA19</b></p> <p>Date Printed 25/10/2018 5:14:37 PM</p> <p>Issue <b>1</b></p> <p>File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04-18\0190...</p>
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JUNE

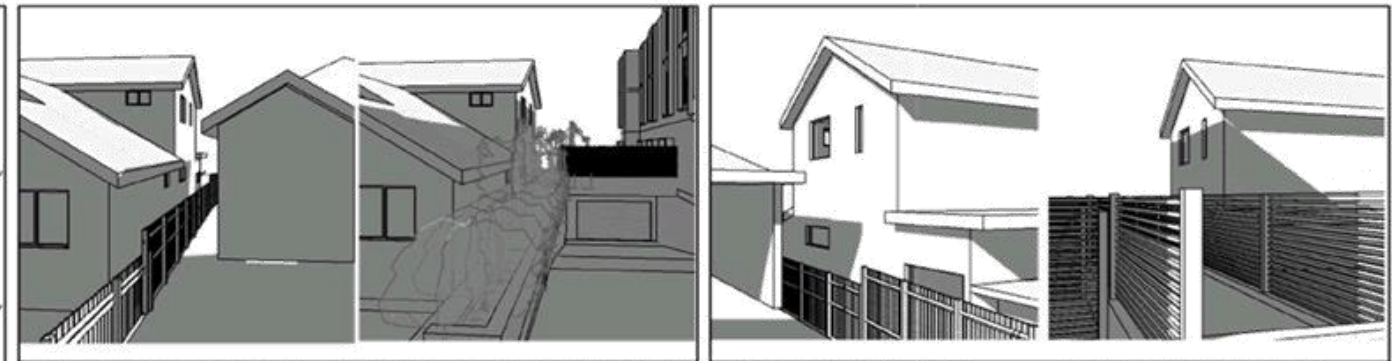


12.30 PM - EXISTING      12.30 PM - EXISTING + APPROVED DA 249 PROPERTY      12.30 PM - PROPOSED

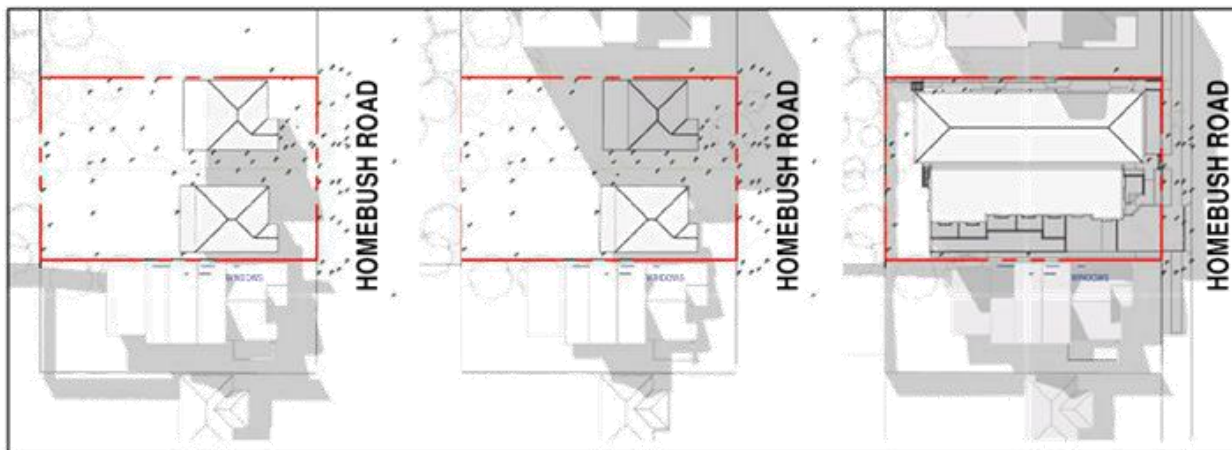
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOMEBUSH RD. PROPERTY

VIEW TOWARDS WESTERN FACADE OF 255 HOMEBUSH RD. PROPERTY



12.30 PM - HOMEBUSH RD. VIEW (EXISTING)    12.30 PM - HOMEBUSH RD. VIEW (PROPOSED)    12.30 PM - NW VIEW (EXISTING)    12.30 PM - NW VIEW (PROPOSED)



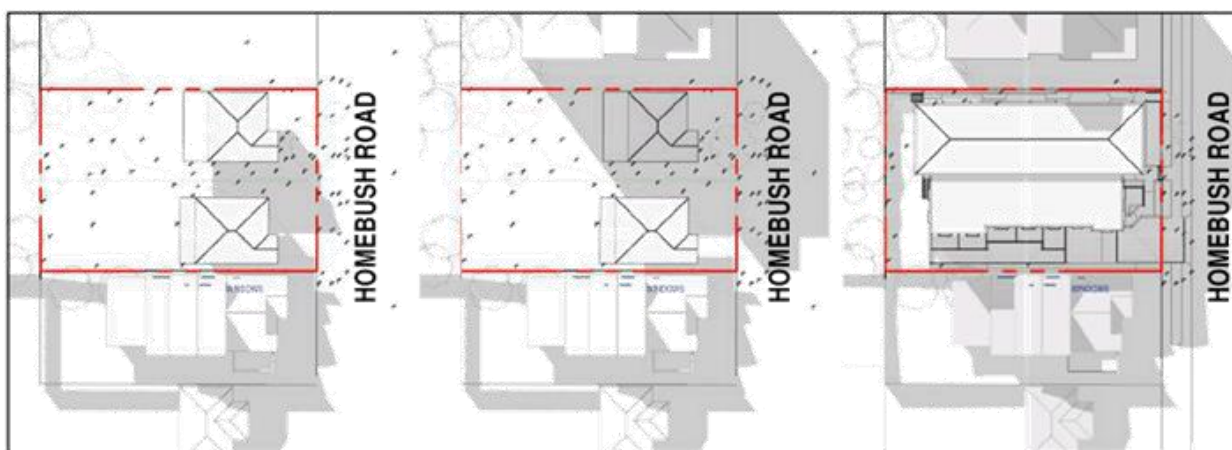
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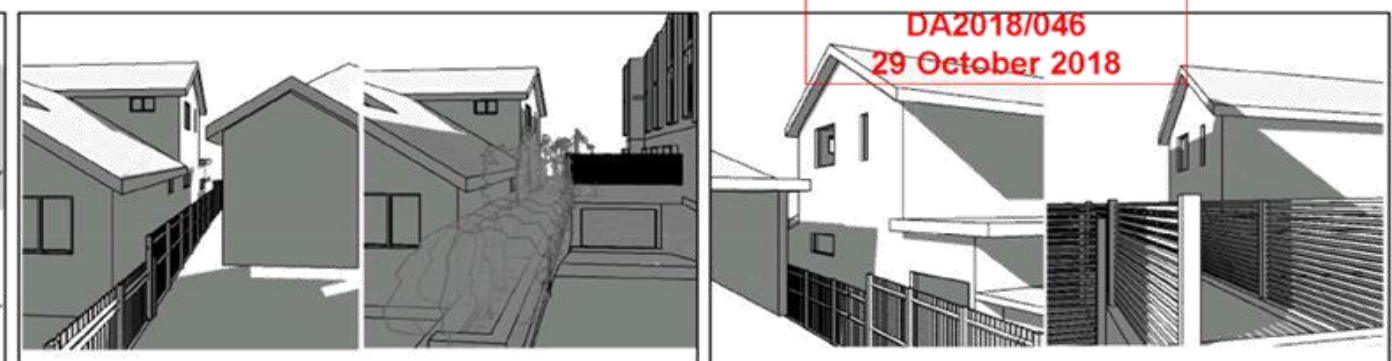
1 PM - HOMEBUSH RD. VIEW (EXISTING)    1 PM - HOMEBUSH RD. VIEW (PROPOSED)    1 PM - NW VIEW (EXISTING)    1 PM - NW VIEW (PROPOSED)

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29 October 2018**



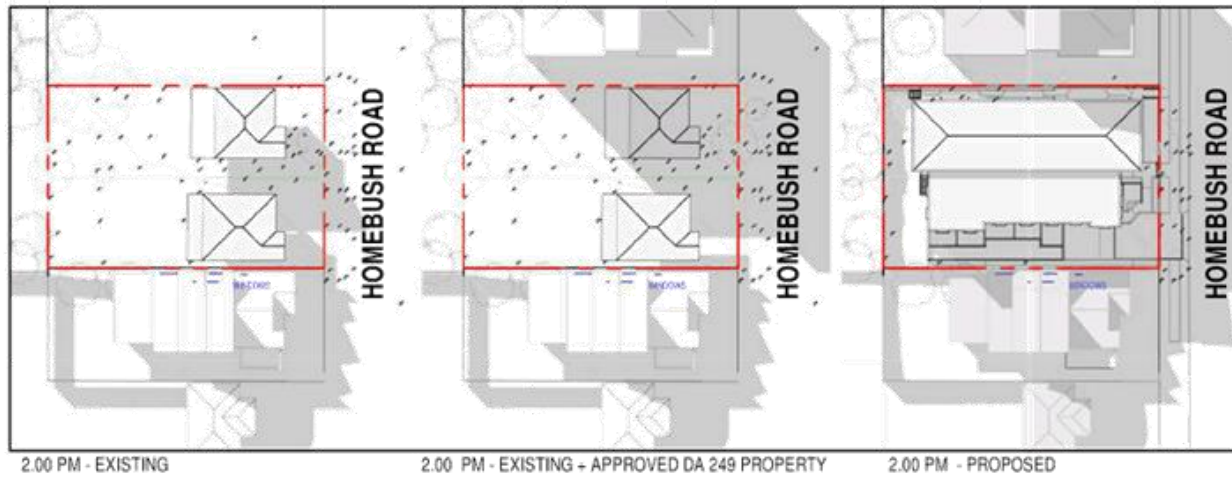
1.30 PM - EXISTING      1.30 PM - EXISTING + APPROVED DA 249 PROPERTY      1.30 PM - PROPOSED



1.30 PM - HOMEBUSH RD. VIEW (EXISTING)    1.30 PM - HOMEBUSH RD. VIEW (PROPOSED)    1.30 PM - NW VIEW (EXISTING)    1.30 PM - NW VIEW (PROPOSED)

<p>1 PANEL RIVER 25/10/18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24 Level 3, 107-109 Marrs St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4319 5133 fax: 02 4319 5117 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project: PROPOSED AFFORDABLE HOUSING Client: HONG AND HA PHAM</p>	<p>Drawing: SHADOW DIAGRAMS (30 MINS) - SHEET 4 Location: 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure 6 metrics only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer only. This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number: 17_021 Scale: As indicated @ A3</p>	<p>Drawing Number: DA20 Date Printed: 25/10/2018 5:14:53 PM Issue: 1</p>
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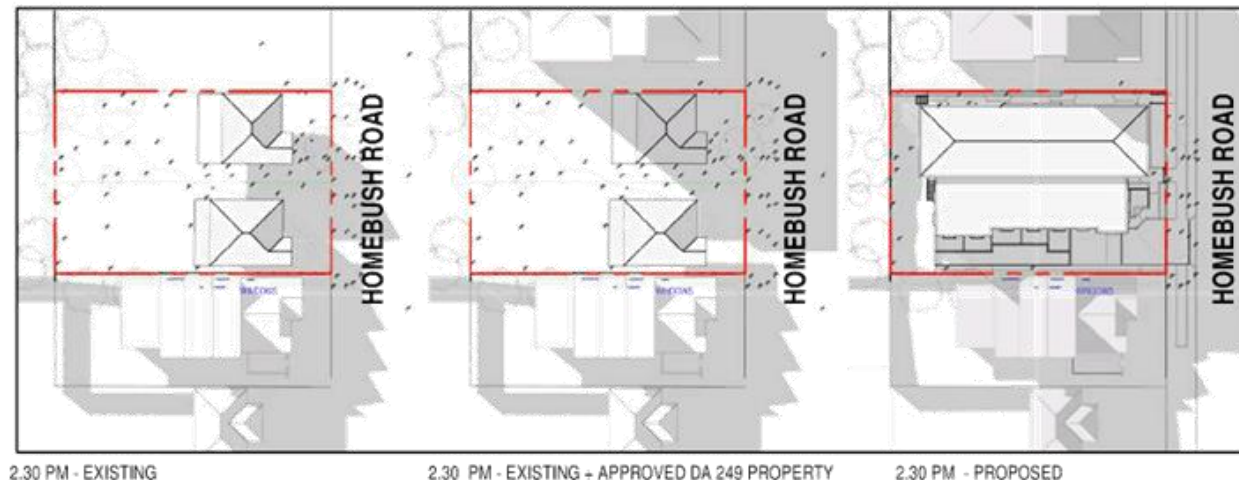
JUNE



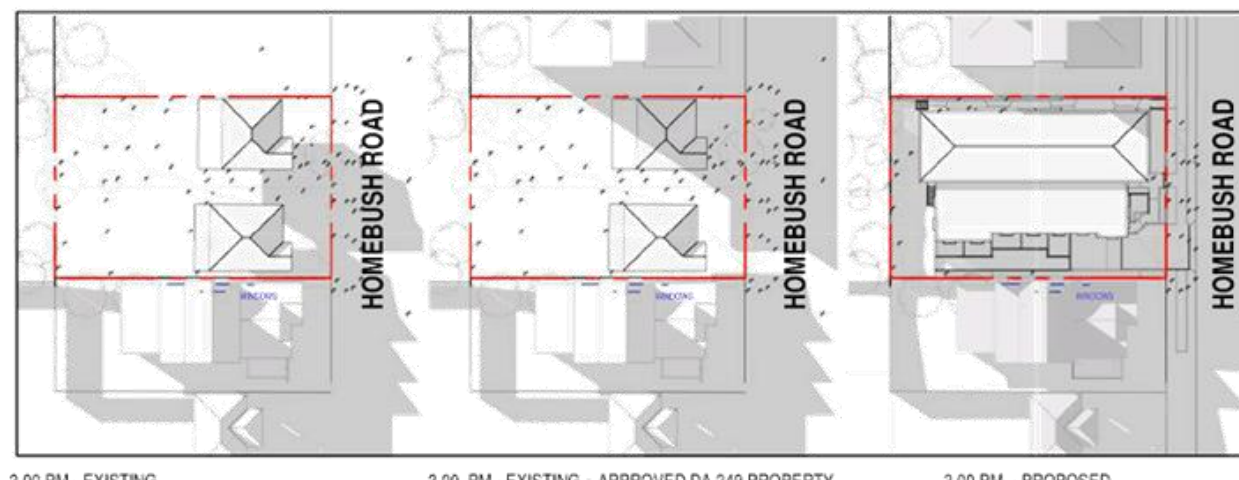
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOME BUSH RD. PROPERTY

VIEW TOWARDS WESTERN FACADE OF 255 HOME BUSH RD. PROPERTY



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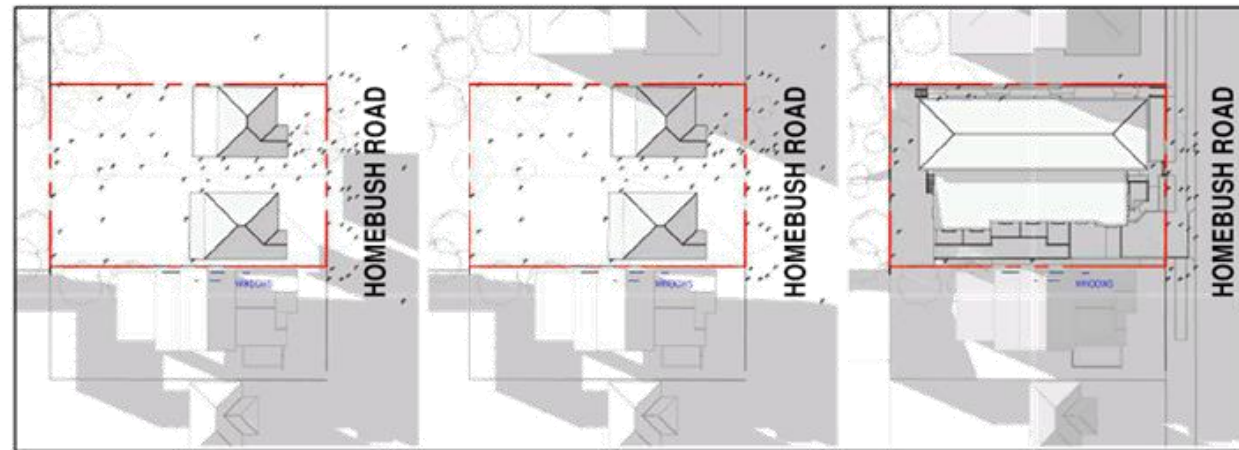


<p>1 PANEL RIVER 25/10/18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24 Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4312 5133 fax: 02 4312 5117 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS (30 MINS) - SHEET 5</p> <p>Location 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale As indicated @ A3</p>	<p>Drawing Number <b>DA21</b></p> <p>Issue <b>1</b></p> <p>Date Printed 25/10/2018 5:15:13 PM</p> <p>File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-180919\...</p>
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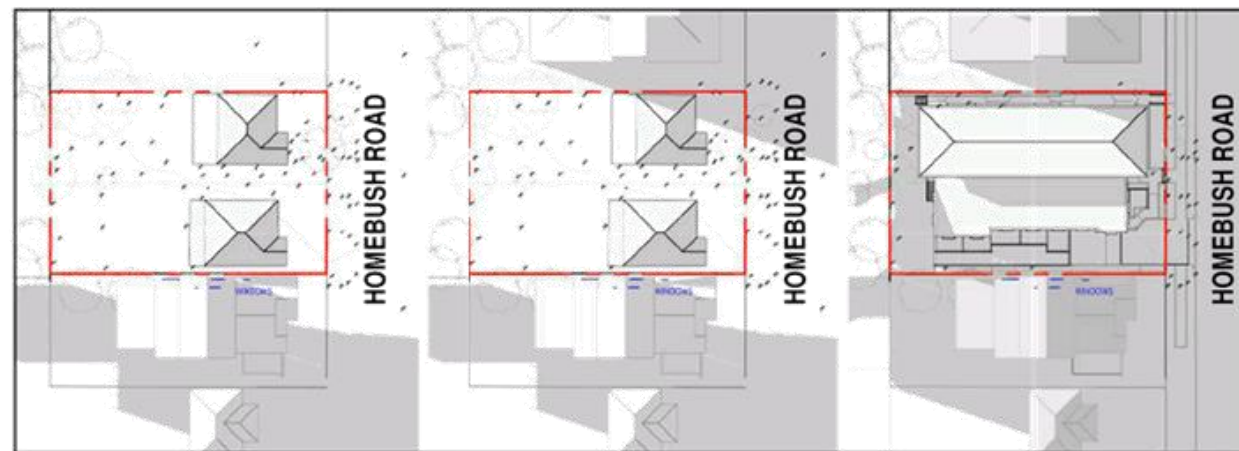
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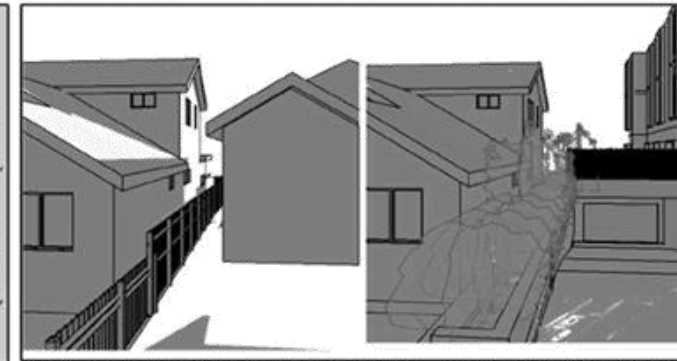
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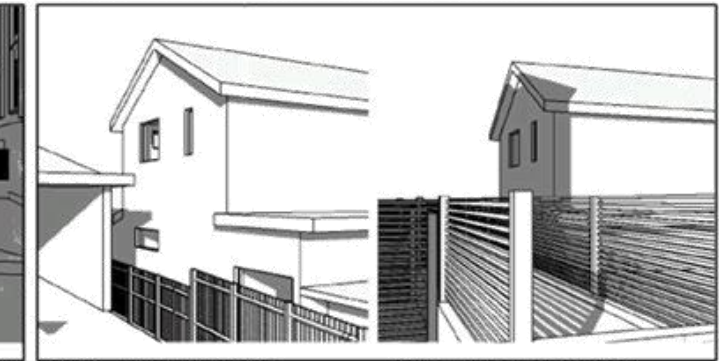
JUNE

VIEW TOWARDS NORTHERN FACADE OF 255 HOME BUSH RD. PROPERTY

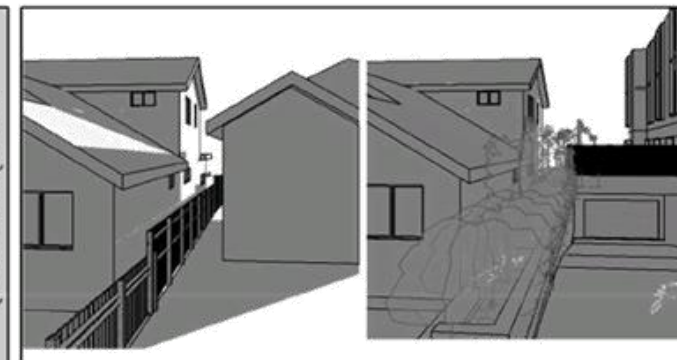


3.30 PM - HOME BUSH RD. VIEW (EXISTING)      3.30 PM - HOME BUSH RD. VIEW (PROPOSED)

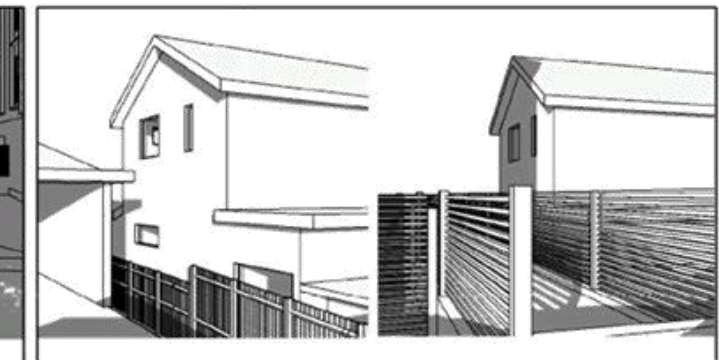
VIEW TOWARDS WESTERN FACADE OF 255 HOME BUSH RD. PROPERTY



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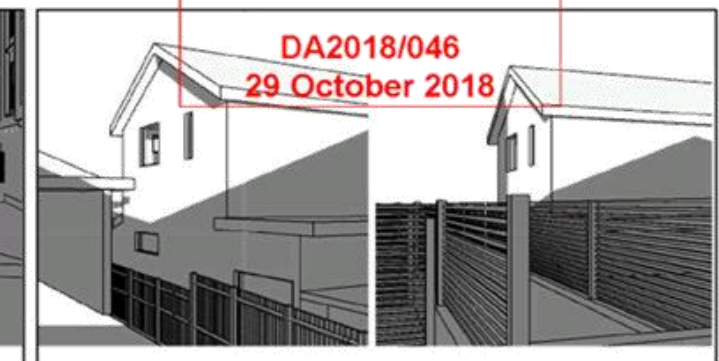
4 PM - HOME BUSH RD. VIEW (EXISTING)      4 PM - HOME BUSH RD. VIEW (PROPOSED)



4 PM - NW VIEW (EXISTING)      4 PM - NW VIEW (PROPOSED)



4.30 PM - HOME BUSH RD. VIEW (EXISTING)      4.30 PM - HOME BUSH RD. VIEW (PROPOSED)



4.30 PM - NW VIEW (EXISTING)      4.30 PM - NW VIEW PROPOSED

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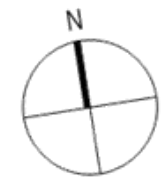
**DA2018/046  
29 October 2018**

<p>1 PANEL RIVER 25/10/18 JS PL</p>	<p><b>ADG architects</b> Suite 3.24 Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4310 5133 fax: 02 4310 5117 a.info@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAMS (30 MINS) - SHEET 6</p> <p>Location 251-253 HOME BUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figured dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number 17_021</p> <p>Scale As indicated @ A3</p>	<p>Drawing Number DA22</p> <p>Issue 1</p> <p>Date Printed 25/10/2018 5:15:28 PM</p> <p>File Name G:\17_021_251-253 HOME BUSH RD STRATHFIELD\04-18\0910-</p>
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**DA2018/046**  
**29 October 2018**



**AFTERNOON**

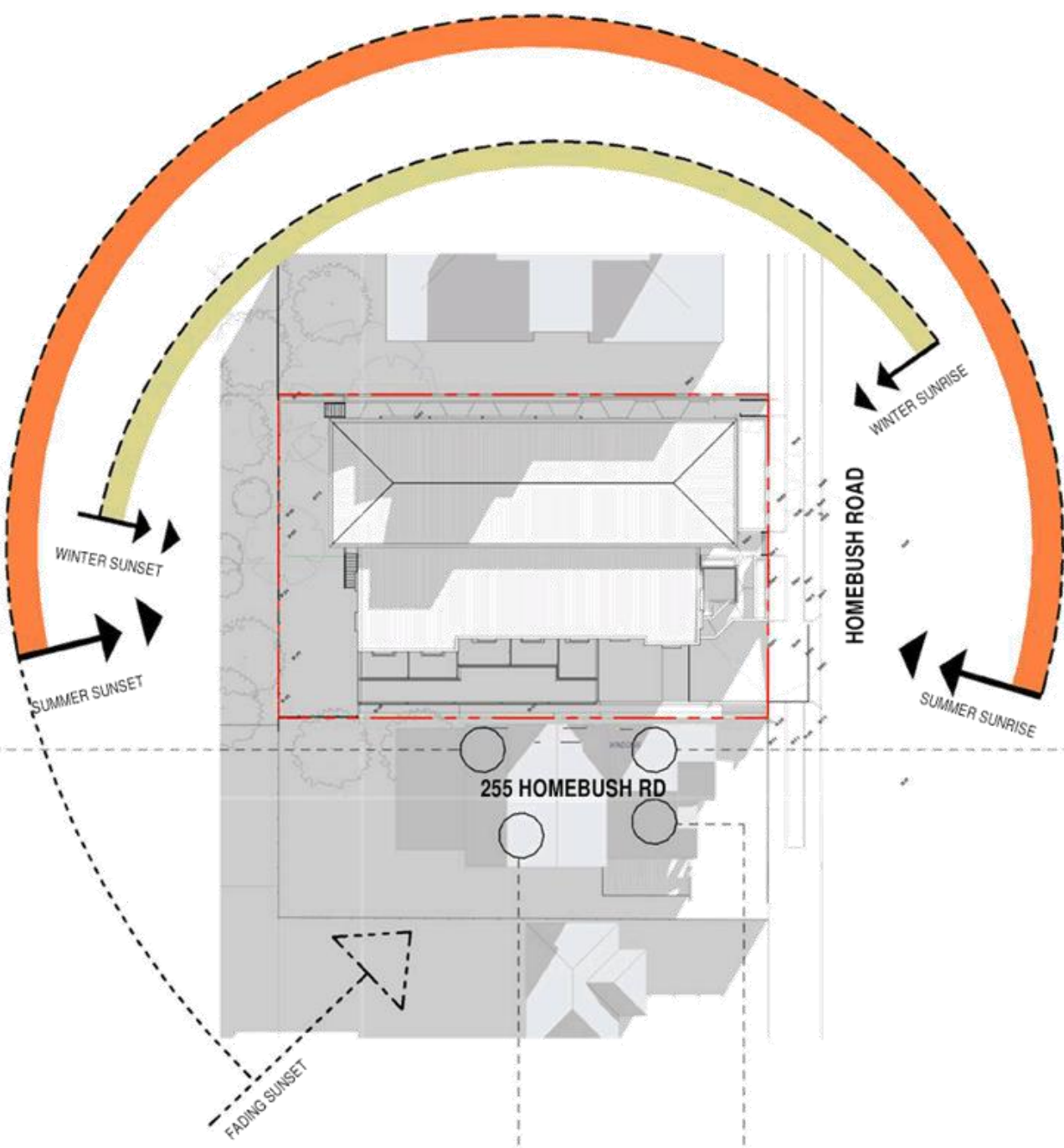
OVERSHADOWING IN THE MORNING -  
INSIGNIFICANT AMOUNT OF TIME IS LIKELY  
TO BE SPEND IN THESE ROOMS IN THE  
MORNING



DINING ROOM



KITCHEN



**MORNING**

SIGNIFICANT AMOUNT OF SUNLIGHT  
MAY CAUSE GLARE IN THE LIVING  
ROOM IN THE AFTERNOON

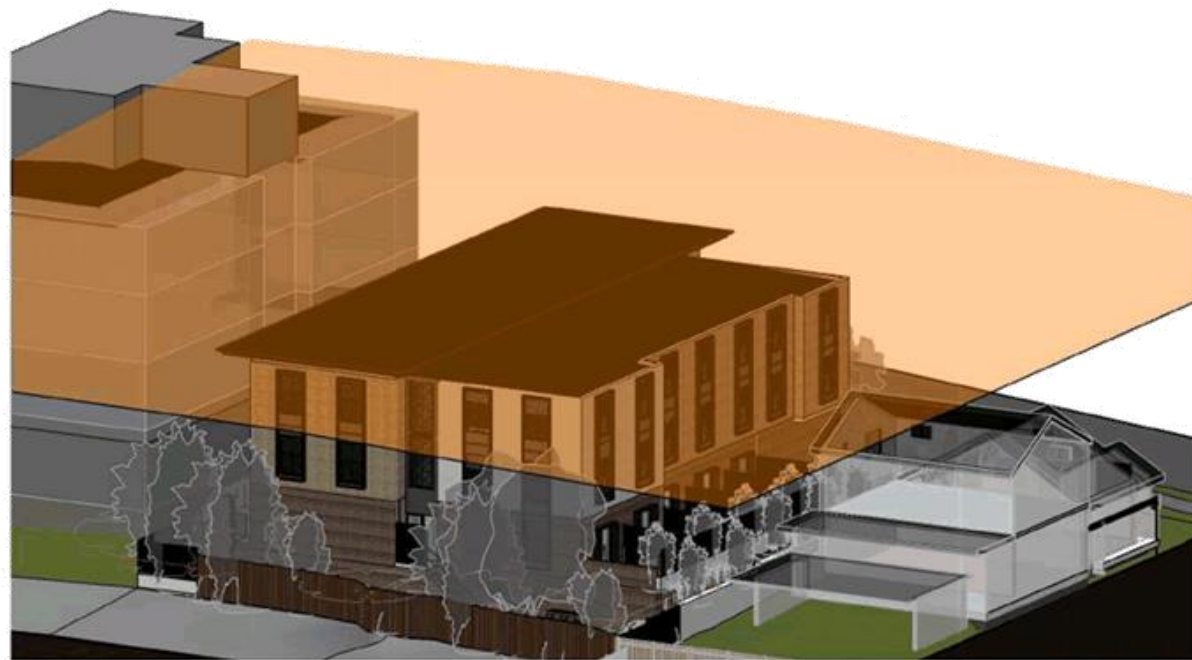


LIVING ROOM

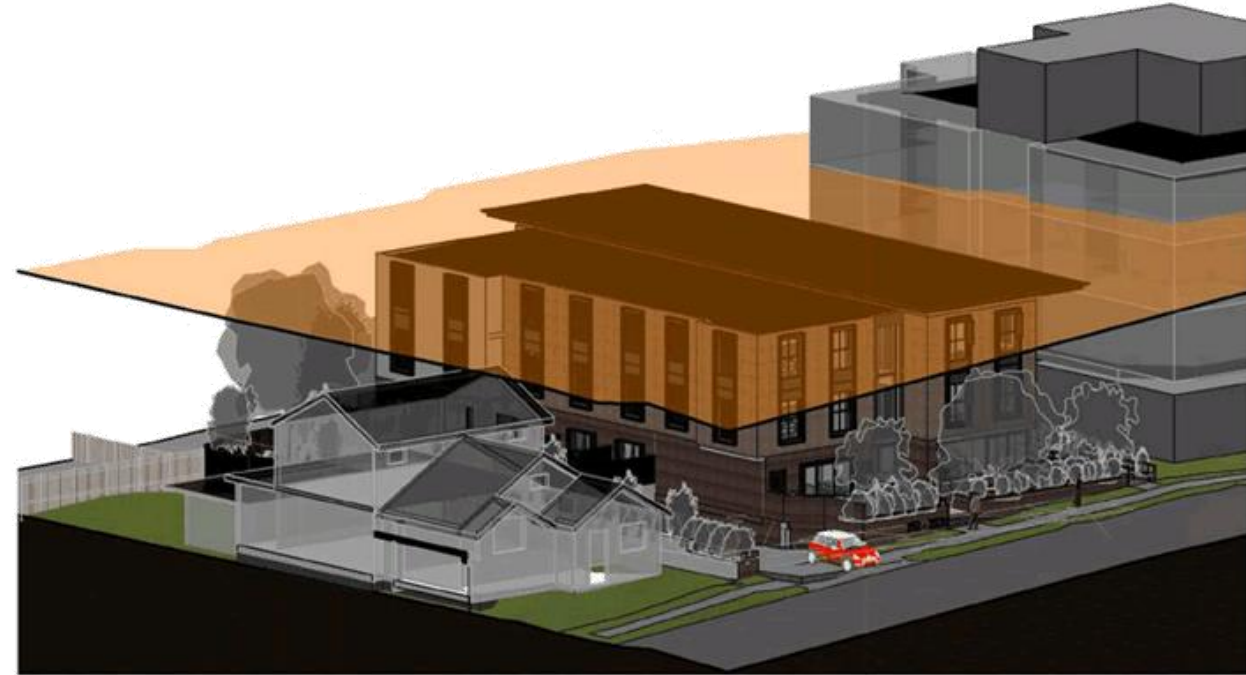


BED ROOM

<p>1 PANEL REVIEW 25/10/18 JS PL</p>	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 487 Gosford NSW 2250 tel: 02 4317 5133 fax: 02 4317 5170 a.adg@adgarchitects.com.au</p>	<p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing SHADOW DIAGRAM - 255 HOMEBUSH RD</p> <p>Location 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure dimensions only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<p>Project Number <b>17_021</b></p> <p>Scale As indicated @ A3</p>	<p>Drawing Number <b>DA23</b></p> <p>Issue <b>1</b></p> <p>Date Printed 25/10/2018 5:15:25 PM</p> <p>File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180910...</p>
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1 11M HEIGHT PLANE (REAR)




2 11M HEIGHT PLANE (FRONT)

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RECEIVED**

**AMENDED PLAN**

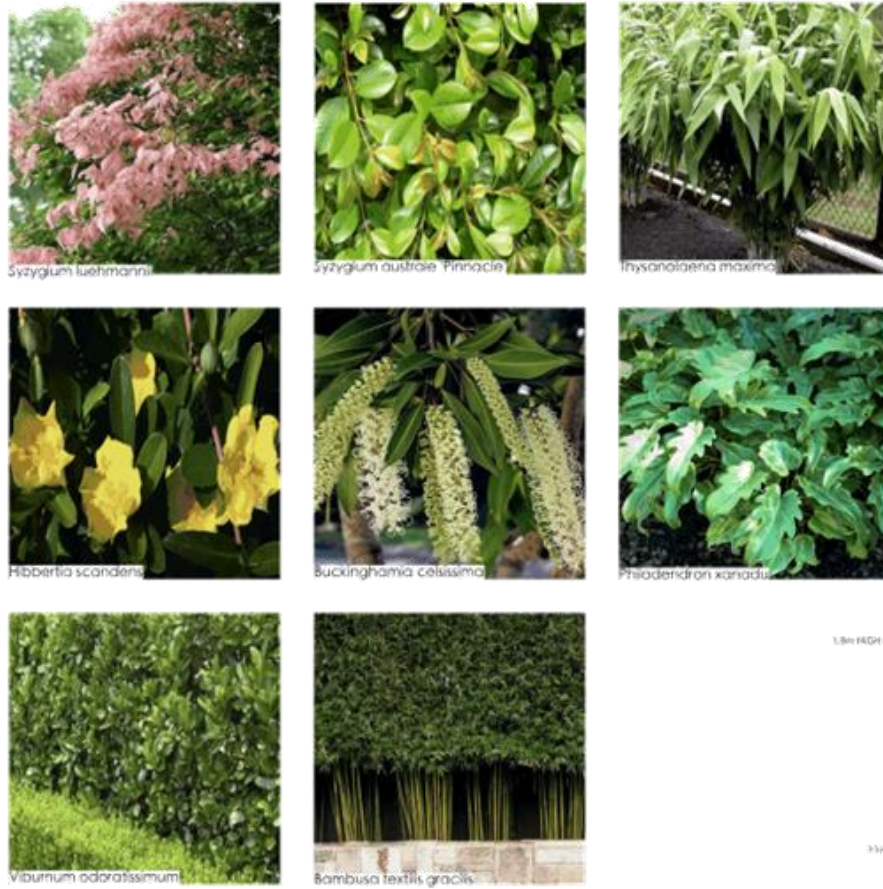
**DA2018/046**  
**29 October 2018**

<p>1 DR022E 08.04.18 JS YS</p>	<p><b>ADG architects</b></p> <p>Suite 3.24, Level 3, 107-109 Mares St, Gosford NSW 2250 Postal Address P.O. BOX 457 Gosford NSW 2250 tel: 02 4317 5133 fax: 02 4317 5170 e: info@adgarchitects.com.au</p>	 <p>Member Australian Institute of Architects</p>	<p>Project PROPOSED AFFORDABLE HOUSING</p> <p>Client HONG AND HA PHAM</p>	<p>Drawing 11M HEIGHT PLANE</p> <p>Location 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH (LOT 38 DP 2043 &amp; LOT 39 DP 2043)</p>	<p><small>Do not scale drawings. Use figure 4 metric only. Check and verify levels and dimensions on site prior to construction of any work. The liability of these drawings is the liability of the engineer.</small></p> <p><small>This drawing is the copyright of ADG Architects and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form or by any means without the express permission of ADG Architects.</small></p> <p><b>FOR DA</b></p>	<table border="1"> <tr> <td>Project Number <b>17_021</b></td> <td>Drawing Number <b>DA24</b></td> <td>Issue <b>1</b></td> </tr> <tr> <td>Scale 1 : 100 @ A3</td> <td>Date Printed 25/10/2018 5:15:54 PM</td> <td></td> </tr> <tr> <td colspan="3">File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180918\...</td> </tr> </table>	Project Number <b>17_021</b>	Drawing Number <b>DA24</b>	Issue <b>1</b>	Scale 1 : 100 @ A3	Date Printed 25/10/2018 5:15:54 PM		File Name G:\17_021_251-253 HOMEBUSH RD STRATHFIELD\04\180918\...		
Project Number <b>17_021</b>	Drawing Number <b>DA24</b>	Issue <b>1</b>													
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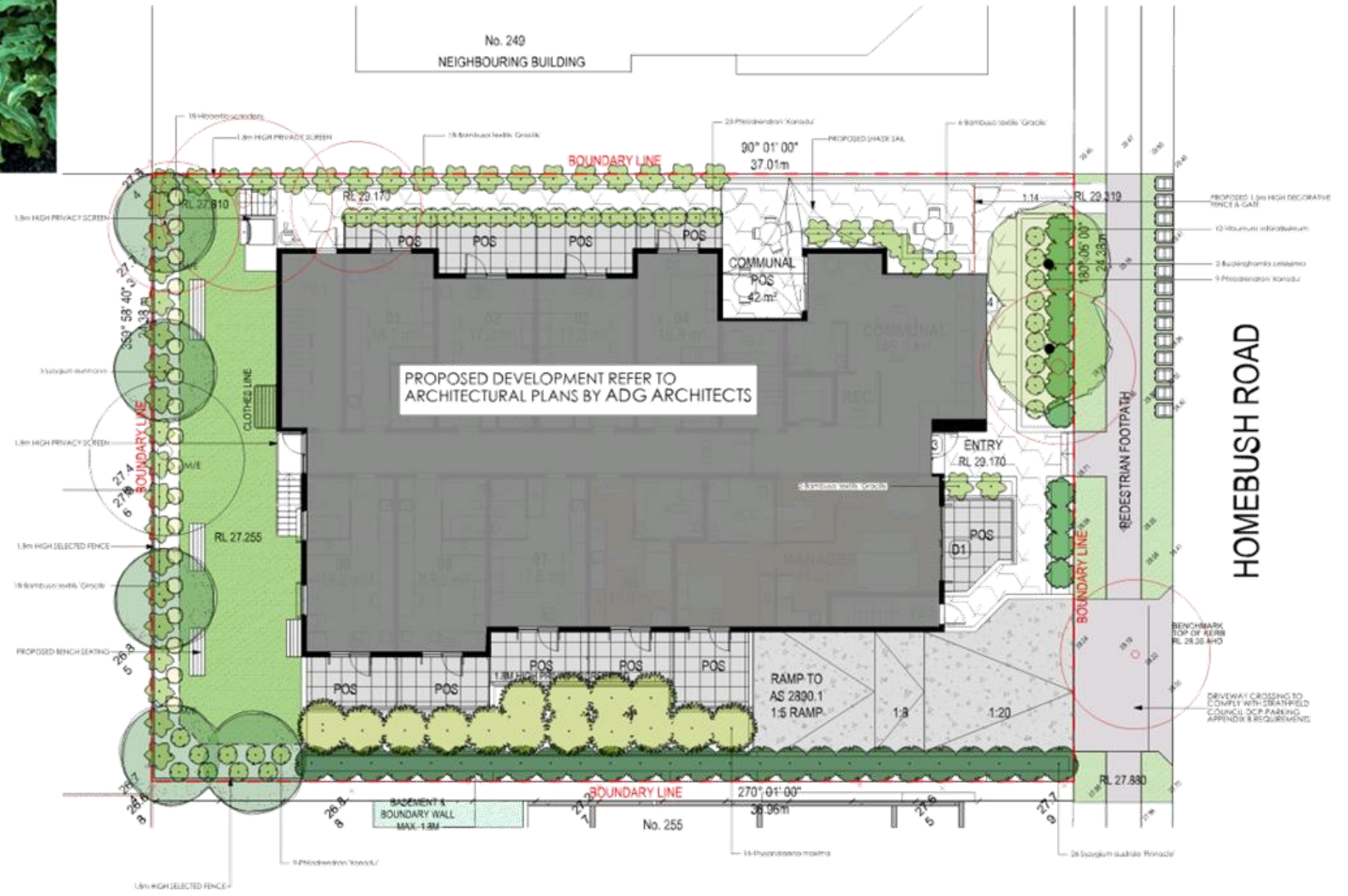
STRATHFIELD COUNCIL  
RECEIVED  
AMENDED PLAN  
DA2018/046  
29 October 2018

PLANTING PALETTE



PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Bambusa textilis Gracilis	Bamboo Weeping	42	250	1200	2000
Bambusa textilis Gracilis	Ivory Curl Tree	2	450	3000	2000
Hibbertia scandens	Climbing Gumata Flower	18	450	800	400
Pterodendron Karoatu	Waxyl Pterodendron	41	450	800	2000
Strygium australe Pinnate	Waxyl	26	250mm	1500	2000
Strygium lushmannii	Small Leafed Lily	5	450	4000	8000
Pisonia indica maxima	Slate Cedar	16	250mm	2000	2500
Viburnum odoratissimum	Sweet Viburnum	12	300mm	1200	1600



**Legend**

- PROPOSED PERMEABLE PAVED AREA
- PROPOSED PAVED AREA
- LAWN AREA
- PROPOSED CONCRETE DRIVEWAY & PATH
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- BRICK LAWN EDGE
- PROPOSED 1.5m DECORATIVE FENCE
- EXISTING 1.8m COLOURED FENCE
- PROPOSED 1.8m SELECTED FENCE
- PROPOSED MASONRY RETAINING WALL

**Architect**  
ADG architects

**CLIENTS**  
HONG & HA PHAM

- Notes**
- All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
  - Do not scale from drawings.
  - In doubt contact Landscape Architect.
  - This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.
  - This plan has been prepared for D.A. purposes only.
  - All Building Works shall be installed to Structural Engineers detail.

Revision	Description	Date
A	AMENDMENTS TO ARCHITECTURAL PLAN	28/06/2017
B	AMENDMENTS TO ARCHITECTURAL PLAN	23/11/2017
C	AMENDMENTS TO ARCHITECTURAL PLAN	19/12/2017
D	AMENDMENTS TO ARCHITECTURAL PLAN	19/03/2018
E	AMENDMENTS TO ARCHITECTURAL PLAN	24/10/2018

**DRAWING**  
PROPOSED LANDSCAPE PLAN - GROUND FLOOR

ADDRESS  
251-253 HOME BUSH RD, STRATHFIELD

A Total Concept Landscape Architects & Swimming Pool Designers  
43 Wood Street, Homebush NSW 2128  
Tel: (02) 9517 8222 Fax: (02) 9517 8923

DATE: 28/11/17  
SCALE: A4: 1:100  
DRAWN: JP  
CHECK: JC  
PROJECT: 4  
ADG ARCHITECTS



**TO:** Strathfield Local Planning Panel Meeting - 6 December 2018  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668  
**DA NO.** DA1996/109/02

## SUMMARY

**Proposal:** Section 4.55(2) modification application to modify condition 30 by increasing truck movements to 80 per day

**Applicant:** Sandhub Pty Ltd

**Owner:** Mango & Chubb Pty Ltd

**Date of lodgement:** 4 October 2018

**Notification period:** 10 October 2018 to 27 October 2018

**Submissions received:** 23 submissions and three (3) petitions

**Assessment officer:** GH

**Estimated cost of works:** Nil

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

**Heritage:** N/A

**Flood affected:** Yes

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

**RECOMMENDATION OF OFFICER:** REFUSAL

## EXECUTIVE SUMMARY

- 1.0 On 11 March 1997, Council approved Development Application No. DA06/109 to continue the use of the premises as a joinery works and builder's yard and to extend the development by provision of additional office area and factory floor space for the existing joinery works and to provide a truck wash bay and storage area.
- 2.0 The current application seeks to amend the above consent and specifically condition 30 relating to the maximum number of truck movements to and from the site on any day, such that this number of truck movements is increased from 24 to 80.
- 3.0 This application is in response to an order issued on 27 September 2017 pursuant to Section 121B of the *Environmental Planning & Assessment Act* 1979 for non-compliance with conditions 13, 18, 19 and 30 of the above consent.
- 4.0 The application was notified from 10 October 2018 to 27 October 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. 23 individual submissions and three (3) petitions including a total of 111 signatories (all objecting to the proposed modification) were received as a result. Key issues raised in the submissions and petitions included noise and air pollution, dust nuisance and traffic congestion associated with the increased truck movements both within and to and from the site.

DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
 LOT 1 DP 812668 (Cont'd)

- 5.0 The proposed increase in the number of truck movements is considered incompatible with the adjacent residential zoned areas. In particular, the generation of noise from the trucks will have an adverse impact on the acoustic amenity of the surrounding residential areas.
- 6.0 As a result of the likely residential amenity impacts of the proposed modification, the application is unable to be supported and is recommended for refusal.

## BACKGROUND

- 11 March 1997** Council approved DA1996/109 to continue the use of the premises as a joinery works and builder's yard and to extend the development by provision of additional office area and factory floor space for the existing joinery works and to provide a truck wash bay and storage area.
- 26 March 2013** Reminder letter sent to the owners of Conditions No. 13 and 18 of the consent; *"in particular, that the scaffolding activity is operating before 7am and offensive fumes are emanating from the premises"*.
- 25 September 2015** Reminder letter sent to the owners of Conditions No. 13 and 18 of the consent; *"In particular, noise emissions and operating outside the approved hours."*
- 16 November 2016** Reminder letter sent to owners of Condition No. 13 of the consent; *"In particular, noise emissions and operating outside the approved hours. A recent inspection by Council's Ranger observed trucks exiting the premises at 6:10am."*
- 14 February 2017** A site inspection was undertaken by Council Officers and identified that the premises was in breach of the approved hours of operation (Condition No. 13). Consequently a Penalty Infringement Noticed was issued.
- 31 March 2017** Reminder letter sent to the owners of Condition No. 13 of the consent; *"in particular working outside of the approved hours of operation."*
- 4 September 2017** Noticed of Proposed Order issued for non-compliances with Conditions No. 13, 18, 19 and 30.
- 27 September 2017** An Order pursuant to Section 121B of the *Environmental Planning & Assessment Act 1979* was issued in relation to Conditions No. 13, 18, 19 and 30 of DA1996/109.
- 23 November 2017** An application under Section 96(2) of the *Environmental Planning & Assessment Act 1979* seeking amendments to conditions 13 and 30 of the consent, so as to extend the hours of operation and increase the number of truck movements associated with the approved use, was submitted to council.
- 1 February 2018** Council via the Strathfield Independent Hearing & Assessment Panel refused the above application.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located off the eastern side of Dunlop Street. Dunlop Street is a relatively short no-through road that concludes in a cul-de-sac formation (refer to figure 1 below).

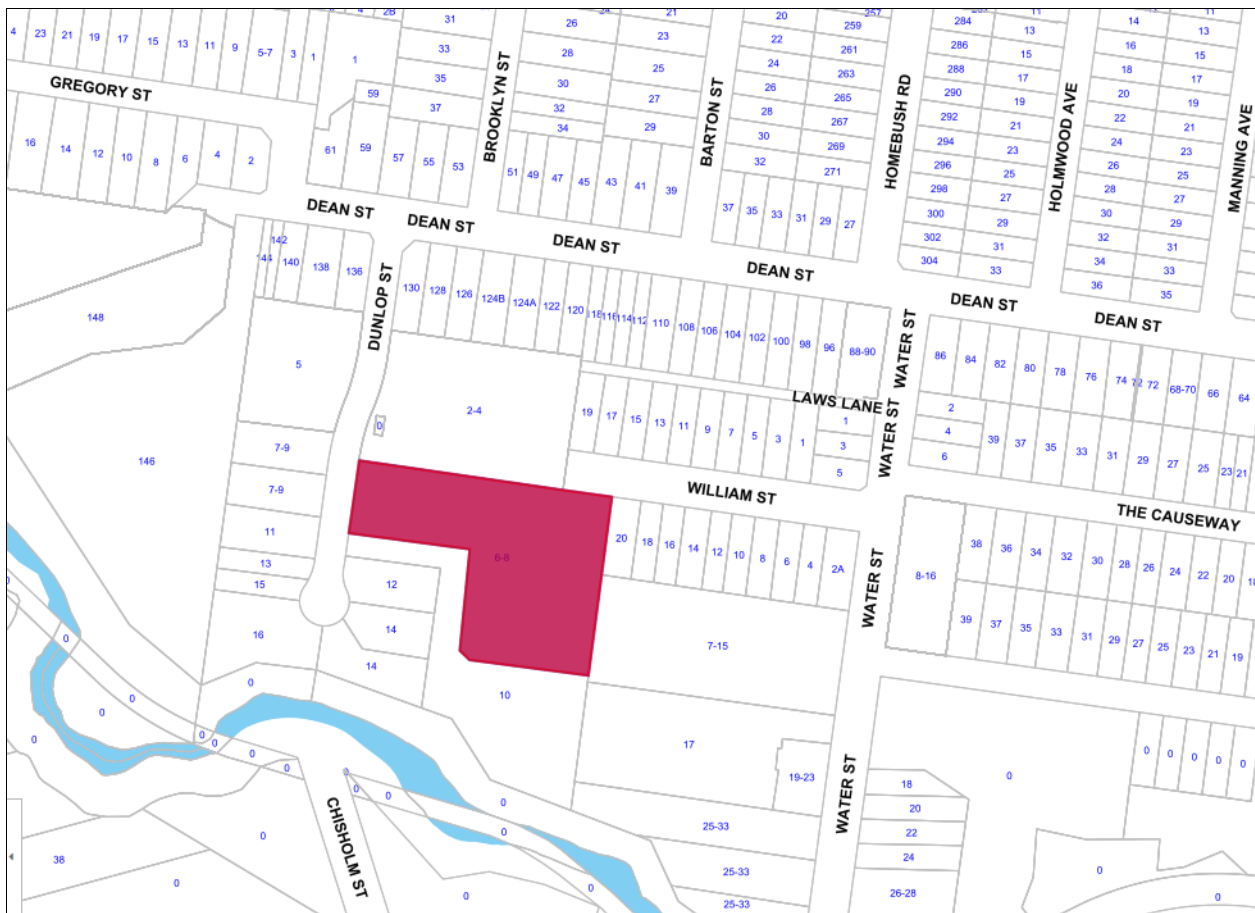
**DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)**

The site is legally described as Lot 1 DP 812668 and commonly known as 6-8 Dunlop Street, Strathfield South. It is L-shaped and has a street frontage of 36.5m and an area of 8,307 square metres.

The north western half of the site is occupied by a large two (2) storey concrete clad/metal roofed building together with car parking and is currently used by a printing business. The remainder of the site is occupied by a builder's yard operated by Sandhub, a supplier of building materials and recycled products for the construction industry (refer to figures 2, 3 & 4 below).

Trucks and other vehicles can only access the builder's yard via a single footpath crossing in Dunlop Street and then via a right of carriageway over an access handle serving the adjoining property immediately to the south (refer to figure 5 below).

The site is surrounded mostly by industrial and commercial land uses, except at its north eastern periphery, where it adjoins a residential property occupied by a dwelling house and is adjacent to William Street which is a no-through road fronted by dwelling houses. The wider locality is predominantly residential in character, comprising of mainly dwelling houses (refer to figure 6 below).



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

DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)



**Figure 2: Aerial Photograph of Site (Builder's yard on right side of image)**



**Figure 3: South Easterly view of entry to builder's yard from vehicular access to site**

DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)



**Figure 4: Easterly view of builder's yard through entry of vehicular access to the site**



**Figure 5: South Easterly view of footpath crossing and vehicular access to the site**

DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)



**Figure 6: Aerial Photograph of Locality**

## 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 MODIFICATION

The application seeks to modify the maximum number of truck movements to and from the site on any day, as prescribed in condition 30 of the original consent (DA1996/109) and detailed as follows.

### Condition 30

#### Existing:

*The maximum number of truck movements to and from the site on any day shall not exceed **24**.*

#### Proposed:

*The maximum number of truck movements to and from the site on any day shall not exceed **80**.*

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

- Statement of environmental effects prepared by Planzone;



**DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)**

- Traffic impact assessment prepared by Stanbury Traffic Planning;
- Acoustic Report prepared by Acoustic Noise & Vibration Solutions;
- Plan of Management prepared by Planzone;
- Survey Plan prepared by RGM Property Surveys;
- Driver Safety Notice prepared by Sandhub;
- Driver Induction Procedure prepared by Sandhub;
- BBQ Invitation to Local Residents brochure prepared by Sandhub.

In response to feedback received from council officers during the assessment process, the following documentation was submitted:

- Revised acoustic report prepared by Acoustic Noise & Vibration Solutions;
- Response to traffic engineering comments prepared by Stanbury Traffic Planning.

**REFERRALS****INTERNAL REFERRALS****Traffic Comments**

Council's Traffic Engineer initially commented on the application as follows:

- *Both Dunlop Street and Dean Street have kerb side parking along both kerb alignments, thereby narrowing the available width for manoeuvring movements to 5.5m to 6.0m. This width is insufficient for two trucks to go past each other necessitating them to stop until one truck performs the manoeuvre.*
- *The existing geometric feature of the intersection of Dunlop Street and Dean Street and the road in general is insufficient to cater the increased demand for the trucks to manoeuvre in an out of Dunlop Street. This forces the vehicles into the parking lanes. Also forces the driver to wait longer durations until it is safe to exit out of their properties.*
- *Dean Street has been designed to the standards of a local road and is not designed to carry excessive volumes of heavy vehicles resulting in its wear and tear.*

Notwithstanding the additional information received in response to the above concerns, council's traffic engineer remains concerned over the capacity of the intersection of Dunlop and Dean Streets to accommodate the increased heavy vehicle movements, as incoming and outgoing trucks are unable to turn simultaneously, causing queueing. Further, concerns are raised over the impact of the increased heavy vehicle movements on residential amenity in the surrounding locality. The suggestion of extending the 'No Stopping' zone opposite the site to better accommodate truck movements is not supported by council's traffic engineer.

**Environmental Health Comments**

Council's Environmental Health Officer initially commented on the application as follows:

*Approval cannot be recommended because the application does not address air and water impacts of the proposed development and fails to demonstrate compliance with the requirements of the Noise Policy for Industry 2017 or the NSW Road Noise Policy 2011.*

Notwithstanding the revised acoustic report received in response to the above concerns, council's environmental health officer remains concerned over the methodology used in the report and recommends that the application not be supported as it has failed to demonstrate that the noise created by the proposed modification will not be intrusive or have a negative impact on the amenity of the surrounding area.

The detailed comments from council's environmental health officer are reiterated in full as follows:

DA1996/109/02- 6-8 DUNLOP STREET, STRATHFIELD SOUTH  
LOT 1 DP 812668 (Cont'd)

### **Comments**

*I have reviewed a resubmitted Noise Impact Assessment ("the NIA") dated 7/11/2018 for the abovementioned development application. I reviewed the NIA for compliance against the NSW EPA Noise Policy for Industry 2017 ("the NPI") and the NSW EPA Road Noise Policy 2011 ("the RNP"). The NIA was resubmitted as the original NIA failed to demonstrate compliance with the NSW EPA Noise Policy for Industry 2017.*

### **Background**

*The development seeks to increase truck movements in and out of the premises from 24 to 80 movements per day, with no increase in trading hours. The premises is zoned IN1 – General Industrial. The nearest receivers are other industrial premises in Dunlop and Water Streets and R2 Residential premises in William Street, Laws Lane and Dean Street. Dunlop Street is a cul-de-sac accessible only via Dean Street.*

*Council has received numerous submissions regarding noise from trucks and vehicles as they enter and exit the site or as the trucks approach the site via Dean Street.*

### **Assessment of Noise Impact Assessment (7/11/2018)**

*The resubmitted NIA (7/11/2018) has not changed in any substantive manner. The readings, results and recommendations are unchanged with the exception of "Section 5.0 Road Traffic Noise Criteria". The results shown in section 5 cannot be accepted as they do not meet the requirements of the RNP and no justification for deviation from the policy is provided.*

*Without amendments to the document, compliance with the NPI and the RNP cannot be demonstrated and the NIA fails to demonstrate the development will not have any undue noise impacts on adjoining noise receivers.*

### **Section 1.0 Introduction**

*The NIA identifies that the proposal will comply with the superseded NSW Noise Industrial Policy 2000 and Section 2.2.3 of the Noise Guide for Local Government 2013. Section 2.3 of the Noise Guide for Local Government relates to noise levels in noise control notices and prevention notices and is not relevant to the assessment of noise from the proposed development.*

### **Section 2.0 Noise Measurements at Existing Builder's Yard (Fully Operational)**

*Measurements were undertaken at the premises while the premises was operational. A summary of the results is listed in the section, with a note that full results and spreadsheet were attached to the report. However, the full results and spreadsheet were not attached.*

*The NIA states "there was no rain and wind speed did not exceed 2.8m/sec" during the measurement period but does not detail how the wind or rain was recorded or provide any evidence of wind or rain recordings. The site is roughly halfway between Bureau of Meteorology weather stations located at Canterbury Racecourse and Sydney Olympic Park. Wind speed records from these stations during the measurement period were averaged and indicate 5 morning or afternoon periods with wind above 5m/sec (Attachment 1). In this regard, the measurements are unsatisfactory because they fail to demonstrate that the recordings are not impacted by wind or rain as per the NPI.*

*The NIA lists the average number of truck movements per day as 80. The method for determining the daily movements was not specified. An average of 80 truck movements per day suggests that is likely truck movements were below 80 some days and above 80 other days. If so the operator*

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*exceeded the proposed maximum daily truck movements, for at least one day, during the measurement period, unless the truck movements were exactly 80 for each day.*

Section 3.0 Estimated Noise Measurements from 24 trucks per day (Original DA approval).

*The NIA presents a process for calculating a background level if the site was operating only 24 truck movements per day. Based on the measurements taken of 80 truck movements per day it estimates a level of 42dB(A)<sub>A90, 15 minutes</sub> for 24 truck movements per day.*

*This calculation and result is not in accordance with the NPI and is not considered a suitable method for determining the setting a rating background noise level.*

Section 4.0 Noise Criteria & Limits

4.1 Intrusive noise criteria

*As an intrusive criteria the NIA uses the 42dB(A)<sub>A90, 15 minutes</sub> estimation for 24 truck movements per day. This is not in accordance with the NPI, which for this situation requires a minimum one week's data of continuous sampling. Further requirements are contained in Fact Sheet A of the NPI.*

*The NPI does provide that an existing business can be considered part of the background noise assessment, however this can only occur if the business has been operating for a minimum 10 years and must be operating in accordance with noise limits and requirements imposed in a consent or licence.*

*The business has failed to comply with the requirements imposed by its development consent, operating above the maximum 24 truck movements per day.*

*As such, the intrusive noise criteria presented is not in accordance with the NPI and is not considered acceptable.*

4.2 Amenity Noise Criteria

*The NIA incorrectly references Table 2.1 of the superseded Industrial Noise Policy for Industry 2000 and incorrectly lists the nearest residential receiver as "Urban/Industrial interface" with a "day" amenity noise level of 65dB(A).*

*The Noise Policy for Industry 2017 does not have an Urban/Industrial interface and the nearest residential receivers are zoned R2 and considered to be "suburban" for the purpose of the amenity noise criteria. Under the NPI, the correct "day" amenity noise criteria for the nearest residential receivers is 55dB(A)*

*In this regard the amenity noise criteria set by the NIA is not considered acceptable as it does not meet the requirements of the NPI.*

Section 5.0 Noise Traffic Criteria

*Noise readings were conducted on the 7 November at a premises stated as either 130 Dean Street or 30 Dean Street. The length of time the measurement was taken for is unclear. Full results are not provided with no detailed table or spreadsheets attached to the report. The impact of wind and weather at the time of readings is not discussed. Review of the Bureau of Meteorology Data for Canterbury and Sydney Olympic Park daily weather observations on 2 November demonstrates the potential for wind to impact the recordings (Canterbury 9:00am average wind speed 5.2m/sec).*

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*In this regard, the Noise Traffic Criteria are not considered acceptable as the information is unclear as to where, when or how the measurements were undertaken and full results are not provided.*

Section 6.0 Noise Control Recommendations

*All recommendations listed are based upon results that were not developed in accordance with the NPI, and cannot be considered as acceptable measures to control noise from the proposed development.*

**Conclusion**

*The noise impact assessment dated 7 November 2018 and prepared by M Zaioor for Acoustic Noise & Vibration Solutions P/L was not prepared in accordance with the Noise Policy for Industry 2017 and fails to demonstrate the proposed development will not be intrusive or have a negative impact on the amenity of the surrounding area.*

**Recommendation**

*It is recommended that the application be refused as the applicant has failed to demonstrate the noise created by the proposed development will not be intrusive or have a negative impact on the amenity of the surrounding area.*

*The Noise Impact Assessment dated 7 November 2018 was not developed in accordance with the Noise Policy for Industry 2017.*

**SECTION 4.55(2) OF THE EP&A ACT 1979**

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* states as follows:

**(2) Other modifications**

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

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
 
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

With regard to subclause (a), the proposed development (as modified) is substantially the same as the development for which consent was originally granted, in that the development remains to be for the purposes of a joinery works and builder's yard providing construction and landscaping materials. The proposed modification does not include any building works.

With regard to subclause (b), the proposed modification does not require consultation with any Minister, public authority or approval body.

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With regard to subclauses (c) and (d), the application was notified from 10 October 2018 to 27 October 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. 23 individual submissions and three (3) petitions including a total of 111 signatories (all objecting to the proposed modification) were received as a result. These submissions are considered later in this report.

**SECTION 4.15(1) CONSIDERATIONS – EP&A Act, 1979**

In determining an application for modification of a consent, the consent authority is to take into consideration the following matters within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as relevant to the development the subject of the application:

**4.15(1)(a)(i) The provisions of any environmental planning instrument****STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)**

An assessment of the proposed modification against the relevant provisions of SLEP 2012 is as follows.

**Aims of Plan**

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

**Permissibility & Zone Objectives**

The current use of the site may be defined as development for the purpose of 'landscaping material supplies' meaning *a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.*

The site is zoned 'IN1 General Industrial' under the provisions of SLEP 2012. Development for the purposes of 'landscaping material supplies' (as proposed by the current application) is permissible with consent in the general industrial zone (refer to figure 7 below). Further, the proposed modification is not inconsistent with the relevant objectives of the general industrial zone.

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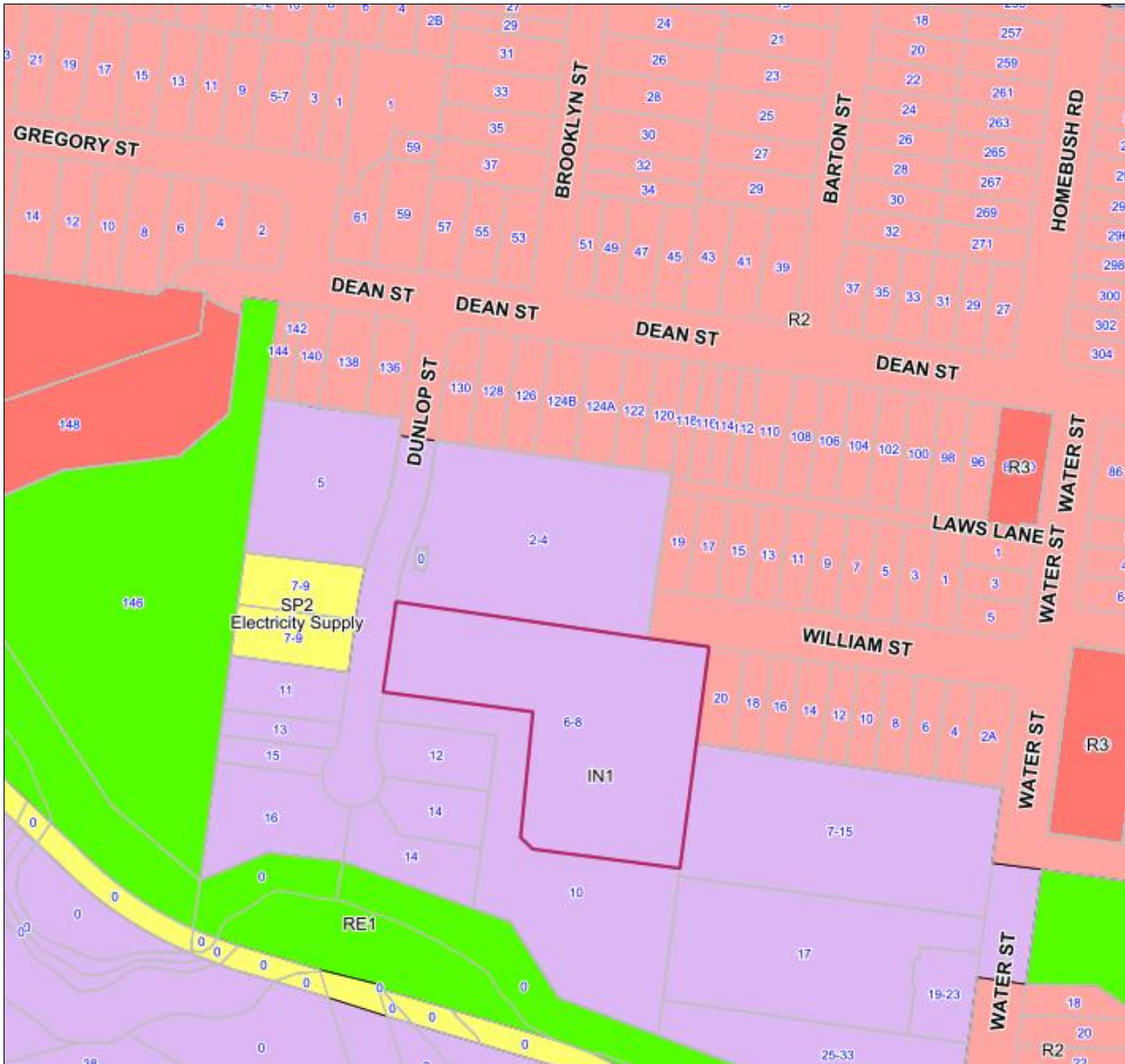


Figure 7: Zoning Map of Site & Locality

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

Not applicable.

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

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

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

**1.2 Objectives**

	<b>Objectives</b>	<b>Complies</b>
a)	To improve the quality of industrial development within the Strathfield Municipality	N/A
b)	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	N/A

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<b>c)</b>	<i>To ensure development is consistent with the principles of Ecologically Sustainable Development</i>	<b>N/A</b>
<b>d)</b>	<i>To encourage high quality building design and industrial streetscape aesthetics</i>	<b>N/A</b>
<b>e)</b>	<i>To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area</i>	<b>N/A</b>
<b>f)</b>	<i>To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality</i>	<b>N/A</b>
<b>g)</b>	<i>To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity</i>	<b>No</b>
<b>h)</b>	<i>To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements</i>	<b>N/A</b>
<b>i)</b>	<i>To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles</i>	<b>N/A</b>
<b>j)</b>	<i>To encourage employee amenity within industrial developments</i>	<b>N/A</b>

**Comments:**

The proposed increase in truck movements will unreasonably impact upon the amenity of the residential areas immediately adjacent to and in the vicinity of the site. The impacts of greatest concern are those relating to noise from truck movements both within and to and from the site and traffic congestion in adjacent roads due to trucks encountering difficulties in negotiating intersections.

The risks of unreasonable residential amenity impacts are further heightened due to the on-site operations not being within an enclosed building and lack of any buffer or substantive screening to the adjoining residential property immediately to the north east of the site.

**2.4 Development Adjoining Residential Zones**

<b>Objective</b>	<b>Complies</b>
➤ <i>To ensure industrial development does not unreasonably impact or intrude upon any adjoining residential areas.</i>	<b>No</b>

<b>Guidelines</b>	<b>Complies</b>
<b>5.</b> <i>Noise associated with the premises including plant and equipment will be subject to the NSW Environmental Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.</i>	<b>No</b>
<b>6.</b> <i>Noise generated from fixed sources or motor vehicles associated with the proposed industrial development must be effectively insulated or otherwise minimized.</i>	<b>No</b>
<b>7.</b> <i>The operating noise level of plant and equipment shall generally not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises between the hours of 7:00am and 10:00pm. If existing background levels are above the Environmental Protection Authority (EPA) criteria, then a merit based assessment will be carried out.</i>	<b>No</b>
<b>8.</b> <i>If operating noise levels of plant and equipment are proposed outside the hours of 7:00am and 10:00pm, the applicant may be subject to a merit based assessment which may need to be supported by an Acoustical Engineers' report.</i>	<b>N/A</b>
<b>9.</b> <i>The development shall not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting and the like.</i>	<b>No</b>

**Comments:**

The subject site immediately adjoins land zoned 'R2 Low Density Residential' at its north eastern periphery. This adjoining property is currently used for residential purposes and occupied by a dwelling house. The no-through road comprising William Street which also adjoins the north eastern periphery of the site, along with the properties that front this street, are also zoned similarly. The interface between the site and adjoining dwelling house and William Street is shown in figure 8 below. The proposed increase in truck movements and associated loading/unloading

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operations will unreasonably impact and intrude upon the adjoining residential areas by virtue of associated increased noise and dust nuisance, particularly bearing in mind the lack of any substantive buffering or physical screening, or enclosure by way of a building, of the on-site operations to ameliorate such impacts.



**Figure 8: Southerly view of the interface between the site and adjoining dwelling house and William Street**

The ‘Industrial Noise Policy 2000’ as referred to in the above guidelines is outdated and has since been updated and replaced by the ‘Noise Policy for Industry 2017’. Based on the specialist advice received from Council’s Environmental Health Officer, the revised acoustic assessment submitted with the application was not prepared in accordance with the most recent industrial noise policy and fails to demonstrate that the noise created by the proposed modification will not be intrusive or have a negative impact on the amenity of the surrounding residential area.

**2.9.2 Access and Manoeuvring**

<b>Objectives</b>	<b>Complies</b>
➤ <i>To ensure that provision is made for safe vehicular ingress and egress having regard to the nature of vehicles likely to patronise the site.</i>	<b>Yes</b>
➤ <i>To ensure satisfactory on-site manoeuvring for vehicles, including the loading/unloading of goods.</i>	<b>Yes</b>
➤ <i>To minimize potential for congestion or hazard on adjoining roads at points of ingress/egress.</i>	<b>Yes</b>
➤ <i>To ensure that traffic generated by industrial development does not adversely affect local or regional traffic movements.</i>	<b>No</b>
➤ <i>To ensure that any traffic generated by the development will not impact unreasonably upon the amenity of any residential areas in the vicinity.</i>	<b>No</b>

**Comments:**

As outlined earlier in this report, Council’s traffic engineer remains concerned over the capacity of the intersection of Dunlop and Dean Streets to accommodate the increased heavy vehicle movements, as incoming and outgoing trucks are unable to turn simultaneously, causing queueing. Further, concerns are raised over the impact of the increased heavy vehicle movements on residential amenity in the surrounding locality.



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Due to truck weight restrictions in surrounding streets to the north and west of Dean Street, all trucks associated with the premises are forced to use Dean Street to the east of Dunlop Street in order to gain access to and from the main road network. Dean Street is fronted mainly by dwelling houses and hence has a character typical of a residential street. The increased truck movements along Dean Street will impact unreasonably upon the amenity of the dwellings in the street by reason of increased noise and air pollution and dust nuisance.

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

Not applicable.

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

Not applicable.

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

The two (2) main sources of noise emissions associated with the proposed increased truck movements are noise emissions from trucks standing/manoeuvring within the site (along with the use of machinery in the unloading/loading of goods) and trucks entering and leaving the site and noise emissions from trucks using the surrounding road network to transport goods to and from the premises. These further noise emissions will adversely affect the amenity of surrounding residential properties, particularly those properties at the western extremity of William Street adjacent to the north eastern corner of the site and those properties fronting Dean Street between Dunlop Street and Water Street.

The submissions and petitions received during the public exhibition period for this application provide an insight into the likely noise impacts if the application is approved, noting that the approved use of the premises has previously operated in breach of the conditions including the limitation on the number of daily truck movements.

**Traffic Impacts**

The proposed increased truck movements will adversely affect the operational efficiency of the surrounding road network and more particularly the nearby intersection of Dean Street and Dunlop Street. Based on the specialist advice received from Council's traffic engineer, incoming and outgoing trucks are unable to turn simultaneously at this intersection, causing queueing and ultimately disruption to traffic flows and potential road safety hazards.

The proposed increased truck movements will adversely affect the road surfaces of Dunlop Street and Dean Street, resulting in their more rapid deterioration. These streets have been designed to the standards of a local road and are not designed to carry excessive volumes of heavy vehicles.

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

The subject site is at an interface between a low density residential zone and a general industrial zone and immediately adjoins a residential area and therefore the risks of adverse residential amenity impacts are increased. These risks are further heightened by the lack of any substantive buffer or physical screening between the conflicting land uses and the on-site operations being carried out within an open yard rather than within an enclosed building.

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Further, the industrial zoned locality within which the site is situated is relatively small in area and most of its properties including the site are only accessible from the main road network via predominantly residential streets. These constraints further increase the risks of adverse residential amenity impacts over the wider locality.

Having regard to the unique circumstances and constraints as set out above, the site is not considered to be suitable for a significant increase in truck movements as is proposed by the current application.

The current limitation on truck movements as prescribed in condition 30 of the consent is appropriate in the circumstances and ensures that residential amenity is reasonably maintained, particularly for those properties at the western extremity of William Street adjacent to the north eastern corner of the site and those properties fronting Dean Street between Dunlop Street and Water Street.

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

The application was notified from 10 October 2018 to 27 October 2018 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. 23 individual submissions and three (3) petitions including a total of 111 signatories (all objecting to the proposed modification) were received as a result.

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

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

- Increased noise from truck movements in surrounding streets including instances of noise from trucks early in the morning causing sleep disturbance and noise from trucks temporarily parked in Dean Street with engines idling;
- Increased noise impacts on residential properties adjacent to the site due to increase truck movements and associated movement of machinery on the site;
- Increased traffic congestion from truck movements in surrounding streets and at nearby intersections including instances of trucks blocking driveways, parking on the wrong side of the road and failing to negotiate bends and intersections efficiently;
- Increased pedestrian safety risks from the parking of trucks in Dean Street, making road crossings unsafe;
- Increased air pollution/exhaust emissions from truck movements in surrounding streets;
- Increased dust nuisance from truck movements in surrounding streets including accumulation of dust on the road surfaces and inside houses;
- Adverse effects on the physical and mental health of residents and children attending the nearby school, as a result of increased noise, air pollution and dust nuisance;
- Deterioration of and damage to road surfaces due to increased truck movements and associated weights/loads, particularly the road surface of Dean Street;
- Devaluation of surrounding residential properties
- Truck movements are occurring outside of the approved hours of operation of the use;
- Approval of the application would set a precedent for other businesses to request similar operational changes including increased truck movements and business hours;
- Vibration from truck movements can be felt inside houses;
- The expanded operations of the business including its increased truck movements are not appropriate for the site, given that it is located in a predominantly residential area and is only accessible from the main road network via residential streets.

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

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Whilst the various claims of individual objectors such as breaches of conditions of consent and incidences of sleep disturbance cannot be verified, they are not isolated cases and are repeated by other objectors. However, traffic congestion and traffic hazard issues associated with truck movements at the intersection of Dean Street and Dunlop Street have been observed by the author of this report. These issues include trucks manoeuvring onto the wrong side of the road whilst negotiating the intersection and passing other trucks temporarily parked in Dean Street.

The issue of devaluation of properties is not a relevant matter for consideration in the assessment of the merits of the application. The issue of a precedent being set if the application was approved is not supported, as each application is assessed on its individual merits having regard to the circumstances applying at the time.

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

The public interest is served through the detailed assessment of this application under the relevant local planning controls and legislation, including consideration of any submissions received. The proposed modification will result in a loss of amenity to surrounding residential properties and adverse impacts on the surrounding road network. Accordingly, the proposed modification is not considered to be in 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. No such contributions are applicable in this case given the nature of the proposed modification.

**CONCLUSION**

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

**RECOMMENDATION**

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. DA1996/109 involving modification of condition 30 by increasing truck movements to 80 per day at 6-8 Dunlop Street, Strathfield South be **REFUSED**, for the following reasons:

1. The proposed modification does not satisfy objective (g) in Part D - Industrial Development of the Strathfield Consolidated Development Control Plan 2005, as the increased truck movements and associated on-site operations will adversely affect the acoustic amenity of surrounding residents (*Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).
2. The proposed modification does not satisfy objective (h) in Part D - Industrial Development of the Strathfield Consolidated Development Control Plan 2005, as the increased truck movements will adversely affect traffic movement on the local road network (*Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).
3. The proposed modification is not suitable for the site due to the increased truck movements and associated on-site operations and the close proximity of residential properties (*Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979*).

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4. The proposed modification is not in the public interest (*Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979*).

#### **ATTACHMENTS**

There are no attachments for this report.