

Agenda

Strathfield Local Planning Panel Meeting

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

Thursday, 7 March 2019

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

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

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TO: Strathfield Local Planning Panel Meeting - 7 March 2019
REPORT: SLPP – Report No. 1
SUBJECT: DA2018/176 - 12-14 ELWIN STREET, STRATHFIELD
LOT 1 DP 324569
DA NO. DA2018/176

SUMMARY

Proposal: Construction of a two (2) storey dwelling with a basement level, swimming pool and front boundary fence.

Applicant: Bechara Chan & Associates Pty Ltd

Owner: N Abdullah

Date of lodgement: 21 December 2018

Notification period: 7 January 2019 – 4 February 2019

Submissions received: Two (2) submissions received

Assessment officer: ER

Estimated cost of works: \$2,417,100.00

Zoning: R2 Low Density Residential - SLEP 2012
Not a Heritage Item or within a conservation area but

Heritage: located near Heritage Items No. 137 and No. 133 under SLEP 2012.

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: DEFERRED COMMENCEMENT

EXECUTIVE SUMMARY

- 1.0 The proposal involves the construction of a two (2) storey dwelling with car basement, swimming pool and front boundary fence.
- 2.0 The plans and documentation submitted with the application were publicly notified from 7 January 2019 to 4 February 2019 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. Two (2) written submissions were received as a result. The most common concerns derived from the submissions included issues relating to privacy, bulk/scale and loss of amenity.
- 3.0 A letter requesting additional information was issued to the applicant which raised concerns relating to Floor Space Ratio (FSR) compliance, dwelling design in relation to bulk and scale, excessive basement size, heritage conservation, tree removal, front boundary fence and privacy issues to the adjoining neighbours. Further, the siting, bulk and scale of the proposal result in unreasonable adverse impacts on the amenity of the surrounding residential area and streetscape character.
- 4.0 Amended plans were provided which modified the FSR by shaving a portion of the lounge on the ground floor and reconfiguration of the basement resolving this development standard. Further amendments by the applicant, included adding glazing and raising the window sill heights and deleting the proposed gate house. Additional information from the

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Lot 1 DP 324569 (Cont'd)

applicant in the form of a Planning Letter addressed the planning principles of undesirable bulk and scale of the development and the removal of three (3) trees.

- 5.0 The amended plans responded to the issue of non-compliance in FSR, bulk and scale of the dwelling within its surrounding streetscape, pattern of the existing built form and amenity of neighbours. The proposal does not comply with the objectives of Part A of the DCP and is contrary the established planning principles that relates to bulk and scale detailed by *Veloshin v Randwick Council (2007) NSWLEC 428*.
- 6.0 The current proposed development is not suitable for the site and is recommended for deferred commencement upon receiving amended plans addressing the eastern elevation bulk/scale and improving the amenity for surrounding residents.

BACKGROUND

- 21 December 2018: DA2018/176 was lodged for the demolition of existing structures and the construction of a two storey dwelling with a basement level and swimming pool.
- 24 December 2018: A request for a Quantity Surveyors Report was sent to the applicant to in accordance with Council's Policy and Indirect Contributions Plan 2010.
- 7 January 2019: The application was notified for four (4) weeks in accordance with Council's extended notification during the Christmas holiday period until the 4th of February 2019.
- 10 January 2019: A site inspection was completed and the following matters of interest were noted including proposed rear setback, first floor depth, first floor rear balconies, tree removals and fenestration in the western front facade.
- 17 January 2019: A letter requesting further information was sent to the applicant requesting:
- Compliance with the maximum FSR;
 - Reducing the basement size;
 - The overall bulk and mass of the dwelling;
 - Front boundary fence height and gate house;
 - Tree removal;
 - Privacy concerns and neighbour amenity;
 - Heritage conservation.
- 4 February 2019: Two (2) objections to the development proposal were received. The main issues raised in the submissions were excessive FSR, insufficient information, excessive bulk and scale, loss of aural and visual privacy, solar access and adequacy of concept Stormwater Plan.
- 7 February 2019: Council Officer conducted a site visit to those properties which objected to the proposal and confirmed issues with overlooking from the proposed rear balconies.
- 9 February 2019: Amended plans and additional information was submitted to Council, which generally responded to the matter of FSR and visual privacy by raising sill heights, adding frosted glazing to windows and the deletion of the proposed gate house.

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13 February 2019: The applicant was advised the application and subsequent revisions could not be supported in its current form and the application would be considered at the Strathfield Local Planning Panel (SLPP) in March.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 1 DP 324569 and is commonly known as 12-14 Elwin Street Strathfield. The site is located on the southern side of Elwin Street and has an area of 1349.7m². The site is rectangular in shape with a small easement (16.3m x 0.915m) in the southwestern corner. The lot has a frontage of 24.995m along Elwin Street and a side boundary length of 55.245m. The site has a moderate slope and cross-fall of 1.7m from the north eastern corner to the south western corner of the site.

Existing development on the site comprises of a two (2) storey brick dwelling with an outdoor pool, patio area, terrace and metal carport. Vehicular access is provided to the site via an existing driveway from Elwin Street along the northern boundary to an existing brick garage located in the rear yard.

The immediate streetscape is comprised of a mix of traditional-style homes which provide pitched roof forms, exposed brick and rendered brick exterior walls and more recent developments comprising modern two (2) storey dwellings including flat roofs, large garages and basements. The street is undergoing transition to modern two storey dwellings while maintaining a matured front landscaping. The dwelling diagonally north east of the site is a heritage listed dwelling I137 and the dwelling two lots to the east is also heritage listed I133 under Schedule 5 of the SLEP 2012 (Figure 2). The dwelling at 6-8 Elwin Street is an Inter-war Bungalow and the dwelling at 15 Florence Street is a Federation designed dwelling, adding heritage character to the surrounding areas.

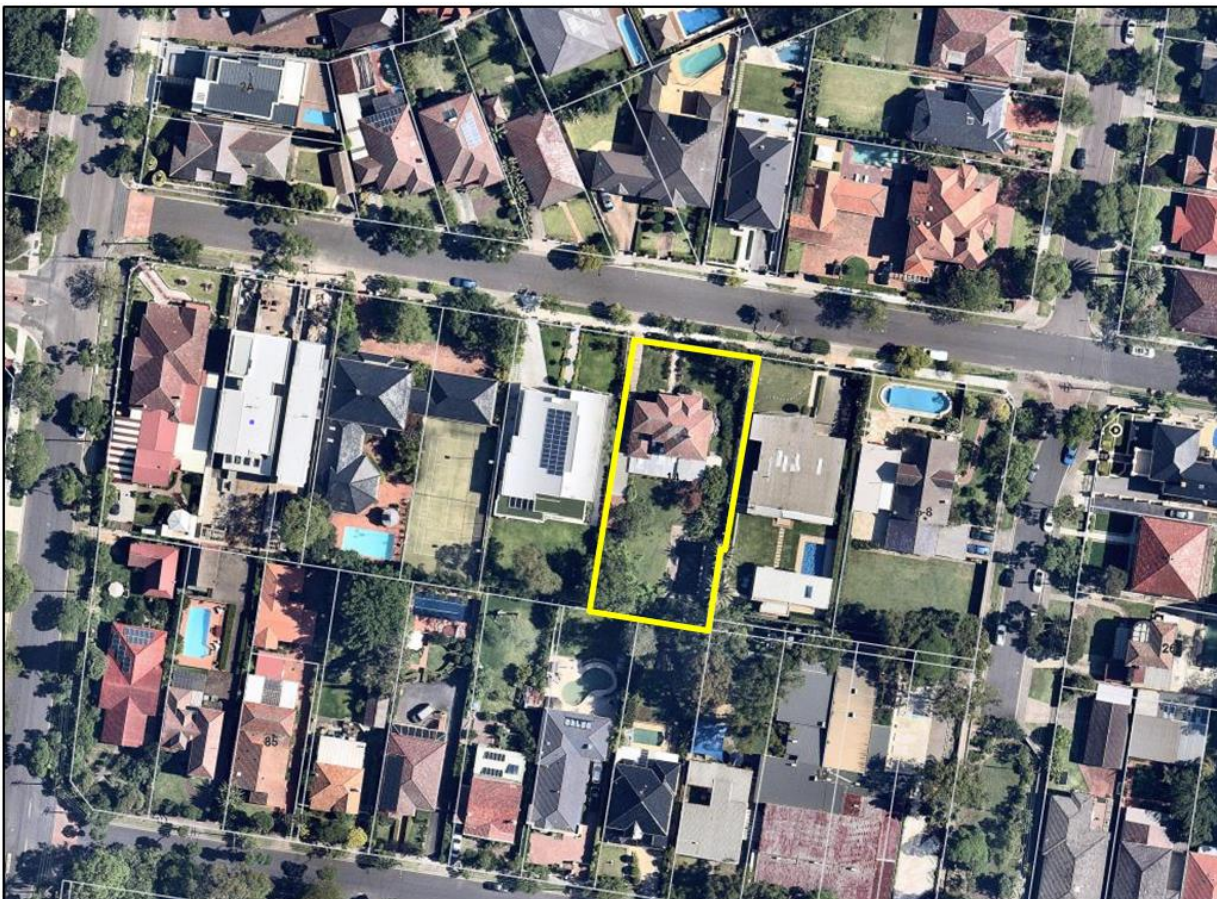


Figure 1: Locality plan

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Figure 2: Strathfield Local Environmental Plan 2012 Heritage Items and Conservation Areas.



Figure 3: Front façade of the subject site at 12-14 Elwin Street, Strathfield.



Figure 4: View of adjoining neighbour at 10 Elwin Road, Strathfield.

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Figure 5: View of adjoining neighbour at 16 Elwin Street, Strathfield.



Figure 6: View of dwelling opposite the subject site at 5 Elwin Street, Strathfield.

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks the construction of a two (2) storey dwelling with a basement level, swimming pool and front boundary fence.

The specific elements of the proposal are:

Basement level:

- Two (2) parking spaces, U-turning bay, workshop/storage room, storage/bin area, service/data coms room;
- A stair case, lift and associated foyer;

Ground floor level:

- Two (2) spare rooms;
- Two (2) dining areas, family space and lounge room;

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- Open plan kitchen and pantry;
- Laundry and bathroom;

First floor level:

- Four (4) bedrooms with walk-in-wardrobes and ensuites;
- Master bedroom with ensuite, two (2) toilets, his walk-in wardrobe and hers walk-in wardrobe (7m x 7.72m);
- Utility room;
- Balconies off Bedroom 4, the Master Bedroom and a terrace off the hall way;

External works:

- BBQ Pavilion, swimming pool and outdoor bathroom;
- Tree removal of three (3) trees and landscaping;
- Front fence.



Figure 7: Proposed front façade of the dwelling at 12-14 Elwin Street, Strathfield.



Figure 8: Proposed rear façade of the dwelling.

REFERRALS

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INTERNAL REFERRALS

Engineering Comments

Council's Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent including Stormwater Management Plan certification, Sydney Water - stamped plans, BASIX Commitments, Building Code of Australia – compliance, Erosion and Sedimentation Control Plan, Excavation - affecting adjoining land, Stormwater - rainwater re-use, Public Infrastructure and Services, Engineering Works, Rainwater Tanks, Stormwater - certification of the constructed drainage system, Stormwater - covenant and restriction as to user for stormwater controlled systems.

Landscaping Comments

Council's Tree Coordinator has commented on the proposal as follows:

“Three (3) trees (No. 5, 6 and 7) have been proposed for removal. The removal of these trees is considered acceptable as they are small trees, not at all significant to the site.”

Council's Tree Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent including trees permitted to be removed, tree preservation and tree bonds.

Traffic Comments

Council's Traffic Engineer raised no objections to the proposal, subject to the imposition of recommended conditions of consent including car parking - basement car parking requirements, car parking - vehicular access ramps, car parking - compliance with AS/NZS 2890.1:2004, Car Parking - vehicular crossing width at property boundary.

Heritage Comments

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

“The heritage item addresses Florence Street and is a substantial dwelling on the site and the proposed dwelling house would not result in any undue impact on the item in terms of its location and siting. The proposed dwelling house is very modern in design, materials and finishes. The proposed fence is an acceptable height and finish, however the gate house should be removed as it is excessive and there is not a prevalence of gate houses in the streetscape.

The proposal is acceptable on Heritage grounds. The design has a strong horizontal proportionality and is architecturally interesting. However, the front elevation is unbalanced as it presents to Elwin Street, heavy, and overly bulky due to the lack of fenestration and articulation on the first floor northern elevation. The addition of articulation to this elevation using additional fenestration and the use of hardwood timber battening would serve to soften this elevation and reduce the massing of the first floor level on the eastern side as it presents to Elwin Street.”

Council's Heritage Advisor raised no objections to the proposal.

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:

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(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

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

State Environmental Planning Policy No 55 – Remediation of Land

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of the three (3) trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

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>	No
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	N/A
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	N/A
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	N/A
(f)	<i>To identify and protect environmental and cultural heritage</i>	N/A
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A

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(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A
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Comments: The proposal is of high quality design materials, however is not considered to reflect the existing or desired future character of Elwin Street in that its bulk, scale and its elongated form is not compatible with the predominant pattern of built form in the immediate vicinity.

Permissibility

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

Dwelling houses are permissible with consent in the R2 – Low Density Residential Zone and are defined under SLEP 2012 as follows:

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

The proposed development being for the purpose of a dwelling house is therefore permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential Zone is included below:

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

Comments: The subject site is adjacent to a listed heritage item being the “Winkurra” a Federation Arts and Crafts House (Item Number 137) located opposite the site at 15 Florence Street, Strathfield. The proposal does not adversely impact upon the heritage significance of this item.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	8.2m	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

Comments: The proposal complies with the height standard in the LEP 2012.

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Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.5:1 (674.85m ²)	0.5:1 (674.83m ²)	Yes
Objectives				Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area			No
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas			No
(c)	To minimise the impact of new development on the amenity of adjoining properties			No
(d)	To minimise the impact of development on heritage conservation areas and heritage items			Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development			N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor			N/A

Comments: The proposal has a compliant FSR of 0.5:1 (674.83m²). However, the proposal capitalizes on the large lot size and over uses the available floor space therefore not satisfying the above objectives. Additional voids, circular stair cases and lift shafts located within the dwelling create for a bulky and large scale development, which does not keep within the built form, provide consistent bulk or minimise the impact on the amenity of adjoining properties. The applicant was advised that the basement foyer would be added to the calculated FSR and amended plans reduced the size of this foyer by extending the workshop walls. This area was then added to the overall calculated FSR, therefore satisfying Council's interpretation of the development standard.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

6.2 Earthworks

The proposed basement will be confined to the building footprint of the ground floor level additions. A condition of consent is recommended to ensure the appropriate management of exposed soils during the excavation and construction phases of the development.

6.3 Flood planning

The application demonstrates that it minimises flood risk to life and property associated with the use of the land, is compatible with the land's flood hazard and avoids significant adverse impacts on flood behaviour and the environment. Council's Development Engineer has assessed the flood impact statement submitted and raises no significant issues in this respect.

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

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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
 PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	No
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	No
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	No
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	No
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	N/A
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	No
2.2	Development Controls	Complies
	<i>Streetscape Presentation</i>	
.1.	1 New dwellings address street frontage with clear entry.	Yes
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	No
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
	<i>Scale, Massing & Rhythm of Street</i>	
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	No

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	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	No
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposal is considered to be excessive in bulk, scale and massing in relation to the surrounding dominant building rhythm and patterns in Elwin Street. The proposed built form has not been sited and configured in a manner that responds appropriately to its surrounding streetscape and context. The elongated form of the eastern wing of the building and its rearwards extent well beyond the rear building alignments of adjacent dwellings either side is significantly at odds with the established streetscape character and pattern of built forms in the immediate vicinity. The amended plans did not provide additional fenestration to the first floor master bedroom walk-in wardrobe facing the street. The proposal does not comply with many of the objectives in this section fundamentally due to the dwelling not respecting the predominant form and composition of existing built elements. Figure 9 demonstrates the existing rear setback and depth of the first floor within the site shown by the red dashed line. The proposed first floor depth exceeds this line by 6.9m in particular Bedroom 4 including the walk-in wardrobe and ensuite, therefore the proposal is not keeping with the built form character of the local area.

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Figure 9: Aerial view of current built form and pattern in Elwin Street with the red dashed line showing the depth of the two storey element in the rear setback (Source: Nearmaps 27/12/19).

4: Building Envelope

4.1 Objectives		Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	No
B.	To minimise impact on the amenity of adjoining properties.	No
C.	To establish and maintain the desired setbacks from the street and define the street edge.	Yes
D.	To create a perception or reinforce a sense of openness in the locality.	Yes
E.	To maintain view corridors between dwellings	Yes
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	No
G.	To provide a transitional area between public and private space.	Yes
4.2 Development Controls		Complies
Floor Space Ratio		
.1.	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2 Development compatible with the lot size	No
.2.	Building Height	

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	1	Height of building permissible pursuant to SLEP 2012	Yes
	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	No
	3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4	Building height responds to the gradient of the site to minimise cut and fill	No
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1	Yes
.3.2.	<i>Side and Rear Setbacks</i>		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes
	2	A rear setback of 6m (min)	Yes
	3	1 Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

Comments: The proposal does not satisfy the objectives for building envelope, in that the overall bulk and scale does not respond to the adjoining dwellings, topography and desired future character. Further, the underlying control requiring dwellings not be so large and bulky that they would create undesirable environmental impacts with respect to larger sites is not satisfied. The proposal is compliant in FSR for the site, however does not comply with the development control objectives. The large lot allows for numerical controls such as FSR, height and setbacks to comply within the sizeable building envelope (Figure 10). The objectives of this section have not been met resulting in an undesirable impact on the amenity of adjoining properties.

The outdoor toilet has a noncomplying maximum height of 5.53m above ground level, however further design changes to lower the BBQ Pavilion finished floor level to RL 28.7 (AHD) and the roof and the associated parapet above the BBQ Pavilion is to be lowered such that it is no higher than RL 32.2 (AHD) will resolve this issue as outlined in the deferred commencement consent. The dwelling uses the maximum allowable floor space on site with additional large voids positioned within the centre of the building exacerbating the length and bulk of the proposal. The unusual building footprint and two storey depth at 29.79m long with a maximum 8.25m high wall evident in the eastern elevation adds to the overall mass and bulk of the dwelling. The building height does not respond to the slope across the site, therefore needing additional fill in the rear yard to reduce the amount of steps down from the BBQ Pavilion. The proposal is not modestly scaled on the large lot and cannot be supported in its current form and can only be resolved through a deferred commencement.

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Figure 10: Building envelope of the subject site.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
.1.	Landscaped area	

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	1	Landscaped area in accordance with Table A.3	Yes
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes

Tree Protection

	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
	2	The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3	Development provides for the retention and protection of existing significant trees	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	5	Council may request the applicant to engage a project Arborist	Yes
.2.	6	Opportunities for planting new canopy trees within the front setback	Yes
	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes

Private Open Space

	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Fencing

.4.	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m	Yes

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	above NGL with the exception of brick piers	
4	Solid fencing 1.8m (max) is permitted along a secondary street frontage to enclose a private open space	Yes
5	Side and rear fences limited to 1.8m (max)	Yes
6	Side fences forward of the FBL taper down to the front fence.	Yes
7	Front fences visually permeable	Yes
8	Front fences on busy roads designed to provide acoustic attenuation	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
10	Corner allotments incorporate a 1.5m x 1.5m (min) splay adjacent to the road intersection	Yes
11	Solid fences adjoining driveways are provided with 1m x 1m (min) splay	Yes
12	A splay adjacent to a road intersection or driveway entrance must be landscaped	Yes
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	Yes
15	Dividing fences constructed of timber palings (lapped and capped) with height of 1.8m (max)	Yes

Comments: Based on the plans submitted to Council, adequate deep soil landscaped area will be provided both within the front and rear setbacks of the site. The landscaped area is well consolidated and will more than adequately accommodate new canopy trees and screen plantings. The plans indicate landscaped area is at 46.4% (626.7m²) over the required amount of 45% (607.37m²). The application proposes the removal of three (3) trees on site. Council’s Tree Management Officer was satisfied with the proposed Landscape Plan and tree removal. An arborist report was submitted and supported the removal of the trees due to their location within the building footprint. The application proposes a front fence facing Elwin Street with a maximum height of 1.5m. Planter boxes with shrubs are located in front of the fence to soften the visual impact of the fence and correspond with the existing landscaping along the street (Figure 11).

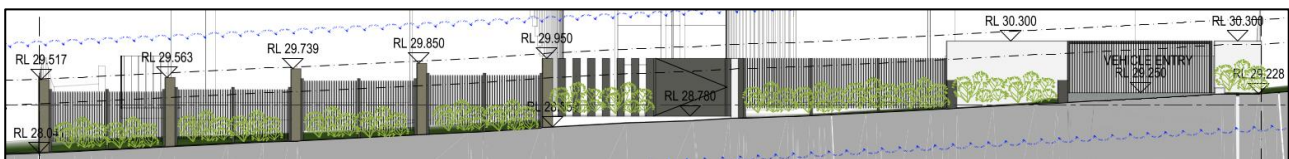


Figure 11: Proposed front fence.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes
B.	To minimise overshadowing of adjoining properties.	Yes
6.2	Development Controls	Complies
	Sunlight Access	
.1.	1 New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar	Yes

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	access between 9.00am and 3.00pm on June 21	
4	The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal will inevitably results in some loss of solar access for the adjoining properties to the east and west due to its bulk and mass. However, the north-south facing lot is beneficial for the development reducing the potential solar impact during the day. The supplied Shadow Diagrams indicate that adjoining dwellings at 10 Elwin and 16 Elwin will receive at least 3 hours direct solar access in their private open space during the winter solstice.

7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	No
B.	To maintain reasonable sharing of views from public places and living areas	Yes
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	Yes
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2	Development Controls	Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	No
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	No
	4 Improve privacy to adjacent properties with screen planting	Yes
.2.	Windows	
	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
.3.	Elevated Decks Verandahs and Balconies	
	1 Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	No
	2 Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3 Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	No
	4 Balconies extending the full width of the front façade are not permitted	Yes
.4.	Acoustic Privacy	

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1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes
2	Noise-sensitive rooms located away from noise sources	Yes
3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	Yes

Comments: Both neighbours on either side of the subject site have raised issues with privacy loss, decrease of visual amenity and loss in acoustic privacy. The likelihood of overlooking into neighbouring private open space areas has increased due to the length of the two storey dwelling and rear curved balconies extending the full width of the rear facade. The length of the building protruding into the rear yard is a significant change to the existing predominate rear setback built pattern which does not protect or retain the amenity of adjoining properties especially private open space. The location of the raised pool having a 1m side setback is only 4.56m from the western neighbours rear alfresco area and would reduce acoustic privacy. The proposed finished floor level of the BBQ pavilion is 1.36m above natural ground level, which is considered excessive and creates overlooking into the rear private open space at 10 Elwin Street. The deferred commencement consent address these issues through particular design changes to delete the rear balconies from Bedroom 4 and Master Bedroom.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2	Development Controls	Complies
.1.	Driveway and Grades	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes

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9	Driveways avoid long and straight appearance by using variations and landscaping	Yes
10	Driveway set back 0.5 metres (min) from side boundaries	Yes
11	Driveways incorporate unit paving into the design	Yes
12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes

Basements

.3.	1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No
	2	Excavation not permitted within the minimum side setbacks.	Yes
	3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes
	4	Internal clearance of 2.2m (min)	Yes
	5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
	6	Basement entries and ramps/driveways not greater than 3.5m wide	Yes
	7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
	8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
	9	Basements are discretionary on flood affected sites	Yes
	10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
	11	Basements are not to be used for habitable purposes	Yes

Comments: The basement is considered excessive and is not contained within the ground level footprint of the dwelling. The basement level extends out into the entrance way and the decking area of the BBQ Pavilion and cannot be supported in its current form. Two (2) parking spaces including an accessible space has been indicated on the plans. The applicant insures that the workshop, storage room and communications room will not be a habitable space.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory	
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	No	
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	No	
9.2	Development Controls	Complies	
	1	Fill limited to 1m (max) above NGL	Yes
	2	Clean fill used only	Yes
	3	Cut and fill batters stabilised consistent with the soil properties	Yes
	4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
	5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes

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6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: A reasonable amount of cut is required to accommodate the proposed development including the basement, vehicular access and pool. Fill is proposed to level out the rear yard by 0.64m along the eastern boundary, which is considered to be unnecessary as the dwelling does not successful step down and respond to the slope of the land.

10: Water and Soil Management

10.1	Objectives	Satisfactory	
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes	
B.	To ensure compliance with Council's Stormwater Management Code	Yes	
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes	
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes	
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes	
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes	
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes	
10.2	Development Controls	Complies	
.1.	<i>Stormwater Management and Flood Prone areas</i>		
	1	Applicant contacted Council regarding site being flood prone land	No
	2	Compliance with Council's Stormwater Management Code	Yes
	3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4	Minimum habitable floor height advice obtained for flood affected sites	Yes
	5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
.2.	<i>Acid Sulfate Soils</i>		
	1	Site managed consistent with the provisions contained in Clause6.1 SLEP 2012	Yes
.3.	<i>Soil Erosion and Sediment Control</i>		
	1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2	Sediment control measures applied	Yes

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3	Plans provided detailing stormwater quality treatment	Yes
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Comments: After receiving a submission raising issues with the proposed 'rubble pit', Council's Stormwater Engineer encouraged the applicants hydraulic engineer to amend the stormwater drainage plan so that the whole drainage system charges to the street hence no need for the rubble pit draining the balcony and the terrace. The amended Stormwater Plan dated 19-02-2019 detailed a 'charged pipe maintenance pit' in the rear yard. Council's Development Engineer has raised no concerns with the proposed method of stormwater drainage subject to conditions of consent.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	No
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	No
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
	<i>Address and Entry Sightlines</i>	
	1 Occupants able to overlook public places to maximise passive surveillance	No
.1.	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	No
	<i>Pedestrian Entries</i>	
.2.	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The amended plans submitted to Council did not address the issues raised with the Master bedroom's 'hers' walk-in wardrobe room is facing Elwin Street without any windows (Figure 12). This design is lacking in opportunities for passive surveillance and fenestration in the front facade. The proposed development has been designed with clearly identifiable pedestrian and vehicular entranceway.

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Figure 12: Front façade of the proposed dwelling.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	No
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	No
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes

12.2	Development Controls	Complies	
.2.	<i>Outbuildings</i>		
	1	Outbuilding located behind the front building line	Yes
	2	Side and rear setback is 0.5m (min)	Yes
	3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
	4	Windows do not face an adjoining property (exceptions apply)	Yes
	5	The roof area is not accessible for any purpose	Yes
	6	Outbuildings are not to be used for habitable purposes	Yes
	7	Kitchen facilities are not permitted in an outbuilding	Yes
8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes	
.6.	<i>Swimming Pools</i>		
	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property	Yes

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	boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	
4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The outdoor toilet has a noncomplying maximum height of 5.53m above natural ground level to the upper side of the parapet. An outdoor toilet of its height and 2.015m from the eastern shared boundary does not improve or maintain the amenity of surrounding dwellings and cannot be supported in its current form. Design changes in the deferred commencement consent require the roof and finished floor level to be lowered closer to natural ground. The sizeable 97.7m² in ground swimming pool maintains a setback of 1.03m to the western boundary and 4.5m from the neighbour's outdoor dining area. The location of this raised pool along the shared boundary is considered to be inappropriately positioned because it reduces acoustic privacy to this area and creates amenity issues for the adjoining residents.

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDPC 2005).	Yes
13.2	Development Controls	Complies
	Natural Lighting and Heating	
.1.	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes
	Natural Cooling and Ventilation	
.2.	1 Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2 Windows positioned to capture breezes and allow for cross-ventilation	Yes
	Water Tanks	
.3.	1 Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2 Associated support structures and plumbing are a colour that complements the dwelling.	Yes

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	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: The proposal has been designed such that all internal living areas to the eastern and western elevations of the dwelling, thus maximising solar access to these rooms during the morning and afternoon. Further, the proposal is accompanied by a BASIX certificate achieving compliance with the minimum water and energy use BASIX requirements. The development proposes a 20000L below ground rainwater tank along the southern elevation of the dwelling, instantaneous gas hot water system and solar panels.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. Compliance with the waste minimisation strategies of this waste management plan shall be enforced through the imposition of suitable conditions of consent.

PART P - HERITAGE (SCDCP 2005)

3: Development in the vicinity of heritage items

3.1: Setting

3.1.1	Objectives	Complies
1	To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes
2	To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.	Yes
3.1.2	Development Controls	Complies
(1)	Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item.	Yes
(2)	Views to or from a heritage item should not be obscured by new development	Yes
(3)	Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of	Yes

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	the dominant style, form and materials in the streetscape.	
(4)	Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees.	Yes

Comments: The proposal is directly opposite Heritage Item No. 137 at 15 Florence Street and does not visually dominate or overshadows the heritage item.

3.2: Scale

3.2.1	Objectives	Complies
1	To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item.	Yes

3.2.2	Development Controls	Complies
(1)	The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.	Yes
(2)	New development that obscures important views of a heritage item is not permitted.	Yes

Comments: The heritage item addresses Florence Street and is a substantial dwelling on the site and the proposed dwelling house would not result in any undue impact on the item in terms of its location and siting. The proposed dwelling house is very modern in design, materials and finishes and the scale does not detract from the significance of the heritage item.

3.3 Siting

3.3.1	Objectives	Complies
1	To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.	Yes
2	To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item.	Yes

3.3.2	Development Controls	Complies
(1)	The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.	Yes
(2)	The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.	Yes

Comments: The proposal is located across the road and is well setback from the heritage item. The dwelling is acceptable on a heritage ground.

3.4: Materials and colours

3.4.1	Objectives	Complies
1	To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.	Yes

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3.4.2	Development Controls	Complies
(1)	Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.	Yes

Comments: Issues were raised in the Additional Information Letter regarding materials and additional fenestration to the first floor northern elevation. However, these issues were not addressed in the submitted amended plans to Council.

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

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

Concerns are raised over the bulk and scale of the dwelling relative to the adjoining properties to the east and west of the site and more particularly the dwelling to the east and the associated visual bulk, privacy impacts on the rear yards of those adjoining properties. Further, the significantly elevated floor level of the BBQ Pavilion area (up to 1.35m above ground level) and the curved first floor rear balconies substantially increase the amount of overlooking into the neighbour's private open space areas. The lack of fenestration to the first floor northern elevation does not enhance the streetscape or passive surveillance of the street.

The proposal has been assessed against the planning principles established for height, bulk and scale as provided in *Veloshin v Randwick Council (2007) NSW LEC 428*. The relevant questions under this principle are addressed as follows:

Planning principle: assessment of height and bulk

- The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:

Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)

How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?

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Comment: Although the proposal is compliant with the maximum allowable FSR, the gross floor area of the building has been distributed such that it results in an elongated built form that extends well into the rear yard of the property, particularly adjacent to the eastern boundary of the site. As a result, the eastern elevation of the building creates unnecessary visual bulk and privacy impacts on the adjoining property number 10 Elwin Street. The bulk and two storey depth at 29.79m along the eastern boundary with a maximum 8.25m high wall is not desirable. The height of the dwelling towards the rear of the site does not respond to the slope of the site and results in excessive finished floor levels in the BBQ Pavilion area and a loss of amenity to adjacent properties private open spaces.

- Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:

Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the area?

Comment: An essential feature of Strathfield's visual appeal as a garden suburb has arisen from its traditional use of generous setbacks and modestly scaled dwellings on large lots. Whilst it is recognised that the current demand is for increasingly larger homes and ancillary facilities on the same sized lots, Council seeks to ensure that Strathfield's character is not eroded by "wall to wall" housing, diminished streetscapes and token gardens. The surrounding area is characterised predominately by detached housing located generally in the front half of the lots and with substantially open, leafy rear yards. The extent of the built form protruding well beyond the rear alignments of the adjoining dwellings does not fit with this prevailing local character.

- Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is:

Is the proposal consistent with the bulk and character intended by the planning controls?

Comment: Not applicable.

- Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is:

Does the proposal look appropriate in its context?

Comment: The proposal does not look appropriate when view from neighbouring rear yards due to the bulky structural element over the swimming pool, concrete roof over the BBQ Pavilion, rear balconies and first floor depth.

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

The proposed development is considered to be unsuitable to the site in its current form as larger sites should not allow dwellings that are so large and bulky that they would create undesirable environmental impacts. The composition of the dwelling mass has been enlarged and stretched along the eastern elevation due to the inclusion of sizeable voids, chair cases and lift shafts. The footprint of the building does not following the existing housing pattern in Elwin Street as the rear upper floor level extends a considerable amount further than existing built forms. The bulk and scale of the dwelling has raised issues with the amenity of surrounding neighbours in particular privacy loss, decrease of visual amenity and loss in acoustic privacy. The bulk and scale of the

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dwelling does not protect or retain the amenity of adjoining properties especially private open space, therefore is not suitable for the site and requires design changes to satisfy Council's requirements.

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 SCDP 2005 from **7 January 2019** to **4 February 2019** (extended to four (4) weeks in total due to the holiday period in accordance to Council's extended notification during the Christmas holiday period), with **two (2)** submissions received from a Town Planner and a Builder on behalf of the land owners. Site visits to both properties occurred on the 7th of February 2019 in order to understand the potential impacts of the proposal along their adjoining boundaries and private open spaces. The objections raised the following concerns:

1. GFA and FSR calculations

- *Insufficient information regarding the calculated GFA of the development. Addition areas should include the large circular stair void and the lift well as they are not areas for "common vertical circulation" and will require a clause 4.6 seeking an exception to the FSR.*

Assessing officer's comments: According to the definition of the gross floor area in the Strathfield LEP 2012, any area for common vertical circulation, such as lifts and stairs is to be excluded. The applicant has appropriately excluded the areas occupied by the lift and stairs on all floor levels. Based on Council's interpretation of gross floor area and the floor space calculation provided by the applicant, the proposal complies with FSR development standards.

2. Excessive bulk and scale

- *The bulk and scale of the building has significant adverse visual impact from the inclusion of the 'BBQ Pavilion' and 'Bedroom 4' (including the walk-in wardrobe and ensuite). The eastern first floor protrudes substantially within the rear gardens setback cause adverse amity impacts upon the eastern adjoining neighbour.*

Assessing officer's comments: There is some merit in the submissions made concerning this issue and the proposal is considered excessive in bulk and scale due to the inclusions of sizeable voids, staircases and lifts within the building configuration. The maximum allowable amount of floor space is used and the building footprint is elongated in particularly adjacent the eastern boundary (Figure 13) and is out of context with the surrounding built form. The length of the first floor eastern wing does create visual bulk and privacy loss for adjoining residents.

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Figure 13: View from the private open space at 10 Elwin Street looking towards 12-14 Elwin Street where the BBQ Pavilion and Bedroom 4 will be located up to the left tree.

3. Solar Access

- *The building's depth is not appropriate and overshadows 10 Elwin Street. The poor design generates additional shadows extending into neighbouring properties.*

Assessing officer's comments: The north-south facing lot is beneficial for the subject site and reduces the potential solar impact during the day. The supplied Shadow Diagrams indicate that adjoining dwellings at 10 Elwin and 16 Elwin will receive at least 3 hours direct solar access in their private open space during the winter solstice and complies with the DCP requirement.

4. Privacy

- *The original plans show the 'BBQ Pavilion' with its elevated floor level, 1400mm sill height and vertical louvres will directly overlook the private open space at 10 Elwin Street. Horizontal fixed privacy screens to a height of 1.7m are requested to be enforced along the eastern elevation.*
- *The size and location of the non-complying curved first floor balconies would allow for unrestricted overview into the rear private open space from anywhere along the length of the rear balcony and the proposed landscaping cannot be relied upon to restrict overlooking. Privacy screens at the end of the balconies would be ineffective due to the curved balcony protruding further past this point and has direct view into 16 Elwin Street.*
- *The large floor to ceiling window to the first floor ensuite and walk-in wardrobe on the western side of the site raised privacy issues as the dwelling at 16 Elwin has windows directly opposite the proposed location.*

Assessing officer's comments: The privacy issues raised by both adjoining neighbours are of significant merit and would result in privacy loss, decrease of visual amenity and loss in acoustic privacy. The finished floor level of the BBQ Pavilion is excessively raised above natural ground level at 1.36m and does not reason to the slope across site. The curved first floor balconies do not comply with Council controls and are not supported. The applicant was made aware of these issues and responded by installing privacy screens at each end of the balconies and by adding glazing to the windows of interest. Overlooking from the rear balconies would still occur (Figure 14)

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and are not supported in their current form due to adverse amenity impacts to neighbours. Deletion of these balconies off Bedroom 4 and the Master Bedroom is a requirement of the deferred commencement consent.



Figure 14: View from 16 Elwin Street looking towards the subject site.

5. Stormwater

- *The site has a significant slope at 1.7m from the NW corner to the SE corner and means that all surface water will flow to a 450mm x 450mm 'Rubble Pit' Pit S.L 28 and I.L 27.70. We do not accept that a 'rubble pit' will provide sufficient infiltration and that the runoff from the proposed development will be concentrated and redirected into 10 Elwin Street and other rear neighbours.*

Assessing officer's comments: Council's Stormwater Engineer was notified about the issue and requested Alpha Engineering and Development to change the plans. Amended Stormwater Plans No. A8426-SW03 dated 19/02/2019 replaced the 'rubble pit' with a 'charged pipe maintenance pit'. Council's Stormwater Engineer was satisfied that the amended plans addressed the issue that the objector raised.

6. Swimming Pool

- *The location of the proposed swimming pool is of concern, set at the minimum Council control of 1m from the common side boundary, it allows little room for access down this side of the property once the planned screen planting is established. The distance of the pool from the side boundary should be increased to allow for sufficient space for the pool fence and mature sized planting.*

Assessing officer's comments: The location of the raised pool having a 1m side setback is only 4.56m from the western neighbour's rear alfresco area and would reduce acoustic privacy. A design change is required according to the deferred commencement consent for the swimming pool to be setback from the western boundary with a minimum distance of 2.53m.

4.15 (1)(e) the public interest

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The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest due to its bulk, scale and undesired built form and design changes are essential to meet Council's design requirements.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$24,171.00
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CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005. The proposal is not supported in its current form having regard to the issues raised relating to the massing of the built form and the other incidental matters. Notwithstanding, these issues may be readily addressed by suitable design changes via a deferred commencement consent. These design changes include;

- The portion of the building comprising Bedroom 4 and the adjacent balcony, planter boxes, walk-in wardrobe, ensuite and shower room is to be deleted. The remaining southern façade off Bedroom 3 and the adjacent hallway is to be a fully solid wall with no openings. The remaining roofed area is to be a flat concrete roof and non-trafficable, other than for access to maintenance purposes.
- The bedroom and associated walk-in wardrobe and ensuite deleted from the rear of the building is to be relocated to the space noted as 'WIR HER' located in the north western corner of the first floor of the building. Additionally, fenestration is to be provided within the northern wall of this space, so as to allow for access to natural light and ventilation.
- The 1m wide portion of balcony off the Master Bedroom is to be deleted and replaced with a planter box contiguous with the adjacent proposed planter box.
- The finish floor level of the BBQ Pavilion and the pool coping is to be lowered such that it is no higher than RL 28.7 (AHD) and the roof and the associated parapet above the BBQ Pavilion is to be lowered such that it is no higher than RL 32.2 (AHD).
- The swimming pool is to be reduced in size such that the coping along its western perimeter is a minimum distance of 2.53m off the western side boundary. Further, the structural element above the pool is to be deleted wholly.

PEER REVIEW

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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. 2018/176 for construction of a two (2) storey dwelling with a basement level, swimming pool and front boundary fence at 12-14 Elwin Street, Strathfield be recommended as **DEFERRED COMMENCEMENT**.

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

D1 DESIGN CHANGES:

Submission of architectural drawings including the following design changes, to Council's satisfaction;

A. FIRST FLOOR CONFIGURATION

The portion of the building comprising Bedroom 4 and the adjacent balcony, planter boxes, walk-in wardrobe, ensuite and shower room is to be deleted. The remaining southern façade off Bedroom 3 and the adjacent hallway is to be a fully solid wall with no openings. The remaining roofed area is to be a flat concrete roof and non-trafficable, other than for access to maintenance purposes.

(Reason: To reduce the bulk and scale on the eastern elevation and to match existing building forms within the streetscape.)

B. RELOCATED BEDROOM

The bedroom and associated walk-in wardrobe and ensuite deleted from the rear of the building is to be relocated to the space noted as 'WIR HER' located in the north western corner of the first floor of the building. Additionally, fenestration is to be provided within the northern wall of this space, so as to allow for access to natural light and ventilation.

(Reason: To reduce the bulk and scale on the eastern elevation and to match existing building forms within the streetscape.)

C. REAR FIRST FLOOR BALCONIES

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The 1m wide portion of balcony off the Master Bedroom is to be deleted and replaced with a planter box contiguous with the adjacent proposed planter box.

(Reason: To increase the amenity of neighbouring residence and reduce overlooking of existing private open space in rear yards.)

D. BBQ PAVILION

The finish floor level of the BBQ Pavilion and the pool coping is to be lowered such that it is no higher than RL 28.7 (AHD) and the roof and the associated parapet above the BBQ Pavilion is to be lowered such that it is no higher than RL 32.2 (AHD).

(Reason: To reduced excessive finished floor levels to be no greater than 1m above natural ground level.)

E. SWIMMING POOL AND STRUCTURAL ELEMENT

The swimming pool is to be reduced in size such that the coping along its western perimeter is a minimum distance of 2.53m off the western side boundary. Further, the structural element above the pool is to be deleted wholly.

(Reason: To preserve the amenity of neighbouring residence.)

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/176:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA.02	Basement Plan	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.03	Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.04	First Floor Plan	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.05	Roof & Site Plan	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.06	North & East Elevation	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.07	South & West Elevation	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.08	Section A-A, B-B	Bechara Chan	Revision B,	6 February

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		& Associates Pty Ltd	21.01.19	2019
DA.09	Section C-C, D-D	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.10	Section E-E, Front Fence Elevation	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
DA.11	Driveway Section	Bechara Chan & Associates Pty Ltd	Revision B, 21.01.19	6 February 2019
L-01	Landscape Plan	Sussan Zindo Landscape Architect	Revision A, 13.12.18	21 December 2018
L-02	Landscape Plan	Sussan Zindo Landscape Architect	Revision A, 13.12.18	21 December 2018
A8426 – Cover	Stormwater Plans	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019
A8426 – SW01	Sediment and Erosion Control Plan	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019
A8426 – SW02	Basement Drainage Plan	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019
A8426 – SW03	Ground Floor Drainage Plan	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019
A8426 – SW04	First Floor Drainage Plan	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019
A8426 – SW05	Roof Drainage Plan	Alpha Engineering and Development	Revision C, 19.02.2019	20 February 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/176:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Schedule of colours and finishes	Bechara Chan & Associates Pty Ltd	Issue A	21 December 2018
Basix Certificate No. 977483S	Eco Certificates Pty Ltd	Issue A, 19 December 2018	21 December 2018
NatHERs	Eco Certificates Pty Ltd	Issue A, 19 December 2018	21 December 2018
Waste Management Plan	Bechara Chan & Associates Pty Ltd	Issue A, 12 December 2018	21 December 2018

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Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services	Issue A, 31 January 2019	6 February 2019
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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.)

2. 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) 36.6 AHD to the lift overrun of the building.

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

3. CONSTRUCTION HOURS (GC)

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

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

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

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

4. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)

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

(Reason: Privacy amenity of adjoining properties.)

5. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

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

Tree No. in Arborist Report	Tree	Location
#5	Port Wine Magnolia	In the building footprint
#6	NSW Christmas Bush	In the building footprint
#7	Cotoneaster	In the building footprint

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

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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.)

6. 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 - 2009 , Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

7. 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.)

8. 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

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- 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.)

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

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

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

10. **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.)

11. **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 (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

12. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

13. 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.)

14. 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.)

15. 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.)

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

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

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

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

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

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

18. 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.)

19. 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

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connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

20. **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

**DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)**

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.)

21. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

22. 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:

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

- 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.)

23. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at \$2,417,100.00 and the applicable Development Application Fee on this amount would be \$6,062.46 which includes a Planning Reform Fee of \$1,541.94. As a Development Application fee of \$3823 was paid when lodging the application, the difference of **\$2239.46** (including \$778.94 Planning Reform Fee) shall be paid to Council prior to the issue of a Construction Certificate.

(Reason: Statutory requirement.)

24. 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.)

25. PRIVACY - MEASURES TO BE COMPLIED WITH (CC)

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

- i) All windows off Bedrooms 1, 2 and 3 are to maintain a sill height of 1.7m as indicated in the Eastern Elevation on drawing number DA.06.

(Reason: Privacy amenity.)

26. SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$24,171.00
--------------------------------	--------------------

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

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

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

A security (damage deposit) of **\$18,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

28. **STORMWATER - RAINWATER RE-USE (CC)**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

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

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

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

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

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

(Reason: Safety and statutory compliance.)

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

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

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

31. TREE BONDS (CC)

A tree bond of **\$6,600.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

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

32. 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

**DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)**

commences:

- notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

33. HOME BUILDING COMPENSATION FUND (CW)

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

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

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

 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

34. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

35. 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.)

36. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

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

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

37. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

38. 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.)

39. 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.)

40. 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,

**DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)**

maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

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

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

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

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

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

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

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

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

(Reason: Safety and statutory compliance.)

42. GEOTECHNICAL REPORT (OC)

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geo-practitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) other geo-technical information or issues considered relevant to design and

DA2018/176 - 12-14 Elwin Street, Strathfield
Lot 1 DP 324569 (Cont'd)

construction monitoring.

(Reason: Structural safety.)

ATTACHMENTS

1. [↓](#) Architectural Plan

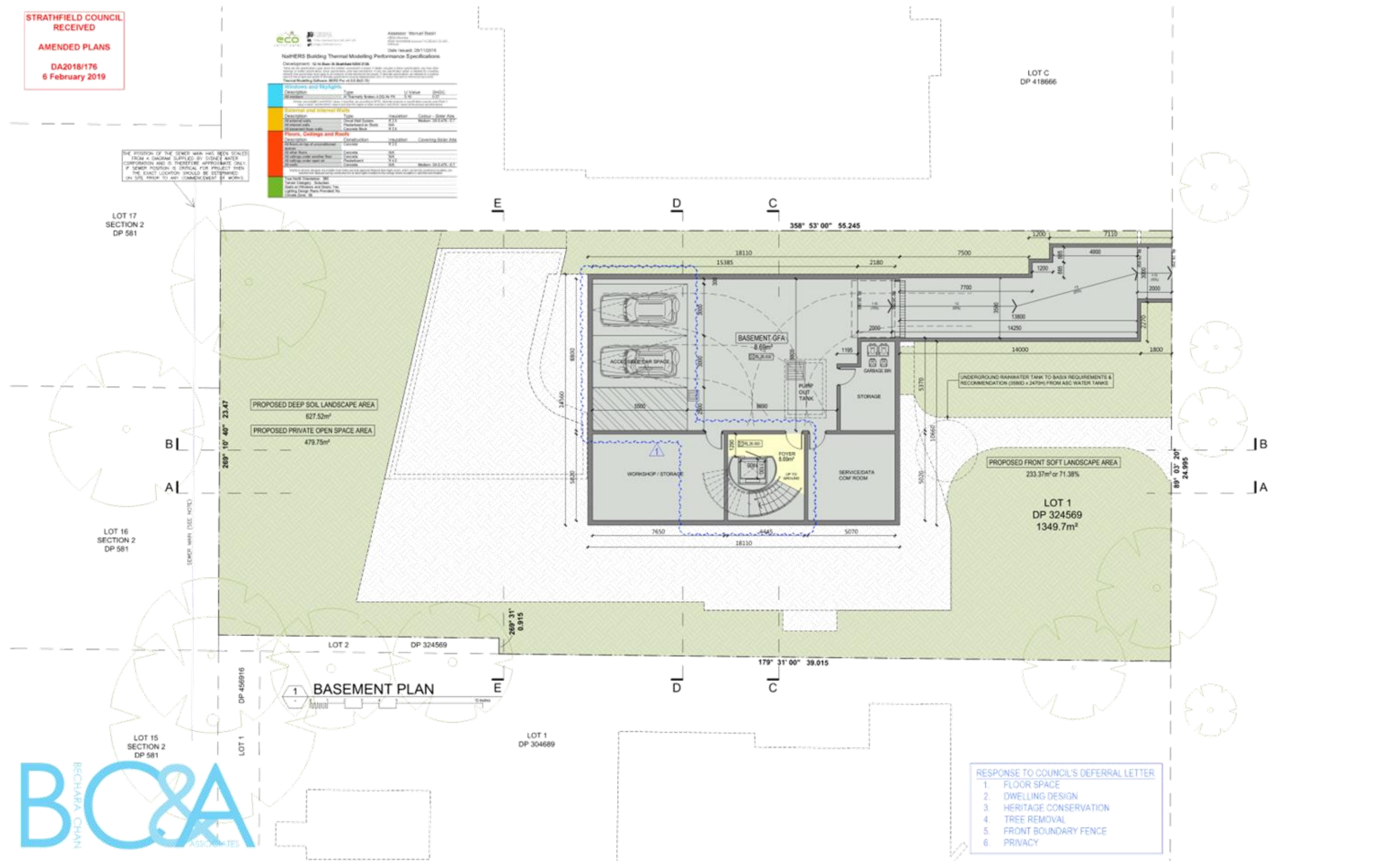
STRATHFIELD COUNCIL
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AMENDED PLANS
DA2018/176
6 February 2019

eco | NERS | NERS Building Thermal Modelling Performance Specifications

Development: 12-14 Ewin Street, Strathfield NSW 2159
State: NSW | State ID: 20110216
Thermal Modelling Software: NERS Pro v.3.3.3.33

Component	Type	U-value	g-value
Roof	Insulation	0.15	0.00
Walls	Insulation	0.15	0.00
Floors	Insulation	0.15	0.00
Windows	Double Glazed	1.5	0.75
Doors	Insulation	0.15	0.00

Notes:
1. The position of the sewer main has been scaled from a diagram supplied by STRATHFIELD WATER CORPORATION and is therefore approximate only. IF SEWER POSITION IS CRITICAL FOR PROJECT THEN THE EXACT LOCATION SHOULD BE DETERMINED ON SITE PRIOR TO ANY COMMENCEMENT OF WORKS.



- RESPONSE TO COUNCIL'S DEFERRAL LETTER
1. FLOOR SPACE
 2. DWELLING DESIGN
 3. HERITAGE CONSERVATION
 4. TREE REMOVAL
 5. FRONT BOUNDARY FENCE
 6. PRIVACY



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STRATHFIELD COUNCIL RECEIVED
AMENDED PLANS
 DA2018/176
 6 February 2019

NalHERS Building Thermal Modelling Performance Specifications

Development: 12-14 Elwin Street, Strathfield NSW
 Date Issued: 20/11/2018
 Thermal Modelling Software: NalHERS v4.3.3.10

Component	Type	Insulation	Colour	Solar App
Roof	External Wall	R 1.5	White	0.15
External Wall	External Wall	R 0.15	White	0.15
Window	Window	U 0.8	White	0.15
Door	Door	U 0.8	White	0.15
Floor	Floor	R 0.15	White	0.15
Slab	Slab	R 0.15	White	0.15
Basement	Basement	R 0.15	White	0.15
Basement Floor	Basement Floor	R 0.15	White	0.15
Basement Wall	Basement Wall	R 0.15	White	0.15
Basement Ceiling	Basement Ceiling	R 0.15	White	0.15
Basement Floor	Basement Floor	R 0.15	White	0.15
Basement Wall	Basement Wall	R 0.15	White	0.15
Basement Ceiling	Basement Ceiling	R 0.15	White	0.15
Basement Floor	Basement Floor	R 0.15	White	0.15
Basement Wall	Basement Wall	R 0.15	White	0.15
Basement Ceiling	Basement Ceiling	R 0.15	White	0.15

THE POSITION OF THE SEWER MAIN HAS BEEN DERIVED FROM A DIAGRAM SUPPLIED BY STRATHFIELD WATER CORPORATION AND IS THEREFORE APPROXIMATE ONLY. IF SEWER POSITION IS CRITICAL FOR PROJECT THEN THE EXACT LOCATION SHOULD BE DETERMINED ON SITE PRIOR TO ANY COMMENCEMENT OF WORKS.

- RESPONSE TO COUNCIL'S DEFERRAL LETTER**
1. FLOOR SPACE
 2. DWELLING DESIGN
 3. HERITAGE CONSERVATION
 4. TREE REMOVAL
 5. FRONT BOUNDARY FENCE
 6. PRIVACY



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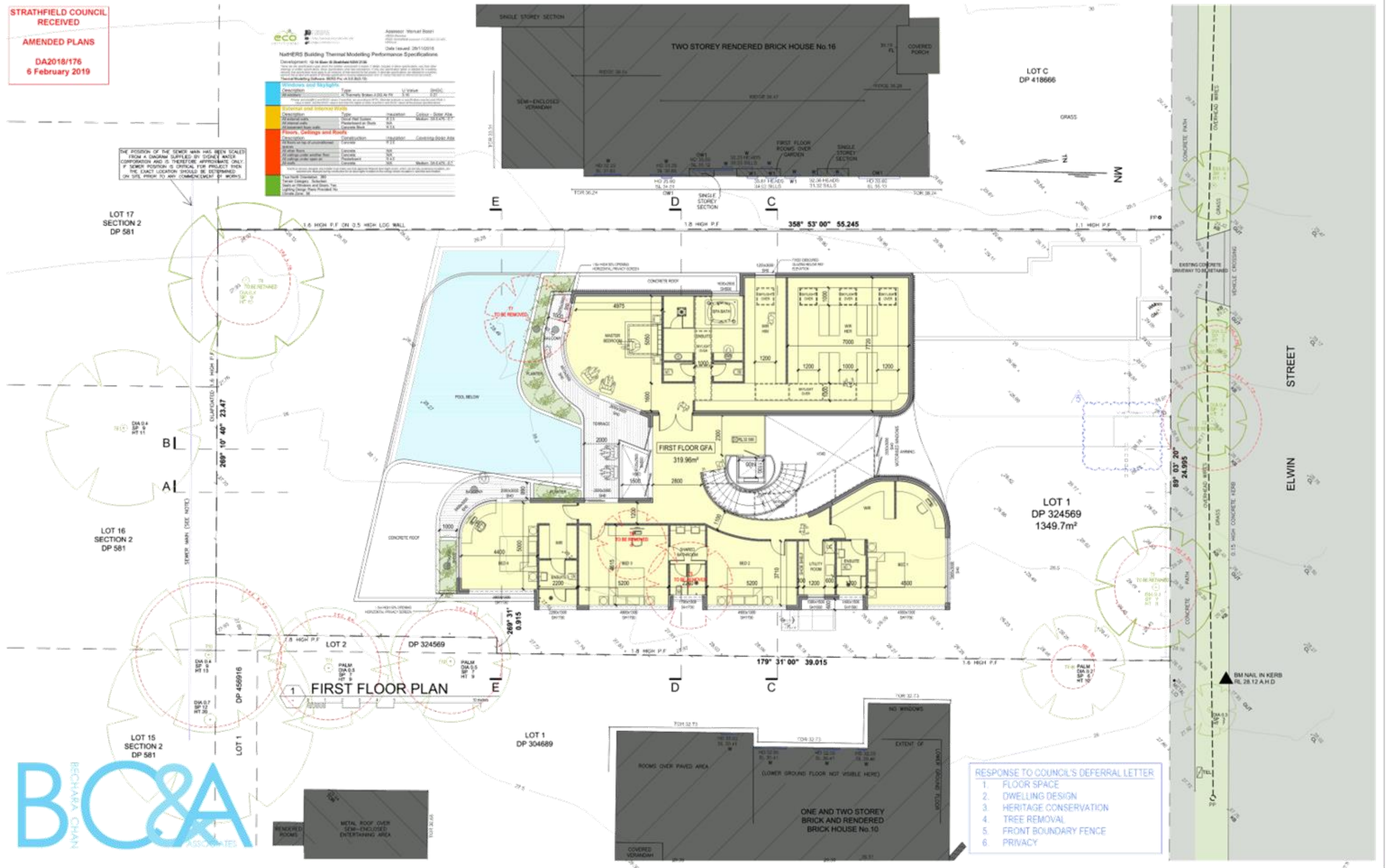


Bechara Chan & Associates Pty Ltd
 Suite 21, Level 1, 111 Eastmoreland Road, Eastmoreland NSW 2122
 W: 02 9550 1111

GROUND FLOOR PLAN

DA.03





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PROPOSED TWO STOREY DWELLING HOUSE
 12-14 ELWIN STREET, STRATHFIELD
DA.04

FIRST FLOOR PLAN

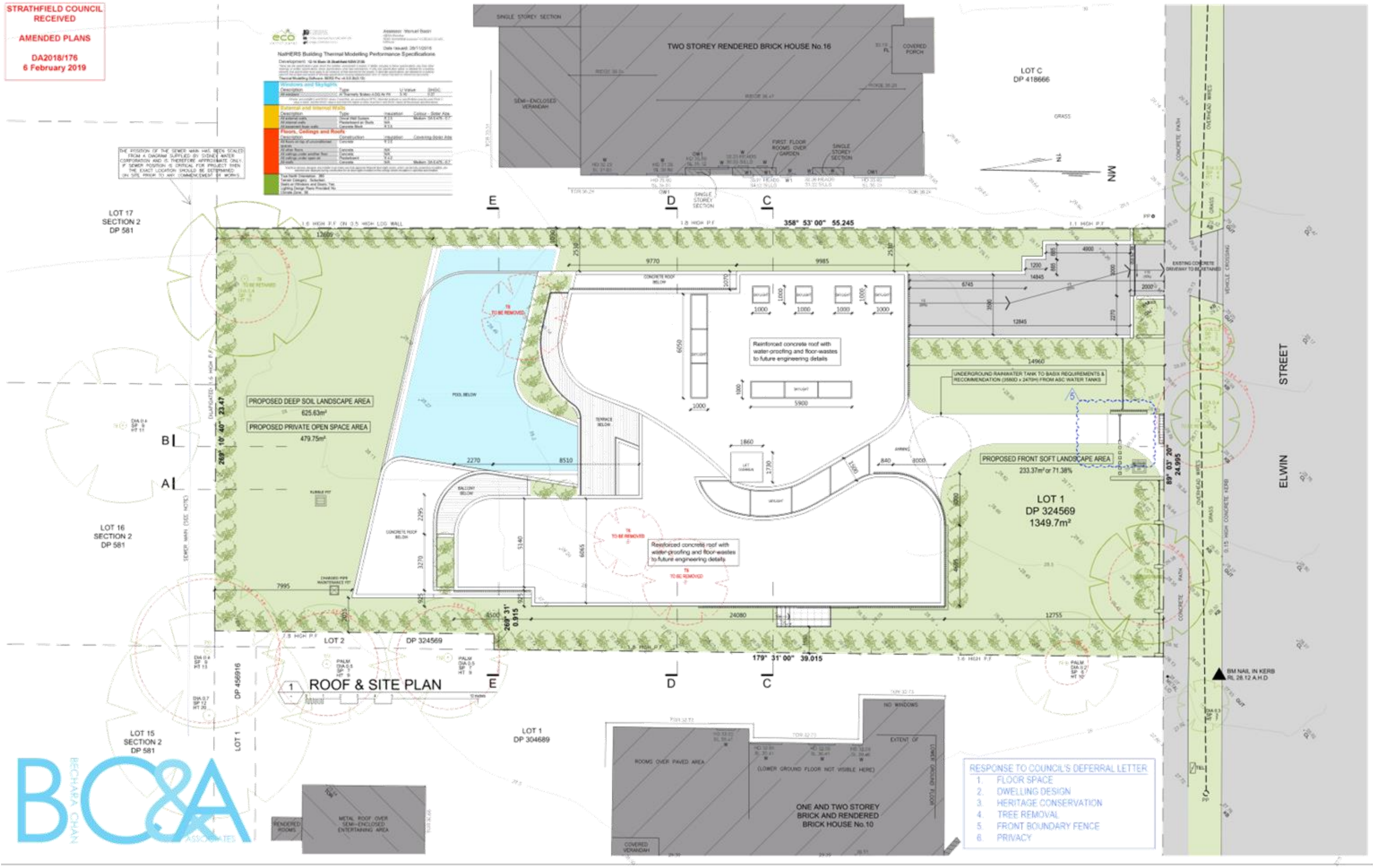
DRAWN: HK
 CHECKED: GB
 PROJECT NO: 16006
 SCALE: 1:100 (A1) / 1:250 (A3)
 DATE: SEPTEMBER 2018

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DA2018/176
6 February 2019

NahERS Building Thermal Modelling Performance Specifications

Development: 12-14 ELWIN STREET, STRATHFIELD NSW
 Drawing: 12-14 ELWIN STREET, STRATHFIELD NSW
 State: NSW
 Date Issued: 28/11/2018
 Thermal Modelling Software: NHERS Pty Ltd v. 4.2.2.00.10

Component	Type	U-value	Colour	Other	Notes
Roof	Concrete	0.18	Grey	None	Minimum U-value: 0.18
Walls	Brick	0.25	Red	None	Minimum U-value: 0.25
Floors	Concrete	0.12	Grey	None	Minimum U-value: 0.12
Windows	Double Glazed	0.8	White	None	Minimum U-value: 0.8
Doors	Timber	1.8	White	None	Minimum U-value: 1.8
Glazing	Double Glazed	0.8	White	None	Minimum U-value: 0.8
Roof	Concrete	0.18	Grey	None	Minimum U-value: 0.18
Walls	Brick	0.25	Red	None	Minimum U-value: 0.25
Floors	Concrete	0.12	Grey	None	Minimum U-value: 0.12
Windows	Double Glazed	0.8	White	None	Minimum U-value: 0.8
Doors	Timber	1.8	White	None	Minimum U-value: 1.8
Glazing	Double Glazed	0.8	White	None	Minimum U-value: 0.8



1 ROOF & SITE PLAN

- RESPONSE TO COUNCIL'S DEFERRAL LETTER**
- FLOOR SPACE
 - DWELLING DESIGN
 - HERITAGE CONSERVATION
 - TREE REMOVAL
 - FRONT BOUNDARY FENCE
 - PRIVACY



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<p>Drawn: HK Checked: GB Date: SEPTEMBER 2018</p>	<p>Scale: 1:100 (A1) 1:250 (A3)</p>	<p>Project No: 18006</p>	<p>Project Name: PROPOSED TWO STOREY DWELLING HOUSE</p>	<p>Project Address: 12-14 ELWIN STREET, STRATHFIELD</p>	<p>Project Reference: DA.05</p>

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RECEIVED
AMENDED PLANS
DA2018/176
6 February 2019



eco energy solutions
Assessor: Miriam Burt
Date Issued: 28/11/2018

HERO Building Thermal Modelling Performance Specifications

Development: 12-14 Elwyn Street Strathfield NSW
Date of Assessment: 28/11/2018

Component	Type	U Value	Control	Solar Abs
Roof	Concrete Slab	0.18	None	0.00
Walls	Brick	0.18	None	0.00
Floors	Concrete Slab	0.18	None	0.00
Windows	Double Glazed	0.25	None	0.00
Doors	Double Glazed	0.25	None	0.00
Glazing	Double Glazed	0.25	None	0.00
Shading	None	0.00	None	0.00
Internal	None	0.00	None	0.00
External	None	0.00	None	0.00
Overall	None	0.18	None	0.00

FINISHES

A	Walls Balcony rendered & painted with Dulux Lexicon Quarter
B	Walls Balcony rendered & painted with Dulux Bronze Fig
C	Walls Balcony rendered & painted with Dulux Maley Grey
D	Aluminium Window Frames & Featured Cladding coated with Dulux Colorbond Woodland Grey
E	Featured Cladding Powder coated Dulux Colorbond Surmist
F	Metal Awning Cladding Powder coated Dulux Colorbond Cortex



RESPONSE TO COUNCIL'S DEFERRAL LETTER

- FLOOR SPACE
- DWELLING DESIGN
- HERITAGE CONSERVATION
- TREE REMOVAL
- FRONT BOUNDARY FENCE
- PRIVACY

Revision	Client	Design No.	Drawing	Project
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AMENDED PLANS
DA2018/176
6 February 2019



Assessor: Marsan Badi
Date Issued: 28/11/2018
NonHERS Building Thermal Modelling Performance Specifications

Component	Type	U Value	Control	Solar Abs.
Roof	Concrete Slab	0.18	None	0.00
Walls	Brick	0.18	None	0.00
Floors	Concrete Slab	0.18	None	0.00
Windows	Double Glazed	0.25	None	0.00
Doors	Double Glazed	0.25	None	0.00

FINISHES

	A Walls Balcony rendered & painted with Dulux Lexicon Quarter
	B Walls Balcony rendered & painted with Dulux Bronze Fig
	C Walls Balcony rendered & painted with Dulux Maley Grey
	D Aluminium Window Frames & Featured Cladding coated with Dulux Colorbond Woodland Grey
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- RESPONSE TO COUNCIL'S DEFERRAL LETTER
1. FLOOR SPACE
 2. DWELLING DESIGN
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Revision	Client	Design No.	Drawing	Project
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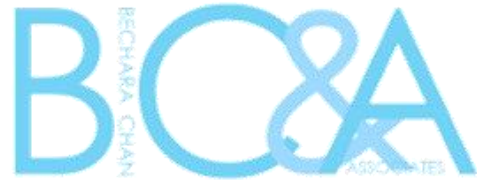
NonHERO Building Thermal Modelling Performance Specifications

Development: 12-14 Elwyn Street Strathfield NSW
 Date Issued: 28/11/2018

Component	Type	U Value	Control	Solar Abs
Roof	Concrete Slab	0.18	None	0.00
External Wall	Brick Masonry	0.25	None	0.00
Window	Double Glazed	0.50	None	0.00
Door	Insulated	0.20	None	0.00
Floor	Concrete Slab	0.18	None	0.00

FINISHES

- A Walls Balcony rendered & painted with Dulux Lexicon Quarter
- B Walls Balcony rendered & painted with Dulux Bronze Fig
- C Walls Balcony rendered & painted with Dulux Maley Grey
- D Aluminium Window Frames & Featured Cladding coated with Dulux Colorbond Woodland Grey
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- F Metal Awning Cladding Powder coated Dulux Colorbond Cortex

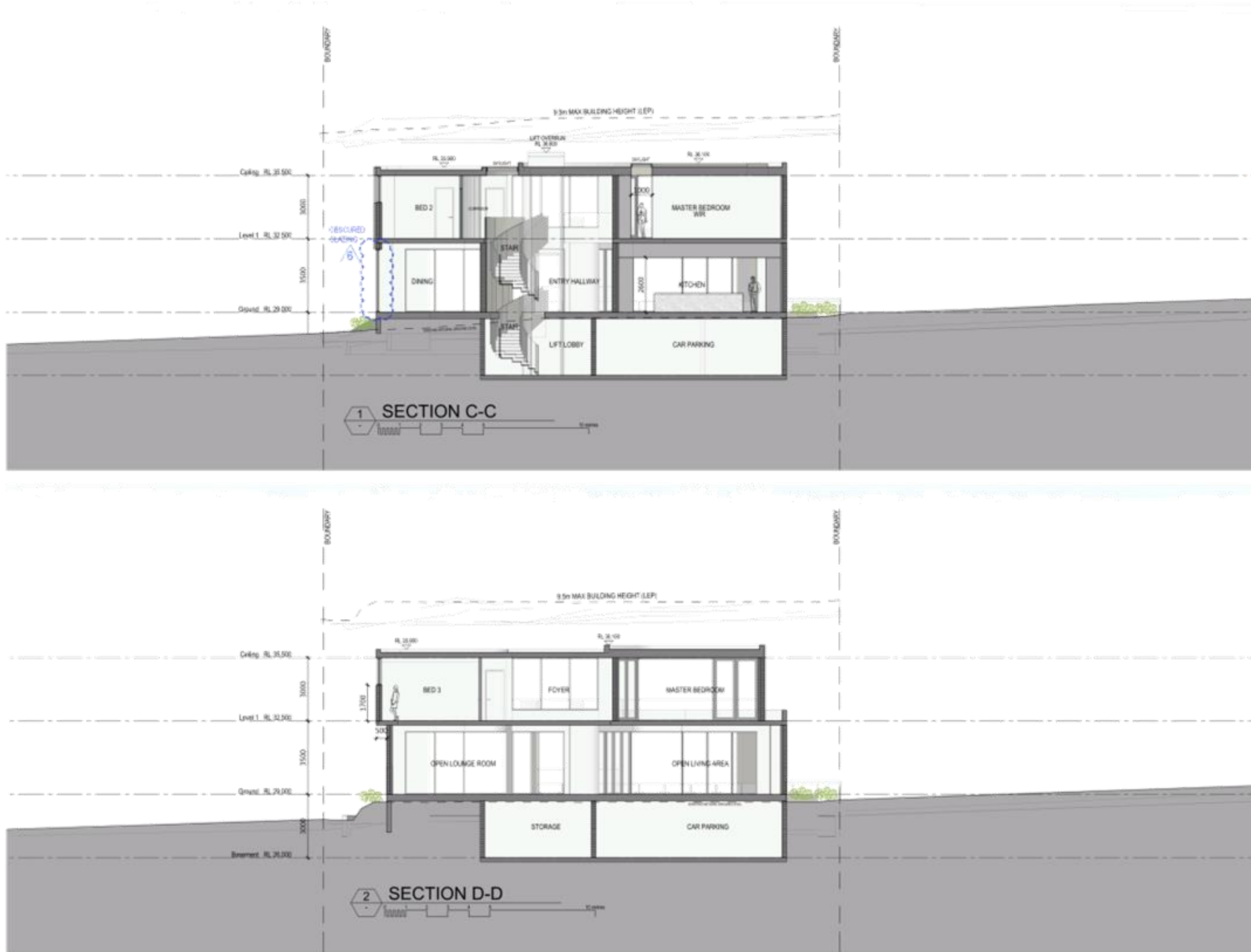


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- RESPONSE TO COUNCIL'S DEFERRAL LETTER**
- FLOOR SPACE
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STRATHFIELD COUNCIL
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DA2018/176
6 February 2019



eco

Author: Maxwell Beatt
Date issued: 28/11/2018

Nuthers Building Thermal Modelling Performance Specifications

Development: 12-14 Elwyn Street, Strathfield NSW

Description	Type	U-Value	SHGC
External Walls	Brick	0.18	0.45
Internal Walls	Plasterboard on Stud	0.18	0.45
Roof	Concrete Slab	0.18	0.45
Floors	Concrete Slab	0.18	0.45
Windows	Aluminium Window	0.50	0.45
Doors	Aluminium Door	0.50	0.45

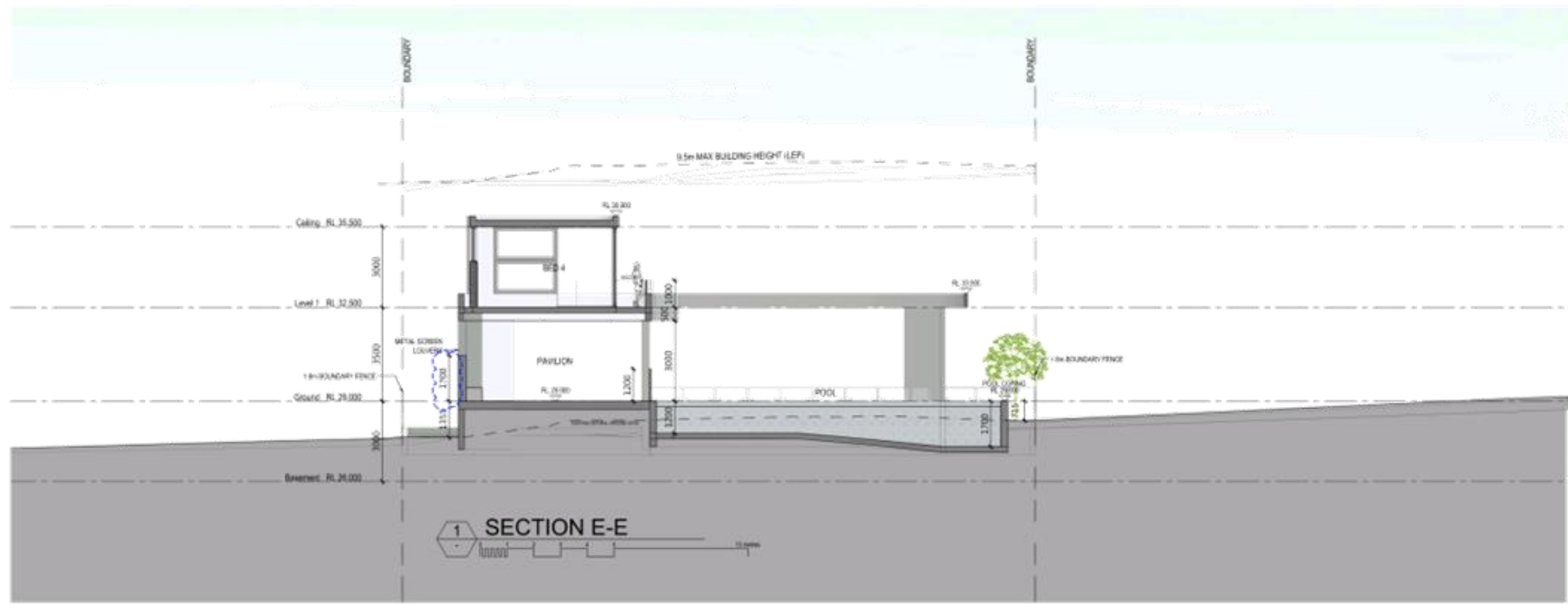
FINISHES

	A Walls Balcony rendered & painted with Dulux Lexicon Quarter
	B Walls Balcony rendered & painted with Dulux Bronze Fig
	C Walls Balcony rendered & painted with Dulux Maley Grey
	D Aluminium Window Frames & Featured Cladding coated with Dulux Colorbond Woodland Grey
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eco

Author: Maxwell Smith
Date issued: 28/11/2018

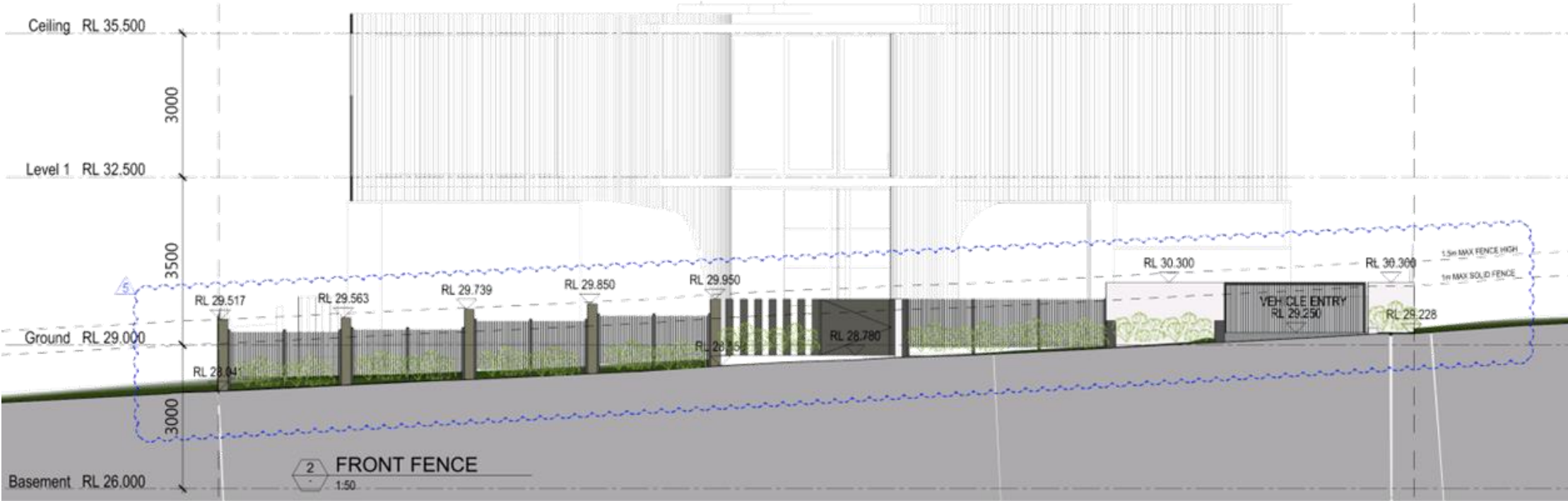
NuHERS Building Thermal Modelling Performance Specifications

Development: 12 on One in Strathfield NSW
Location: 12/14 Elwyn Street, Strathfield NSW 2159
Project: 12/14 Elwyn Street, Strathfield NSW 2159
Drawing: 12/14 Elwyn Street, Strathfield NSW 2159

Description	Type	U-Value	SHGC
Roof	Roof	0.18	0.45
External Walls	External Walls	0.25	0.45
Internal Walls	Internal Walls	0.25	0.45
Glazing	Glazing	1.0	0.45
Floors	Floors	0.18	0.45
Windows	Windows	1.0	0.45
Doors	Doors	1.0	0.45
Basement	Basement	0.18	0.45

FINISHES

	A Walls Balcony rendered & painted with Dulux Lexicon Quarter
	B Walls Balcony rendered & painted with Dulux Bronze Fig
	C Walls Balcony rendered & painted with Dulux Maley Grey
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- RESPONSE TO COUNCIL'S DEFERRAL LETTER
- FLOOR SPACE
 - DWELLING DESIGN
 - HERITAGE CONSERVATION
 - TREE REMOVAL
 - FRONT BOUNDARY FENCE
 - PRIVACY

Revision	Client	Design No.	Drawing	Project
A ISSUED FOR DA COORDINATION B ISSUED FOR DA RFI		12/11/2018 21/01/2019	18006 1:100 (1:50 on A1: 1:200) (1:50 on A3) DATE: SEPTEMBER 2018	PROPOSED TWO STOREY DWELLING HOUSE 12/14 ELWYN STREET, STRATHFIELD

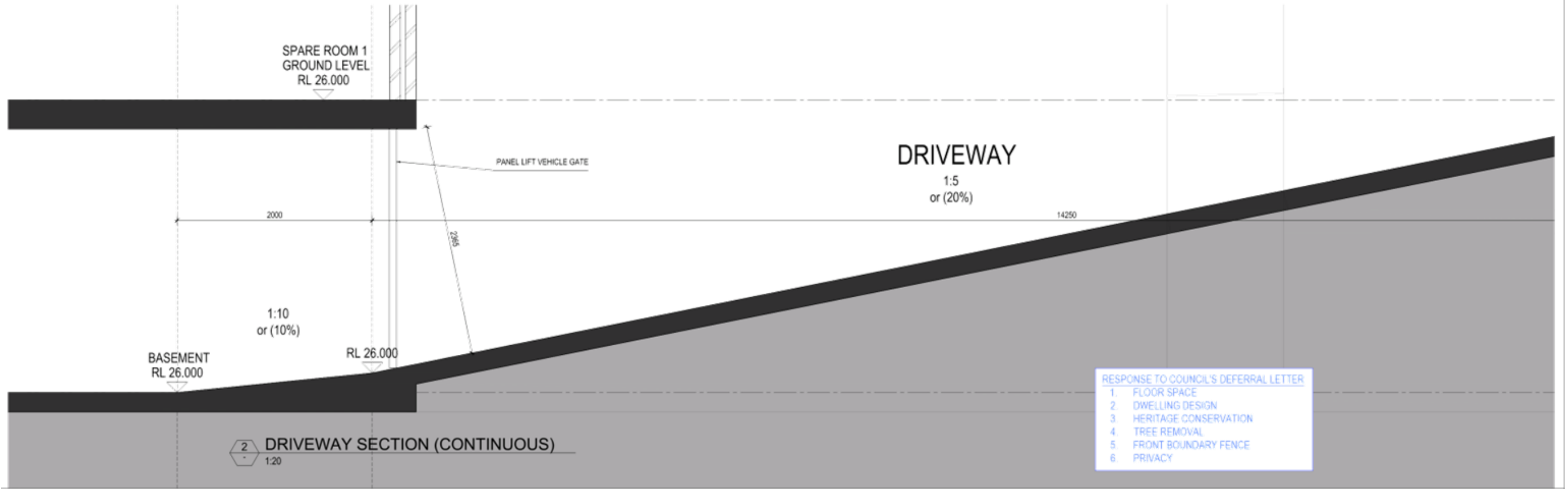
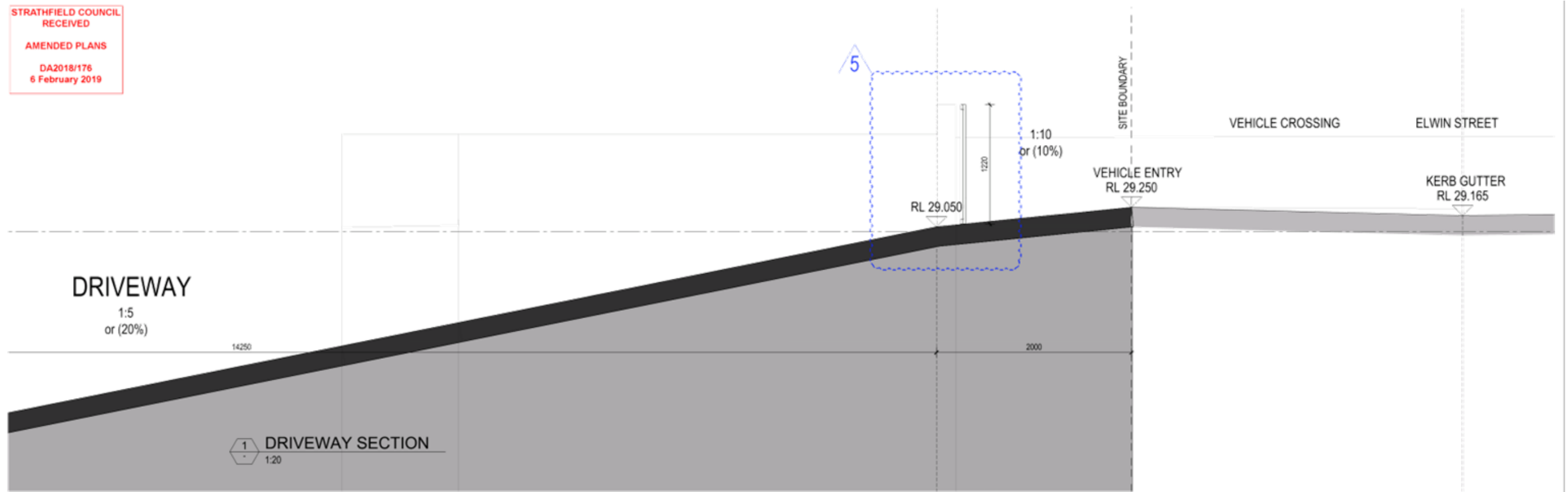
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BC&A
Bechara Chan & Associates Pty Ltd
12/14 Elwyn Street, Strathfield NSW 2159
P 9155 6222 F 9155 6223

SECTION E-E
FRONT FENCE ELEVATION

DA.10

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6 February 2019



- RESPONSE TO COUNCIL'S DEFERRAL LETTER
1. FLOOR SPACE
 2. DWELLING DESIGN
 3. HERITAGE CONSERVATION
 4. TREE REMOVAL
 5. FRONT BOUNDARY FENCE
 6. PRIVACY

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B. ISSUED FOR DA REF 21/01/2019

Client

Design No.



Drawing

DRAWN HK PROJ NO 16096
CHECKED GB SCALE 1:20 (A1, 1:40 (A3)
DATE SEPTEMBER 2018

DRIVEWAY SECTION

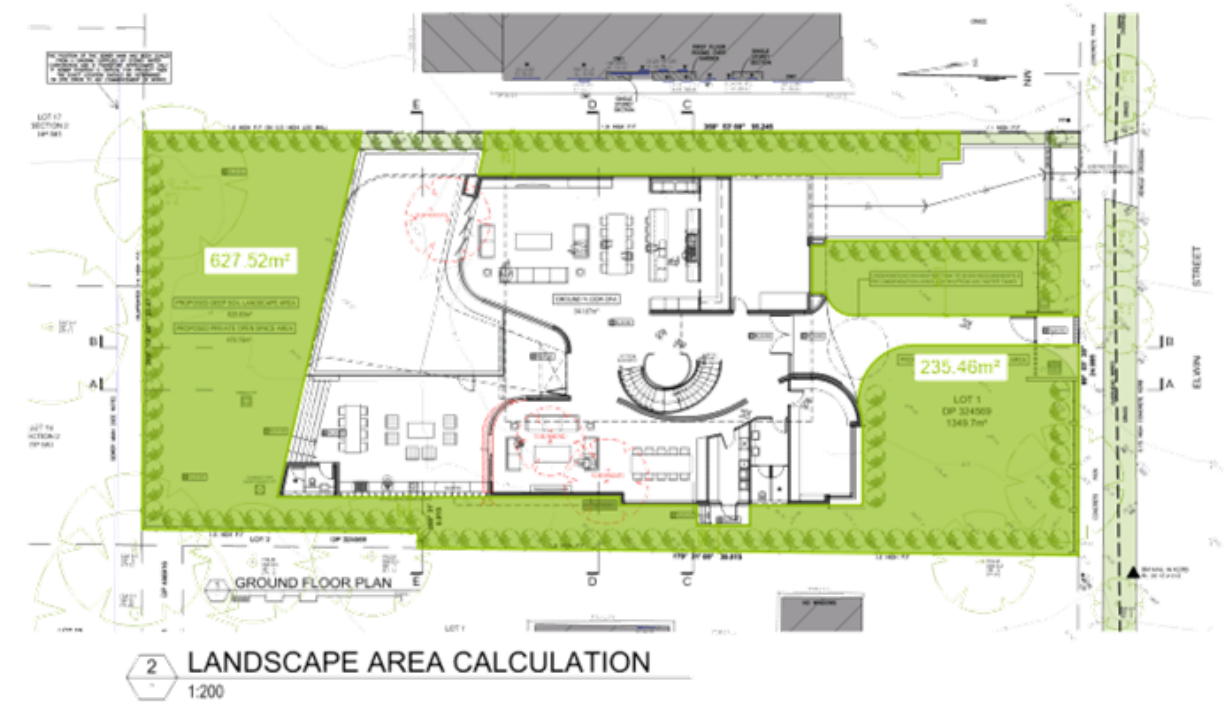
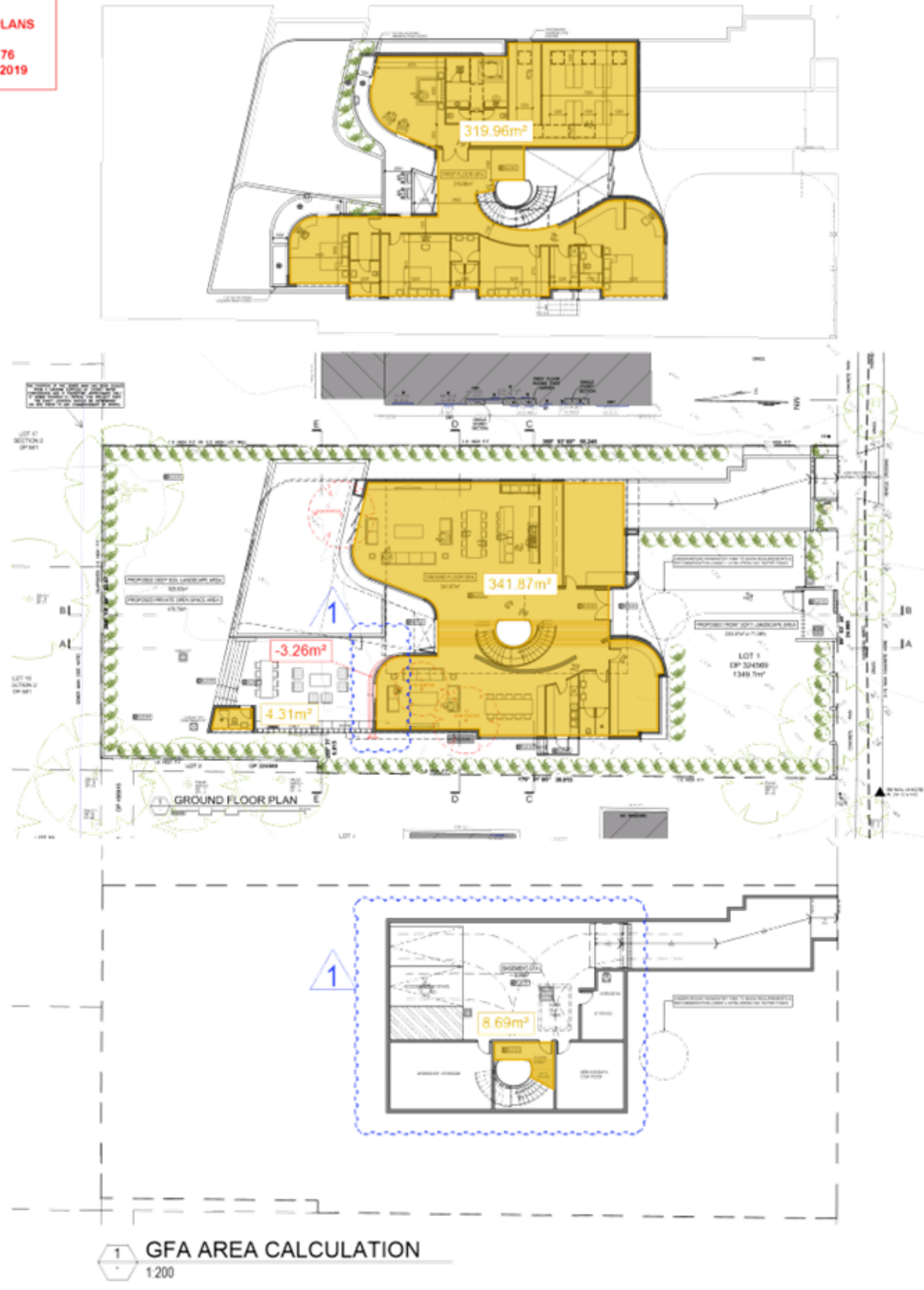
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Project

PROPOSED TWO STOREY DWELLING HOUSE
12-14 ELWIN STREET, STRATHFIELD

DA.11

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6 February 2019



STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (LEP)

GROSS FLOOR AREA MEANS THE SUM OF THE FLOOR AREA OF EACH FLOOR OF A BUILDING MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS, OR FROM THE INTERNAL FACE OF WALLS SEPARATING THE BUILDING FROM ANY OTHER BUILDING, MEASURED AT A HEIGHT OF 1.4 METRES ABOVE THE FLOOR, AND INCLUDES:

- (A) THE AREA OF A MEZZANINE, AND
- (B) HABITABLE ROOMS IN A BASEMENT OR AN ATTIC, AND
- (C) ANY SHOP, AUDITORIUM, CINEMA, AND THE LIKE, IN A BASEMENT OR ATTIC.

BUT EXCLUDES:

- (D) ANY AREA FOR COMMON VERTICAL CIRCULATION, SUCH AS LIFTS AND STAIRS, AND
- (E) ANY BASEMENT,
- (F) STORAGE, AND
- (G) VEHICULAR ACCESS, LOADING AREAS, GARBAGE AND SERVICES, AND
- (H) PLANT ROOMS, LIFT TOWERS AND OTHER AREAS USED EXCLUSIVELY FOR MECHANICAL SERVICES OR DUCTING, AND
- (I) CAR PARKING TO MEET ANY REQUIREMENTS OF THE CONSENT AUTHORITY (INCLUDING ACCESS TO THAT CAR PARKING), AND
- (J) ANY SPACE USED FOR THE LOADING OR UNLOADING OF GOODS (INCLUDING ACCESS TO IT), AND
- (K) TERRACES AND BALCONIES WITH OUTER WALLS LESS THAN 1.4 METRES HIGH, AND
- (L) VOIDS ABOVE A FLOOR AT THE LEVEL OF A STOREY OR STOREY ABOVE.

- RESPONSE TO COUNCIL'S DEFERRAL LETTER**
1. FLOOR SPACE
 2. DWELLING DESIGN
 3. HERITAGE CONSERVATION
 4. TREE REMOVAL
 5. FRONT BOUNDARY FENCE
 6. PRIVACY

SITE INFORMATION

TITLE DESCRIPTION	LOT 1 DP 324569
ZONING	R2 Low Density Residential
SITE AREA	1349.70m² (BY CALC.)
FRONTAGE	24.995m
LGA	STRATHFIELD COUNCIL

CONTROLS SUMMARY

STRATHFIELD DCP CONTROLS	TARGET	PROPOSED
HEIGHT OF BUILDING	9.5m	9m
MAXIMUM FSR	0.5:1	0.5:1
MAXIMUM GFA	674.85m²	674.83m²
MINIMUM SETBACK		
FRONT (AVERAGE SETBACK 2 NEAREST DWELLING)	12.760m	12.760m
SIDE COMBINED 20% OF THE WIDTH OF THE BLOCK	5m	5.330m
SIDE 1 (EAST) MIN 1.2m		2.8m
SIDE 2 (WEST) MIN 1.2m		2.530m
REAR	6m	18.340m
MINIMUM LANDSCAPE AREA min 1.5m width (45% of Lot Area)	607.365m²	625.63m²
MINIMUM FRONT DEEP SOIL LANDSCAPE (50% of Front Yard)	159.435m²	235.46m²
MINIMUM PRINCIPLE PRIVATE OPEN SPACE min 3metre	10m²	479.75m²
MAXIMUM FRONT FENCE HEIGHT	1.8m	1.8m
MAXIMUM FRONT FENCE SOLID HEIGHT	1m	1m
MAXIMUM BASEMENT PROTRUSION	1m	1.1m(On Merit)
MAXIMUM FILL	1m	300mm
OUTBUILDING		
SIDE SETBACK	0.5m	2.015m
REAR SETBACK	0.5m	7.990m
MAXIMUM AREA	40m²	4.31m²
MAXIMUM RETAINING WALL HEIGHT	1.2m	500mm
SWIMMING POOL		
SIDE & REAR SETBACK TO POOL EDGE	1m	1m

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				<p>AREA CALCULATION</p>	<p>DA.12</p>

TO: Strathfield Local Planning Panel Meeting - 7 March 2019
REPORT: SLPP – Report No. 2
SUBJECT: DA2018/163 - 23-25 CHURCHILL AVENUE, STRATHFIELD
SP 96307
DA NO. DA2018/163

SUMMARY

Proposal: Alterations and additions to existing mixed use building including the removal of rooftop terrace and construction of 2 x 3 bedroom units on the rooftop

Applicant: Urban Link Pty Ltd

Owner: The Proprietors of SP96307

Date of lodgement: 21 November 2018

Notification period: 24 November 2018 to 18 December 2018

Submissions received: Five (5)

Assessment officer: GH

Estimated cost of works: \$601,920

Zoning: B4 Mixed Use - SLEP 2012

Heritage: N/A

Flood affected: Yes

Is a Clause 4.6 variation proposed? Yes – Building Height (2.3%) and Floor Space Ratio (4.3%)

Extent of the variation supported? No

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

RECOMMENDATION OF OFFICER: REFUSAL

EXECUTIVE SUMMARY

This application seeks council approval for alterations and additions to the existing mixed use building on the site. In essence, the rooftop terrace is to be replaced by an additional level of residential apartments including two (2) x three (3) bedroom dwellings and associated balconies.

The application was publicly notified from 24 November 2018 to 18 December 2018 in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005. Five (5) submissions objecting to the proposal were received as a result.

The existing mixed use building (as approved) complies with the prescribed maximum floor space ratio and building height for the site. It is relevant to note that the roof structure above the rooftop terrace was considered to be an 'architectural roof feature' for the purposes of clause 5.6 of the local environmental plan and therefore was permitted to exceed the height limit. Otherwise, the uppermost residential floor of the building was well within the height limit. The proposed additional

**DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)**

level of residential apartments result in contraventions of both the prescribed maximum building height (by up to 2.3%) and the prescribed maximum floor space ratio (by 4.3%).

The application is accompanied by written requests pursuant to clause 4.6(3) of Strathfield Local Environmental Plan 2012 that seek to justify the contraventions of the building height and floor space ratio development standards. These requests have been reviewed and it is considered that they have not adequately addressed the matters required to be demonstrated by that sub-clause and more particularly the matter of sufficient environmental planning grounds.

The removal of the rooftop communal open space to make way for the additional dwellings is also of major concern, particularly given its positive attributes in terms of capturing views and prevailing breezes and the suboptimal quality of the remaining communal open space at ground floor level.

Accordingly, the proposal is recommended for refusal.

BACKGROUND

On 7 November 2014, Development Application No. 2014/171 for the demolition of the existing townhouse development and construction of an 11 storey mixed use development comprising five (5) commercial tenancies and 58 residential units above four (4) levels of basement parking was submitted to council.

On 16 June 2015, following submission of amended plans, council granted development consent to the above development application. The amended plans included a reduction in the floor space ratio of the building so as to achieve compliance with the relevant development standard and a reduced dwelling yield of 51 residential apartments. The building was also reduced by a storey. The approved mixed use building has since been constructed and is now occupied.

DESCRIPTION OF THE SITE AND LOCALITY

The site is located off the north western corner of Raw Square and Churchill Avenue. It comprises of a single allotment including strata lots and common property forming Strata Plan 96307 and is commonly known as 23-25 Churchill Avenue, Strathfield. It is almost rectangular shaped, having street frontages of 22.95m and 38.29m to Churchill Avenue and Raw Square respectively and an overall area of 987m².

The site is occupied by a recently completed 10 storey mixed use building, including four (4) levels of basement car parking, ground floor commercial space and 51 residential apartments above. Immediately above the uppermost residential floor on the rooftop of the building is a roofed terrace, approved for use as communal open space. Vehicular access to the basement car parking levels is via the cul-de-sac head in Churchill Avenue adjacent to the site. A stormwater culvert traverses the north eastern corner of the site.

Immediately to the north of the site is an 11 storey mixed use building including basement car parking, ground floor commercial space and residential apartments above. Immediately to the west is a two (2) storey residential flat building. Across the road to the east is a 16 storey mixed use building including ground floor commercial space and residential apartments. Across the road to the south is medium density residential development.

The site is located just outside the western periphery of the Strathfield Town Centre and within a short walking distance of Strathfield Railway Station and adjacent bus interchange. The Churchill Avenue Heritage Conservation Area is located to the southwest of the site beyond Eva Street.

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)

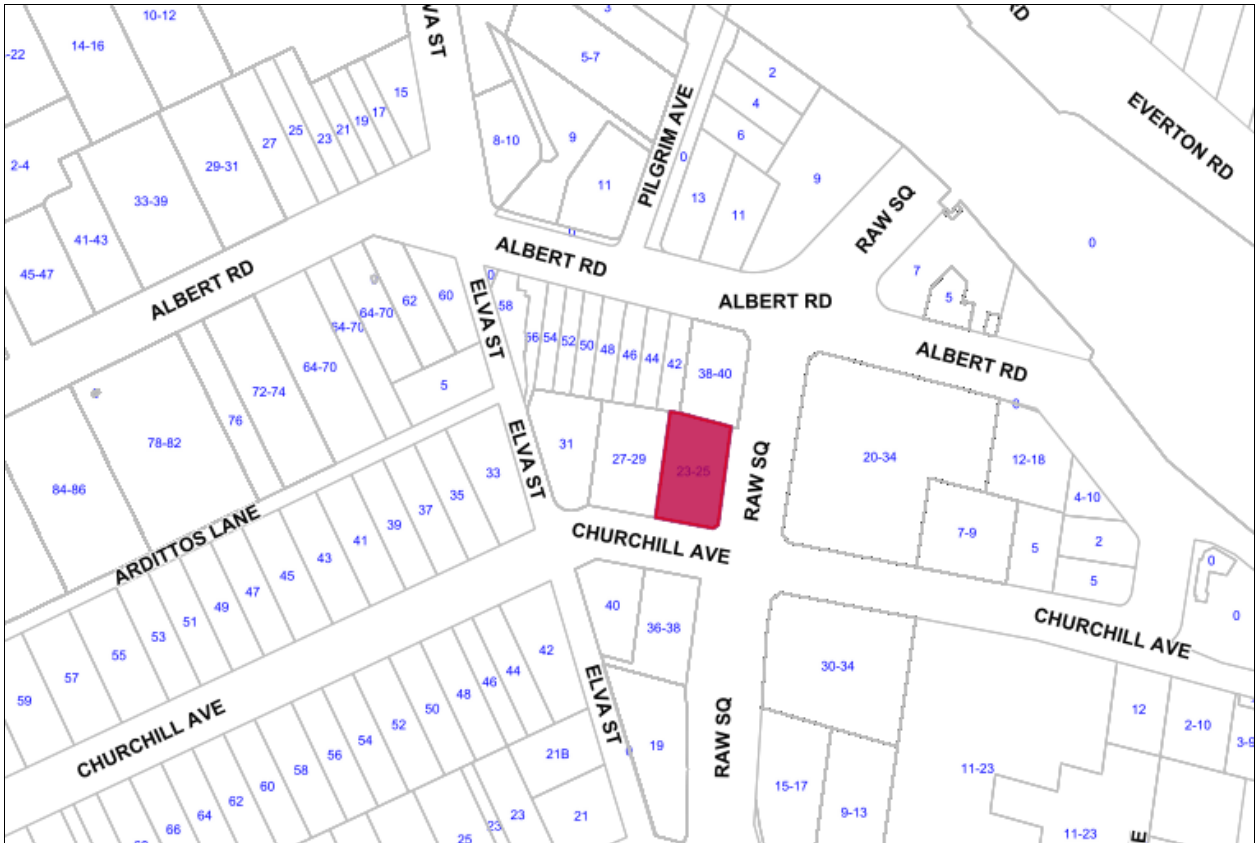


Figure 1: Locality plan (subject site highlighted in purple)

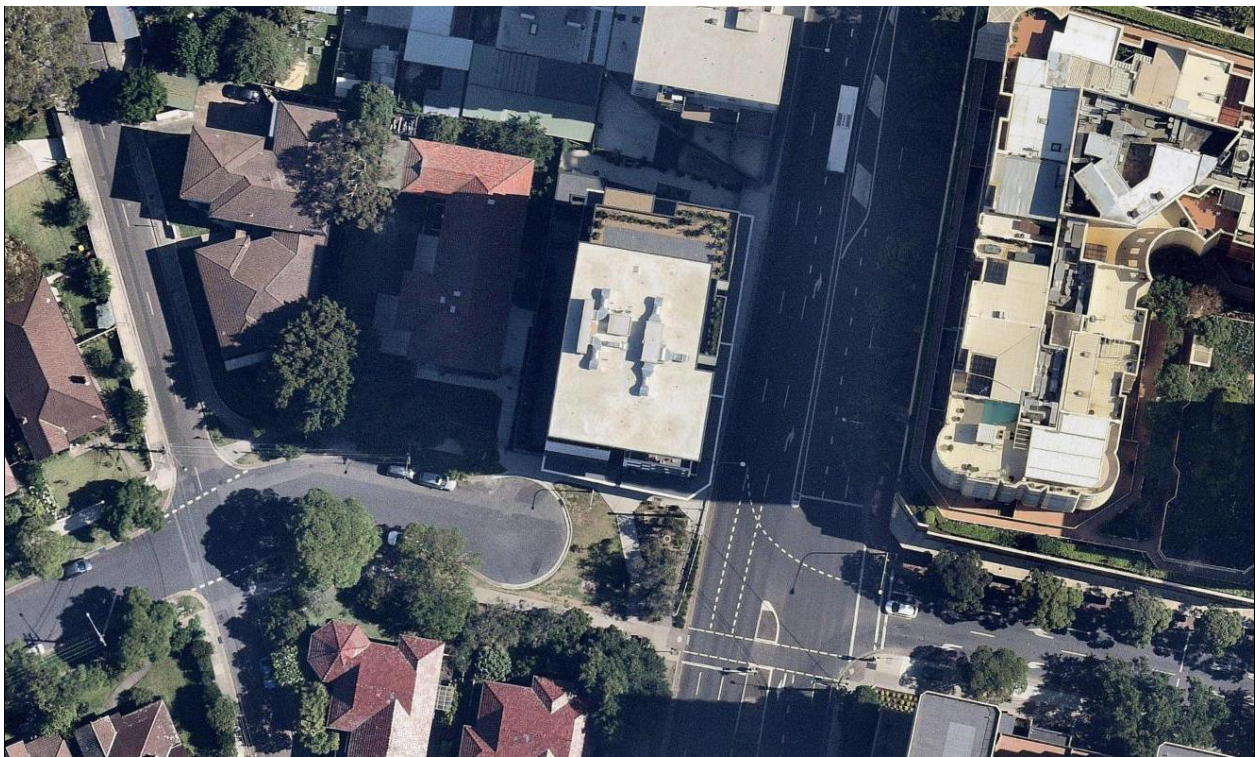


Figure 2: Aerial photograph of the site (at centre of image) and immediate locality

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)



Figure 3: North easterly view of the subject building from Churchill Avenue

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)



Figure 4: Northerly view of ground floor level common open space



Figure 5: Easterly view of ground floor level common open space

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)



Figure 6: Southerly view of ground floor level common open space



Figure 7: South easterly view of rooftop common open space

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)



Figure 8: South westerly view of rooftop common open space



Figure 9: Southerly view of rooftop common open space

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)



Figure 10: Southerly view of rooftop common open space



Figure 11: Westerly view from rooftop common open space

DA2018/163 - 23-25 Churchill Avenue, Strathfield
 SP 96307 (Cont'd)



Figure 12: Easterly view from rooftop common open space

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks council approval for alterations and additions to the existing mixed use building on the site. In essence, the rooftop terrace is to be replaced by an additional level of residential apartments including two (2) x three (3) bedroom dwellings and associated balconies.

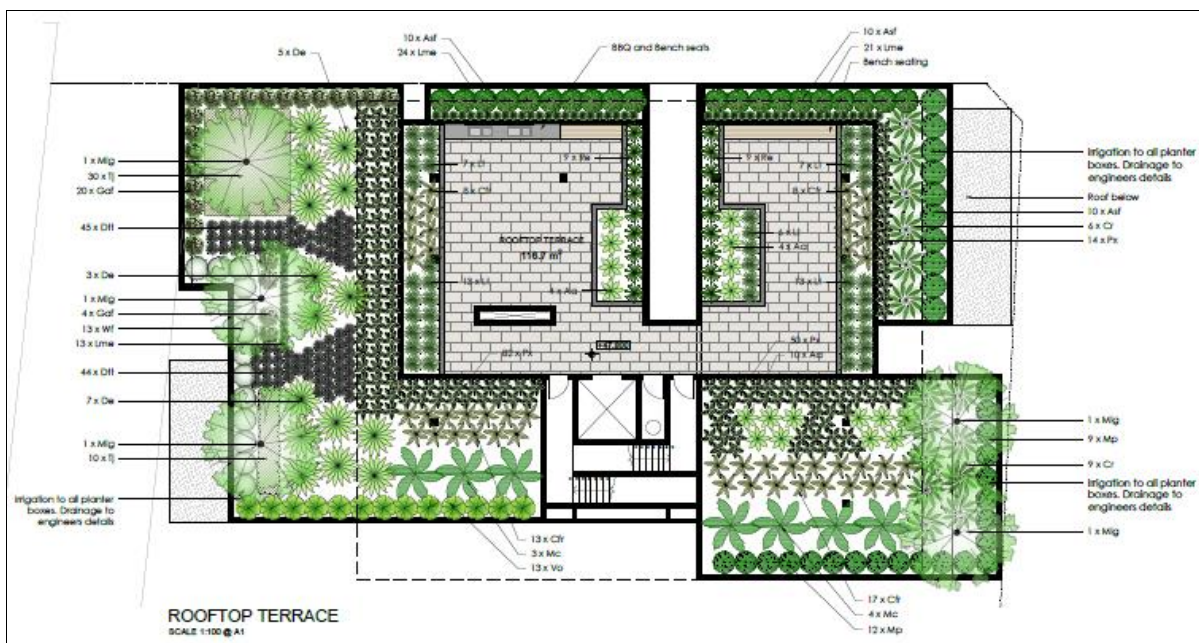


Figure 13: Extract from approved landscape plan showing rooftop terrace details

DA2018/163 - 23-25 Churchill Avenue, Strathfield
 SP 96307 (Cont'd)

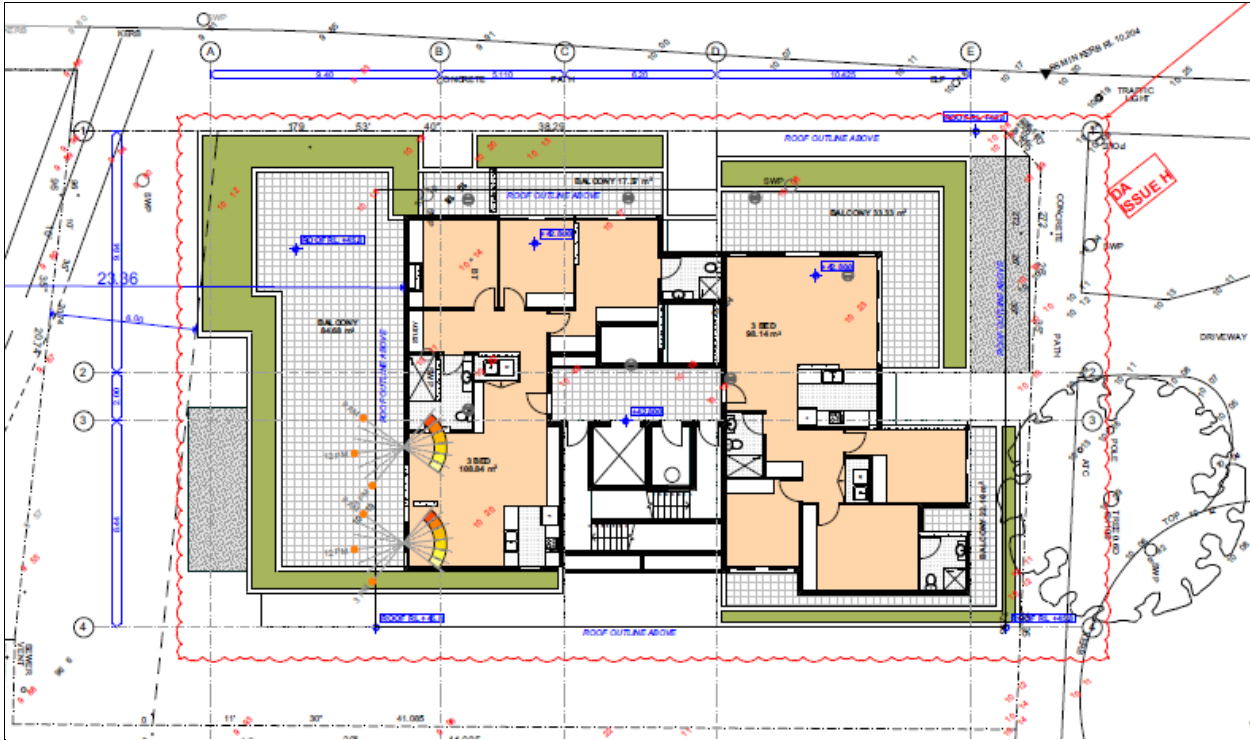


Figure 14: Extract from the architectural drawings showing the proposed dwellings

The existing roof structure that covers the rooftop terrace is to be retained and the additional dwellings are to be constructed wholly beneath and within the perimeter of this roof. Planter boxes including proposed plantings are to be provided around the perimeters of the associated balconies. The statement of environmental effects also indicates that two (2) mechanical car parking stackers are to be provided in level 1 of the basement car park, although the plans submitted are lacking in such details.

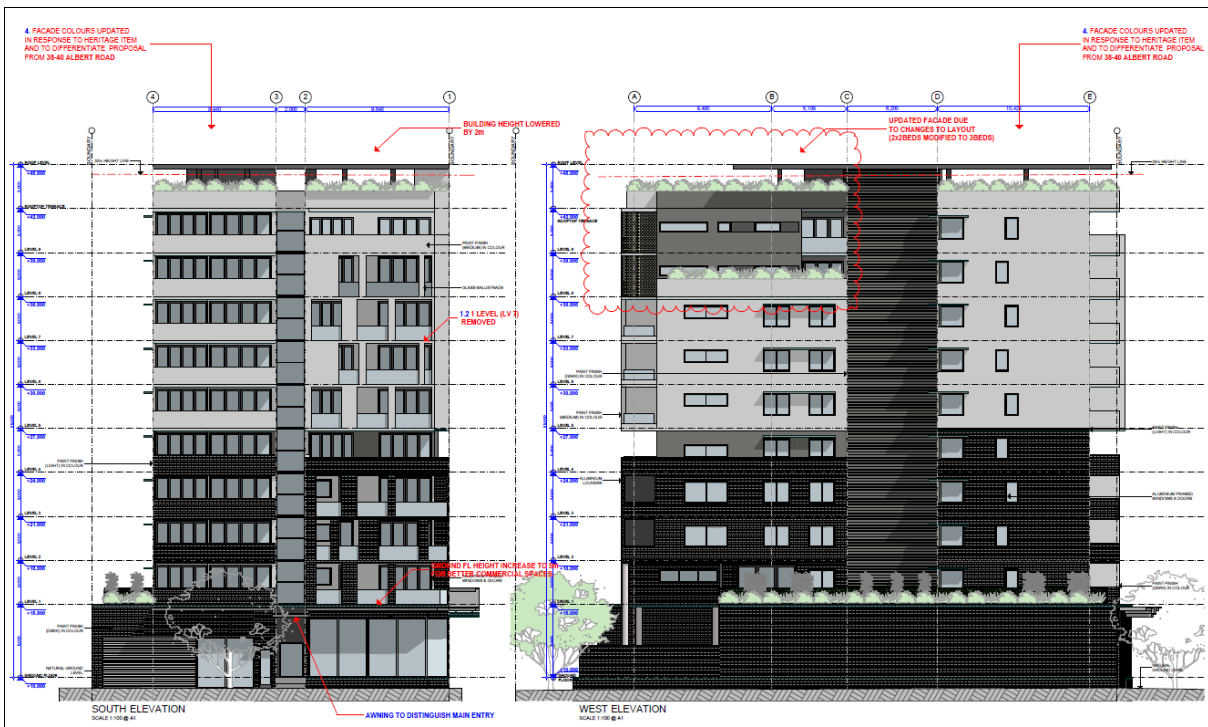


Figure 15: Southern and Western Elevations of building (as approved)

DA2018/163 - 23-25 Churchill Avenue, Strathfield
 SP 96307 (Cont'd)

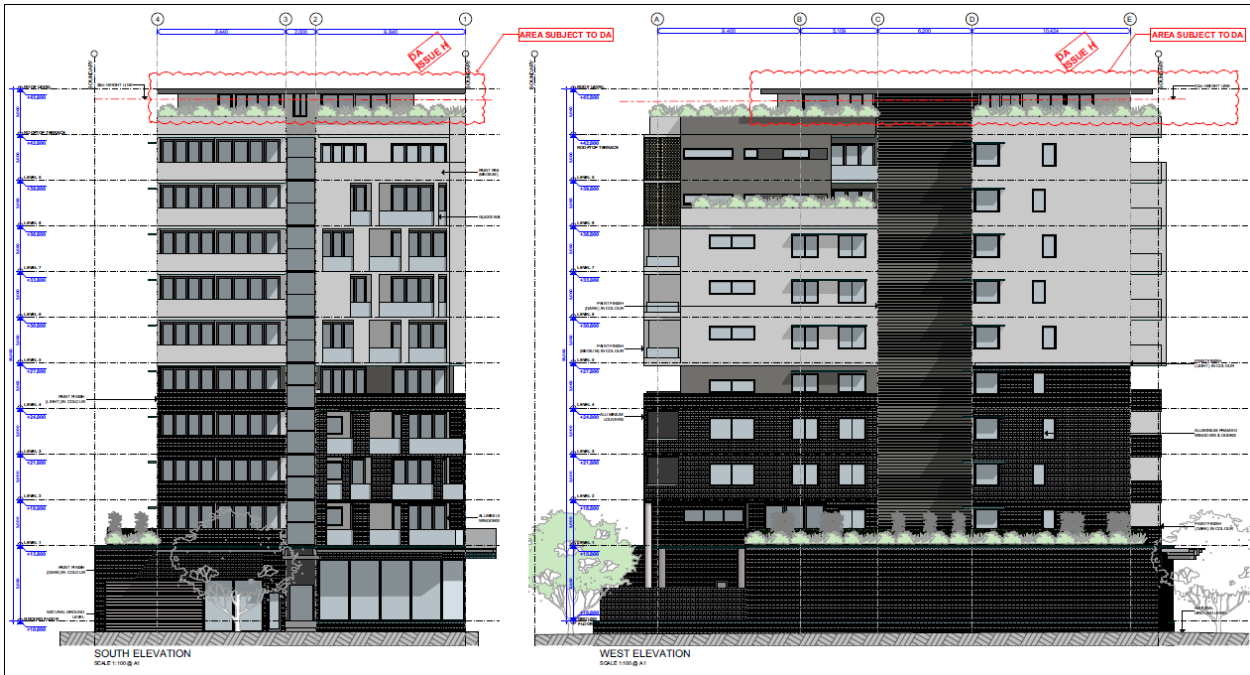


Figure 16: Southern and Western Elevations of building (as proposed)

REFERRALS

INTERNAL REFERRALS

Landscaping Comments

Council’s Landscape Architect raises no significant issues with the proposal in terms of its impact on the public domain. Suitable conditions of consent relating to landscaping are recommended in the event of approval of the application.

Waste Management Comments

Council’s Environmental Projects Officer raises no significant issues with the proposal in terms of its impact on waste management. Suitable conditions of consent relating to waste management are recommended in the event of approval of the application.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The application was referred to RMS for comment based on the location of the site having frontage to a ‘classified road’. RMS raises no objections to the proposal, on the grounds that it is unlikely to have a significant impact on the classified road network.

Sydney Water Corporation (SWC)

The application was referred to SWC for comment based on the site being traversed by a SWC asset comprising of a storm water culvert. SWC raises no issues with the proposal, but requests that particular standard conditions of consent be imposed in the event of approval of the application.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)

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

4.15(1)(a)(i) The provisions of any environmental planning instrument

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

In accordance with the BASIX SEPP, all new housing in New South Wales is required to meet designated targets for thermal comfort and reduced energy and water consumption. The BASIX certificate accompanying the application indicates that the proposal meets the designated targets.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 requires Council to consider whether the site is suitable in its current state or following the completion of remediation works if required, for the purposes for which development consent is being sought. This matter was addressed in the assessment and approval of the parent development application (DA2014/171) for the construction of the mixed use development on the site. The current proposal does not raise any significant implications in terms of the provisions of SEPP 55, as it is confined to the footprint of the approved building and involves no excavation works.

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

This state policy replaces the provisions of clause 5.9 of Strathfield Local Environmental Plan 2012 relating to the preservation of trees and vegetation. The intent of this policy is consistent with the objectives of the repealed local provisions, whereby the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation. In this case, there are no trees or other significant vegetation impacted by the proposal.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of clause 101 relating to development fronting classified roads are relevant to the proposal as Raw Square adjacent to the site is a 'classified road'. No significant issues are raised in terms of the matters for consideration as prescribed in this particular clause.

The existing vehicular access arrangements via the cul-de-sac head of Churchill Avenue adjoining the southern boundary of the site are not being altered. Given this circumstance and the relatively small number of additional dwellings proposed, the effective and ongoing operation and function of Raw Square adjoining the site will not be unduly compromised. Overall, there is likely to be no adverse traffic safety, road congestion or car parking implications as a result of the proposal and its traffic generation and car parking demands.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT (SEPP 65)

SEPP 65 aims to improve the design quality of residential apartment development in New South Wales. It also recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

An assessment of the design quality of the proposal against the design principles of SEPP 65 and the relevant design criteria of the Apartment Design Guide (ADG) is as follows.

Design Quality Principles

Principle	Criteria	Comment
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Principle	Criteria	Comment
Context and neighbourhood character	<i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i>	Satisfactory
	<i>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i>	Satisfactory
	<i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	Satisfactory
Built form and scale	<i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i>	Unsatisfactory – the scale, bulk and height of the proposal does align with the desired future character of the street, as envisaged by the provisions of SLEP 2012. The proposal exceeds both the height and FSR limits.
	<i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i>	Satisfactory
	<i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i>	Satisfactory
Density	<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>	Satisfactory
	<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>	Satisfactory
Sustainability	<i>Good design combines positive environmental, social and economic outcomes.</i>	Satisfactory
	<i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and</i>	Satisfactory

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Principle	Criteria	Comment
	<p><i>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>	
Landscape	<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>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>
Amenity	<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>Satisfactory</p> <p>Satisfactory</p>

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Principle	Criteria	Comment
Safety	<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>	Satisfactory
	<i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	Satisfactory
Housing diversity and social interaction	<i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i>	Satisfactory
	<i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i>	Satisfactory
	<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>	Unsatisfactory – the proposal removes the rooftop communal open space, thereby reducing opportunities for social interaction amongst residents.
Aesthetics	<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>	Satisfactory
	<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>	Satisfactory

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
3F – Visual Privacy	Min. 12m setback from side/rear boundaries	5m-10.5m setback to balconies	No – but acceptable on merit given the much lower scale of the

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Design Criteria	Required	Proposed	Compliance
		5.5m-15.5m setback to habitable rooms	adjacent building on 27-29 Churchill Avenue and the proposed screen planting within planter boxes on the perimeters of the balconies
3J – Car Parking	0.6 spaces/1 bed unit 0.9 spaces/2 bed unit 1.4 spaces/3 bed unit = 46.1 spaces	59 spaces	Yes
	1 visitor space/5 units = 10.6 spaces	12 spaces	Yes
4A – Solar and Daylight Access	Min. 70% (38 units) receive 2 hours solar access	81% (43 units) receive 2 or more hours of solar access	Yes
	Max. 15% (8 units) have no solar access	None of units receive no solar access	Yes
4B – Natural Ventilation	Min. 60% (32 units) are naturally cross ventilated	72% (38 units) are naturally cross ventilated	Yes
	Max. 18m depth for cross-over/through unit	Both dwellings < 18m depth	Yes
4C – Ceiling Heights	Habitable: 2.7m Non-habitable: 2.4m	2.7m 2.4m	Yes
4D – Apartment Size and Layout	3 bed: 90m ² min.	98m ² & 109.5m ²	Yes
	Additional bathrooms +5m ²	All units with a second bathroom provide an additional 5m ² .	Yes
	Each habitable room must have a window > 10% floor area of the room.	Each habitable room has windows of sufficient size for light and ventilation	Yes
	Max. 8m depth from a window for open plan layouts	<8m.	Yes
	Master bed: min. 10m ² Other bed: min. 9m ² Dimension: min. 3m	10m ² + 9m ² + 3m+	Yes Yes Yes
	Living room width: 3 bed: min. 4m	>4m	Yes
Cross-over/through	>4m	Yes	

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Design Criteria	Required	Proposed	Compliance
	apartment width: min. 4m		
4E – Private Open Space and Balconies	3 bed: 12m ² 2.4m min. depth	33.33m ² & 84.68m ² 2.4m+ depth	Yes Yes
4F – Common Circulation and Spaces	Max. 8 apartments off a circulation core on a single level	2 apartments off a single core	Yes
4G – Storage	3 bed: 10m ³ At least 50% within the apartment	10m ³ 100%	Yes Yes

Communal Open Space

The removal of the rooftop communal open space to make way for the additional dwellings will result in a significant loss of amenity for existing and future residents of the building. The approved plans for this space included provision for fixed seating and barbeque facilities and mass planting within planter boxes at its perimeters. These fixtures and landscaping measures together with the long distance views and prevailing breezes to be enjoyed from within this space significantly enhance the residential amenity of the building.

The remaining communal open space at ground floor level is of suboptimal quality, particularly as a result of its disjointed configuration, narrow proportions, significant enclosure, restricted outlook and lack of embellishment. It is also unclear as to whether this space satisfies the minimum area criteria in the ADG (being 25% of the site) when comparing the plans submitted with the physical works on the site.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

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

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Permissibility

The approved development including the current proposal may be characterised as a ‘mixed use development’ meaning a *building or place comprising 2 or more different land uses* (in this case comprising ‘commercial premises’ and ‘shop top housing’).

The subject site is zoned B4 Mixed Use under Strathfield Local Environmental Plan 2012. Development for the purpose of a ‘mixed use development’, ‘commercial premises’ and ‘shop top housing’ is permissible with consent in the mixed use zone. Accordingly, the current proposal is permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Mixed Use zone is as follows.

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

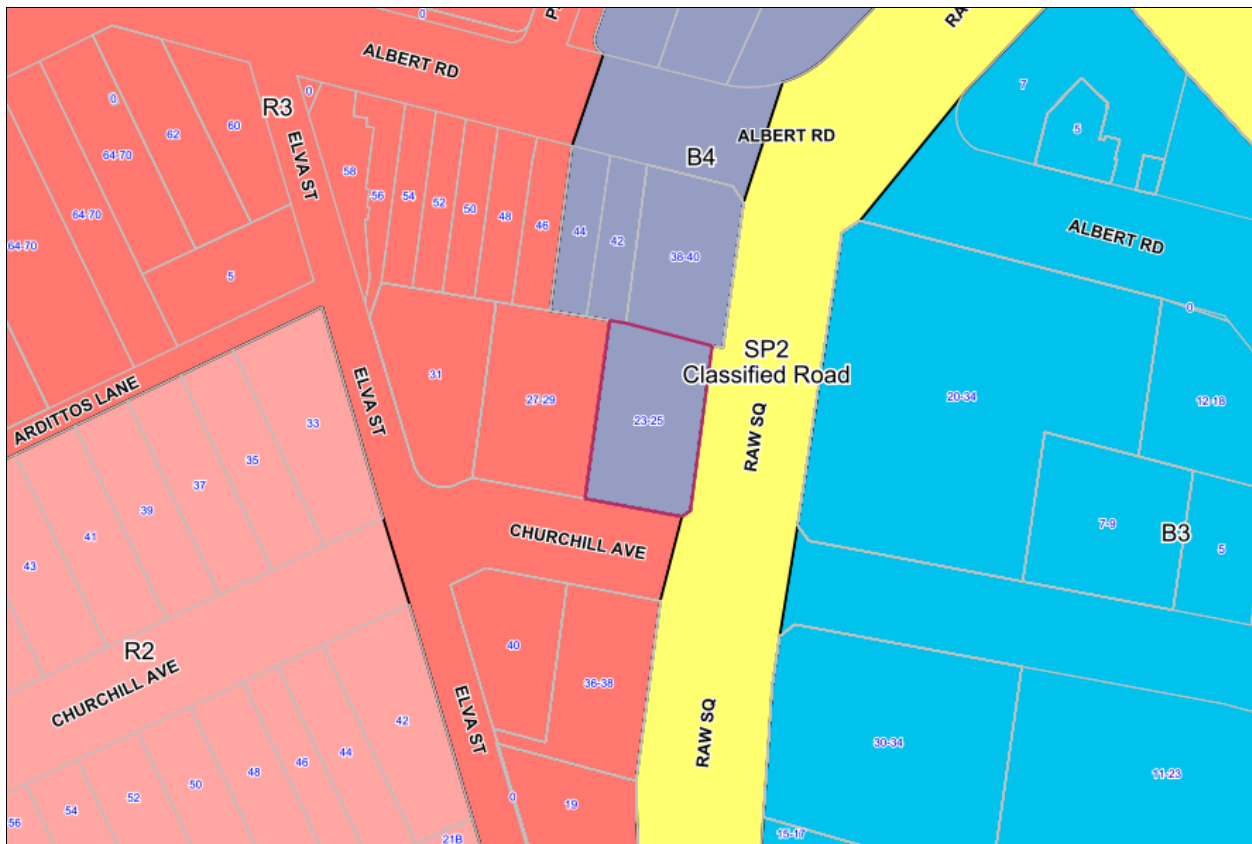


Figure 17: Zoning map of site (as highlighted) and locality

Part 4: Principal development standards

An assessment of the proposal against the applicable development standards is as follows.

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4.3 Height of buildings

Cl.	Standard	Required	Proposed	Complies
4.3	Height of building	35m (max)	35.8m	No
Objectives				Complies
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area			Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area			N/A
(c)	To achieve a diversity of small and large development options.			N/A

Comments:

The application is accompanied by a written request pursuant to clause 4.6(3) of SLEP 2012 that seeks to justify the contravention of the building height development standard. This written request along with the other matters for consideration as prescribed in clause 4.6(4) of SLEP 2012 are addressed later in this report.

4.4 Floor Space Ratio

Cl.	Standard	Required	Proposed	Complies
4.4	Floor space ratio	4.2:1 (max) (4,145.4m ²)	4.38:1 (4,325.9m ²)	No
Objectives				Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area			N/A
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas			N/A
(c)	To minimise the impact of new development on the amenity of adjoining properties			Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items			N/A
(e)	In relation to Strathfield Town Centre: to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-orientated development			N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the corridor			N/A

Comments:

The application is accompanied by a written request pursuant to clause 4.6(3) of SLEP 2012 that seeks to justify the contravention of the floor space ratio development standard. This written request along with the other matters for consideration as prescribed in clause 4.6(4) of SLEP 2012 are addressed as follows.

4.6 Exceptions to Development Standards

The provisions of this clause prescribe partly as follows:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

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- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out...*

As outlined above, the proposal contravenes the development standards relating to building height and floor space ratio, as prescribed in clauses 4.3 and 4.4 respectively. The applicant's written requests in accordance with sub-clause (3) along with the other matters for consideration outlined in sub-clause (4) are addressed as follows.

Height of Buildings

A maximum building height of 35m is prescribed for the site. The proposed additional floor level exceeds this height limit by up to 0.8m (2.3%).

Whilst the proposal may arguably be consistent with the objectives of the development standard and the objectives for development within the 'mixed use' zoning of the site, the applicant's written request does not adequately demonstrate that there are sufficient environmental planning grounds to justify contravening the standard.

The breach of the height standard does not arise because of some topographical challenge or other site constraint, but rather arises because of the applicant's desire to increase the residential density of the site by way of adding another floor level of residential accommodation on the rooftop communal open space of the building.

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

- *No increased noise impact arises from the proposed works;*
- *No additional shadowing arises from what already exists on site;*
- *The proposed works do not interrupt any views from surrounding properties.*
- *The proposed works are setback from site boundaries and screened by planter boxes, ensuring the proposed works will not be visually prominent. The proposed works cast no additional shadow to what already exists. The minor variation to building height control is indiscernible from ground level and from adjoining buildings. Overall the proposal is considered compatible with and improves the appearance of the area.*
- *The proposed works do not impact any heritage items,*
- *The non-compliance will not raise any matter of state or regional significance.*
- *There is no quantifiable or perceived public benefit in maintaining the standard. The proposal makes effective use of an underutilised area, providing additional much needed dwellings in this highly accessible location.*

The following comments are made in response to the above grounds:

- The basis for the applicant's argument that no increased noise impact arises from the proposed works is not explained in any detail.
- It is acknowledged that there will be no additional overshadowing, based on the proposal utilising the existing roof structure over the rooftop communal open space. However, this ground alone is not sufficient to justify contravening the standard.

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- The basis for the applicant's argument that the proposed works do not interrupt any views from surrounding properties is not substantiated in any detail.
- The proposed works will be visually prominent from longer distance vantage points such as to the west along Churchill Avenue, particularly given that the southern and western perimeter walls of additional residential floor level are setback only marginally from the outer walls of the floor level immediately below.
- The basis for the applicant's argument that the proposal improves the appearance of the area is not explained in any detail.
- It is acknowledged that the proposed works do not impact any heritage items. However, this ground alone is not sufficient to justify contravening the standard.
- The fact that no matter of state or regional significance arises is not sufficient justification alone, given that this threshold test is a separate matter for council's consideration.
- The existing building including the proposal will have greater visual bulk and traffic impacts when compared to the existing building as approved, such that the general public would actually benefit from insisting upon strict compliance with the building height standard.
- The lack of amenities and fixtures such as seating, barbeque facilities and landscaping may be contributing to the apparent underutilisation of the rooftop communal open space.
- The proposal comprising only two (2) dwellings is not making a significant contribution to housing stock in the locality and in meeting the demand for housing. This negligible increase in housing stock is being undertaken at the expense of the residential amenity of the development.

Floor Space Ratio

A maximum floor space ratio of 4.2:1 is prescribed for the site. The proposal in conjunction with the currently approved development exceeds this floor space ratio limit, being 4.38:1 and representing a 4.3% variation.

Whilst the proposal may arguably be consistent with the objectives of the development standard and the objectives for development within the 'mixed use' zoning of the site, the applicant's written request does not adequately demonstrate that there are sufficient environmental planning grounds to justify contravening the standard.

The proposed additional floor space appears to have been 'tacked on' to the building without any consideration of revisiting the overall built form. As a result, it appears more or less incongruous with the remainder of the building, rather than as an integral part of the building's architecture.

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

- *No increased noise impact arises from the proposed works;*
- *No additional shadowing arises from what already exists on site;*
- *The proposed works do not interrupt any views from surrounding properties.*
- *The proposed works are setback from site boundaries and screened by planter boxes, ensuring the proposed works will not be visually prominent. The proposed works cast no additional shadow to what already exists. The minor variation to building height control is indiscernible from ground level and from adjoining buildings. Overall the proposal is considered compatible with and improves the appearance of the area.*
- *The proposed works do not impact any heritage items.*
- *The non-compliance will not raise any matter of state or regional significance.*
- *There is no quantifiable or perceived public benefit in maintaining the standard. The proposal makes effective use of an underutilised area, providing additional much needed dwellings in this highly accessible location.*

The following comments are made in response to the above grounds:

- The basis for the applicant's argument that no increased noise impact arises from the proposed works is not explained in any detail.

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- It is acknowledged that there will be no additional overshadowing, based on the proposal utilising the existing roof structure over the rooftop communal open space. However, this ground alone is not sufficient to justify contravening the standard.
- The basis for the applicant's argument that the proposed works do not interrupt any views from surrounding properties is not substantiated in any detail.
- The proposed works will be visually prominent from longer distance vantage points such as to the west along Churchill Avenue, particularly given that the southern and western perimeter walls of additional residential floor level are setback only marginally from the outer walls of the floor level immediately below.
- The basis for the applicant's argument that the proposal improves the appearance of the area is not explained in any detail.
- It is acknowledged that the proposed works do not impact any heritage items. However, this ground alone is not sufficient to justify contravening the standard.
- The fact that no matter of state or regional significance arises is not sufficient justification alone, given that this threshold test is a separate matter for council's consideration.
- The existing building including the proposal will have greater visual bulk and traffic impacts when compared to the existing building as approved, such that the general public would actually benefit from insisting upon strict compliance with the floor space ratio standard.
- The lack of amenities and fixtures such as seating, barbeque facilities and landscaping may be contributing to the apparent underutilisation of the rooftop communal open space.
- The proposal comprising only two (2) dwellings is not making a significant contribution to housing stock in the locality and in meeting the demand for housing. This negligible increase in housing stock is being undertaken at the expense of the residential amenity of the development.

Part 5: Miscellaneous Provisions

There are no relevant provisions in this part.

Part 6: Local Provisions

The relevant provisions of this part are addressed as follows.

6.1 Acid sulfate soils

The site is identified as being located within class 5 acid sulfate soils. As the proposal does not include any earthworks, the provisions of this clause are not triggered in this case. An acid sulfate soils management plan is not required.

6.2 Earthworks

As the current application does not propose any earthworks, the matters for consideration under this clause are not relevant.

6.3 Flood Planning

The matters for consideration under this clause are relevant as the site is at or below the flood planning level. These matters were thoroughly addressed in the assessment and approval of the parent development application (DA2014/171) for the construction of the mixed use development on the site. The current proposal does not raise any significant implications in terms of the provisions of this clause, as it is confined to the footprint and rooftop of the mixed use building on the site.

6.4 Essential Services

Essential services including water and electricity supply, sewage disposal and management, waste disposal and recycling, stormwater drainage and suitable vehicular access are available to the site.

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

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Not applicable.

4.15(1)(a)(iii) The provisions of any development control plan

No significant implications arise in terms of the provisions of Strathfield Consolidated Development Control Plan 2005. The requirements of this development control plan (particularly the multiple-unit housing requirements in Part C) are largely overridden by the provisions of SEPP 65 and the objectives and design criteria in the ADG.

Within Part C of the above development control plan, the subject site and surrounding properties off the western side of Raw Square are identified as being within a 2-3 storey residential density sub-zone. The related controls (such as the 9m street setback control) were formulated on the basis of anticipated development for the purpose of low-rise townhouses and residential apartment buildings.

At the time the controls were formulated, high-rise mixed use development was not anticipated for the site and surrounding properties. Application of those controls is therefore not considered to be appropriate in this case. A merit based assessment having regard to the SEPP 65 design quality principles and the objectives and design criteria of the ADG is more appropriate.

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

Not applicable.

4.15(1)(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

The proposed additional residential floor level will contribute to the perceived visual bulk and scale of the building, particularly when viewed from longer distance vantage points such as to the west along Churchill Avenue. The increased density of dwellings on the site will also generate additional traffic flows throughout the surrounding road system. These increased environmental impacts can be attributed to the excessive floor space ratio and building height proposed.

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

The site is suitable for the proposal in that it is appropriately zoned for residential purposes and not subject to any major environmental constraints.

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

The application was publicly notified from 24 November 2018 to 18 December 2018 in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005. Five (5) submissions objecting to the proposal were received as a result.

The issues raised in these submissions of relevance to the merits of the proposal are outlined and addressed as follows:

1. Noise, vibration, dust, waste and other impacts during construction.

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Comment: These issues may be addressed to some extent by suitable conditions of consent in the event of approval of the application. These conditions would include a specific requirement for a detailed construction management plan addressing these issues.

- 2. The existing roof over the rooftop terrace has insufficient clearance to accommodate apartments and will therefore be raised, thus resulting in view impacts.*

Comment: The architect has verified that the floor to ceiling heights of the additional apartments comply with the relevant ADG design criteria. Further, the statement of environmental effects states that the proposed apartments are constructed wholly beneath and within the existing roof structure provided on the upper level of the building. On this basis, there will be no additional view impacts.

- 3. The proposal does not comply with the floor space ratio and building height standards.*

Comment: This concern is concurred with and has already been discussed in some detail earlier in this report.

- 4. The original development application was modified prior to its approval such that the uppermost eleventh floor was converted to a non-habitable roofed terrace and in order to comply with the building height limit.*

Comment: This comment is concurred with. The roof structure over the rooftop terrace was permitted to exceed the height limit on the basis that it was an 'architectural roof feature' in terms of the provisions of Clause 5.6 of SLEP 2012. The current application undermines the intent of the original approval.

- 5. The lift will not cope during the construction phase.*

Comment: The construction management methodologies that will be used during the construction phase (including the means of delivery of materials and the like) are not known precisely at this stage. This is primarily a matter for consideration by the owner's corporation.

- 6. Is additional car parking to be provided and will it satisfy council's requirements?*

Comment: The statement of environmental effects indicates that two (2) mechanical car parking stackers are to be provided in level 1 of the basement car park, although the plans submitted are lacking in such details. Notwithstanding, the existing car parking provision within the basement levels is sufficient for the increased residential density of the development having regard to the relevant car parking rates prescribed by the ADG.

- 7. Security and safety concerns with people with criminal intent following construction workers into the building.*

Comment: This is primarily a matter for consideration by the owner's corporation.

- 8. Loss of apartment values.*

Comment: This is not a relevant matter for consideration in the assessment of the merits of proposals.

- 9. The rooftop terrace should be available for use by all owners and residents of the complex and not be used for commercial purposes.*

Comment: This comment is concurred with in terms of the currently approved development and the nominated use of the rooftop terrace as communal open space. Notwithstanding, the owner's

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corporation is entitled to submit the current application and have it considered and determined by council.

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

The proposal does not give rise to any issues of significance to the public interest.

SECTION 7.13 CONTRIBUTIONS

Section 7.13 of the EP&A Act 1979 provides the mechanisms for the collection of monetary contributions from applicants for use in developing key local infrastructure. As the proposal is recommended for refusal, the relevant Section 7.11 Direct Contributions have not been calculated.

CONCLUSION

The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The written requests pursuant to clause 4.6(3) of SLEP 2012 that seek to justify the contraventions of the building height and floor space ratio development standards have not adequately addressed the matters required to be demonstrated by that sub-clause and more particularly the matter of sufficient environmental planning grounds.

The removal of the rooftop communal open space to make way for the additional dwellings is also of major concern, particularly given its positive attributes in terms of capturing views and prevailing breezes and the suboptimal quality of the remaining communal open space at ground floor level.

The proposal is unacceptable on its merits and recommended for refusal.

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6(3) of the Strathfield Local Environmental Plan 2012 (SLEP 2012), the consent authority is not satisfied that the non-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.

In consideration of the written request made by the applicant pursuant to Clause 4.6(3) of the Strathfield Local Environmental Plan 2012 (SLEP 2012), the consent authority is not satisfied that the non-compliance with the development standard contained in Clause 4.4 (Floor Space ratio) 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. 2018/163 for alterations and additions to existing mixed use building including the removal of rooftop terrace and construction of 2 x 3 bedroom units on the rooftop at 23-25 Churchill Avenue, Strathfield be **REFUSED** for the following reasons:

1. The proposed development does not comply with the development standard contained in Clause 4.3 (Height of Buildings) of the Strathfield Local Environmental Plan 2012. In this regard, a maximum building height of 35m is prescribed, whereas the proposed development has a building height of up to 35.8m (*Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
2. The proposed development does not comply with the development standard contained in Clause 4.4 (Floor Space Ratio) of the Strathfield Local Environmental Plan 2012. In this regard,

DA2018/163 - 23-25 Churchill Avenue, Strathfield
SP 96307 (Cont'd)

a maximum floor space ratio of 4.2:1 is prescribed, whereas the proposed development has a floor space ratio of 4.38:1 (*Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).

3. The proposed development is unsatisfactory in terms of the design quality principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and objectives of the *Apartment Design Guide*, relating to communal open space. In this regard, the removal of the rooftop communal open space to make way for the additional dwellings results in a significant loss of amenity for existing and future residents, particularly given its positive attributes in terms of capturing views and prevailing breezes and the suboptimal quality of the remaining communal open space at ground floor level (*Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).

ATTACHMENTS

1. [↓](#) Architectural plans

DEVELOPMENT APPLICATION ALTERATIONS & ADDITIONS TO EXISTING BUILDING



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G F A CALCULATIONS

Level	GFA
GROUND	328.9
1	379.8
2	430.3
3	430.3
4	406.3
5	429.5
6	429.5
7	429.5
8	413.2
9	413.2
10	235.4
TOTAL	4325.9
SITE A AREA 987.0	
MAX GFA ALLOWED	4,145.4

PROPOSED FSR 4.38
ALLOWABLE FSR 4.2 : 1
FSR OVER BY 0.18

CONTROL	MIN. REQUIRED	PROPOSED	COMPLIES
CONTROL			
MAX ALLOWABLE			
PROPOSED			
COMPLIES			

DA ISSUE H

UNIT MIX

Type of units	level 1	level 2	level 3	level 4	level 5	level 6	level 7	level 8	level 9	level 10	total number of units
1 Bed unit	2	2	2	3	2	2	2	1	1	17	32%
2 Bed unit	2	4	4	3	4	4	4	2	2	29	64%
3 Bed unit	1	0	0	0	0	0	0	2	2	7	16%
Total	5	6	6	6	6	6	6	5	5	93	100.0%

DA ISSUE H

CALCULATIONS

LEVEL	UNIT NO.	NO OF BEDS	FLOOR AREA	BALCONY/TERRACE AREA	TOTAL AREA	CAR PARKING SPACES	STORAGE	SOLAR ACCESS	CROSS FLOW	SINGLE ORIENT	ADAPTABLE
GROUND	COMMERCIAL 001	1	328.9	-	328.9	0					
LEVEL 1	UNIT 101	1	379.8	13.2	393.0	1	2.5	YES	NO	NO	
LEVEL 2	UNIT 201	2	430.3	15.0	445.3	1	2.5	YES	YES	NO	
LEVEL 3	UNIT 301	2	430.3	15.0	445.3	1	2.5	YES	YES	NO	
LEVEL 4	UNIT 401	2	406.3	13.0	419.3	1	2.5	YES	NO	YES	
LEVEL 5	UNIT 501	2	429.5	13.0	442.5	1	2.5	YES	NO	YES	
LEVEL 6	UNIT 601	2	429.5	13.0	442.5	1	2.5	YES	NO	YES	
LEVEL 7	UNIT 701	2	429.5	13.0	442.5	1	2.5	YES	NO	YES	
LEVEL 8	UNIT 801	2	413.2	12.0	425.2	1	2.5	YES	NO	YES	
LEVEL 9	UNIT 901	2	413.2	12.0	425.2	1	2.5	YES	NO	YES	
LEVEL 10	UNIT 1001	2	235.4	8.0	243.4	1	2.5	YES	NO	YES	
LEVEL 10	UNIT 1002	2	235.4	8.0	243.4	1	2.5	YES	NO	YES	

SOLAR + VENT

LEVEL	UNIT NO.	SOLAR ACCESS	CROSS FLOW
GROUND	COMMERCIAL 001		
LEVEL 1	UNIT 101	YES	NO
LEVEL 2	UNIT 201	YES	YES
LEVEL 3	UNIT 301	YES	YES
LEVEL 4	UNIT 401	YES	NO
LEVEL 5	UNIT 501	YES	NO
LEVEL 6	UNIT 601	YES	NO
LEVEL 7	UNIT 701	YES	NO
LEVEL 8	UNIT 801	YES	NO
LEVEL 9	UNIT 901	YES	NO
LEVEL 10	UNIT 1001	YES	NO
LEVEL 10	UNIT 1002	YES	NO
TOTAL		88%	88%

DA ISSUE H

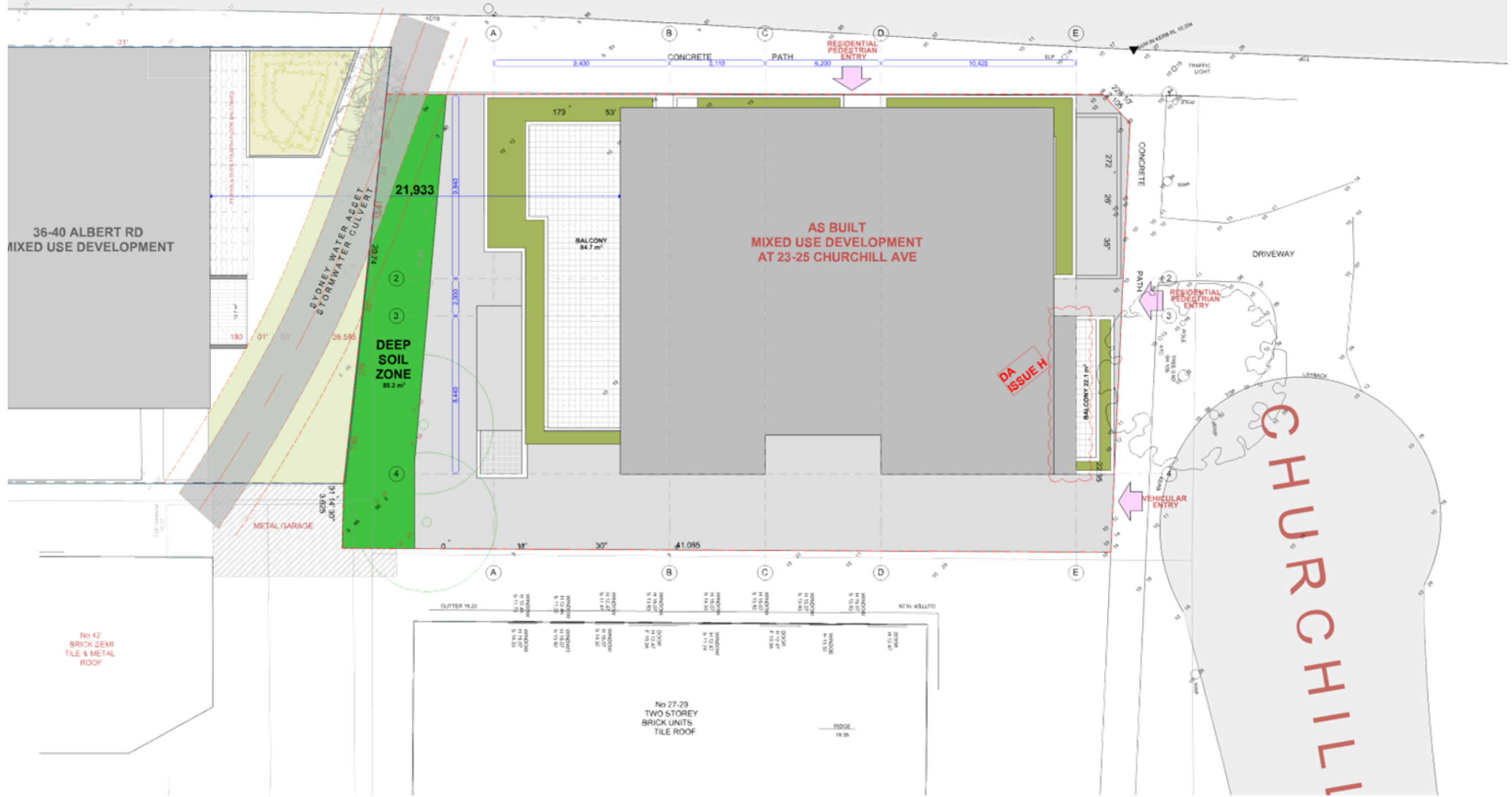
DA ISSUE H

Item	Description	Date
A	CLIENT REVIEW	26/02/18
B	PRE-DEVELOPMENT APPLICATION	08/05/18
C	PRE-DEVELOPMENT APPLICATION	12/05/18
D	CONSULTANT CO-ORDINATION	01/10/18
E	DEVELOPMENT APPLICATION	20/10/18
F	AMENDED TO COUNCIL REG 23 JAN	09/03/19
G	AMENDED TO COUNCIL REG 27 MAY	03/06/19
H	DA - ALTS & ADDS	08/11/18

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 Fax: +61 2 9519 2013
 Email: info@urbanlink.com.au

DA - ALTS & ADDS
 22-25 CHURCH HILL AVE
 STRATHFIELD NSW
 2140 AUSTRALIA
 Project No: 00-075
 Scale: 1:1000 A1
 Date: 10/11/2018
 Drawing No: 01
 Drawing: COVER
 Author: MP
 Checker: TJ

RAW SQUARE



SITE PLAN
SCALE 1:100 @ A1

Item	Amendment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
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G	AMENDED TO COUNCIL REG 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

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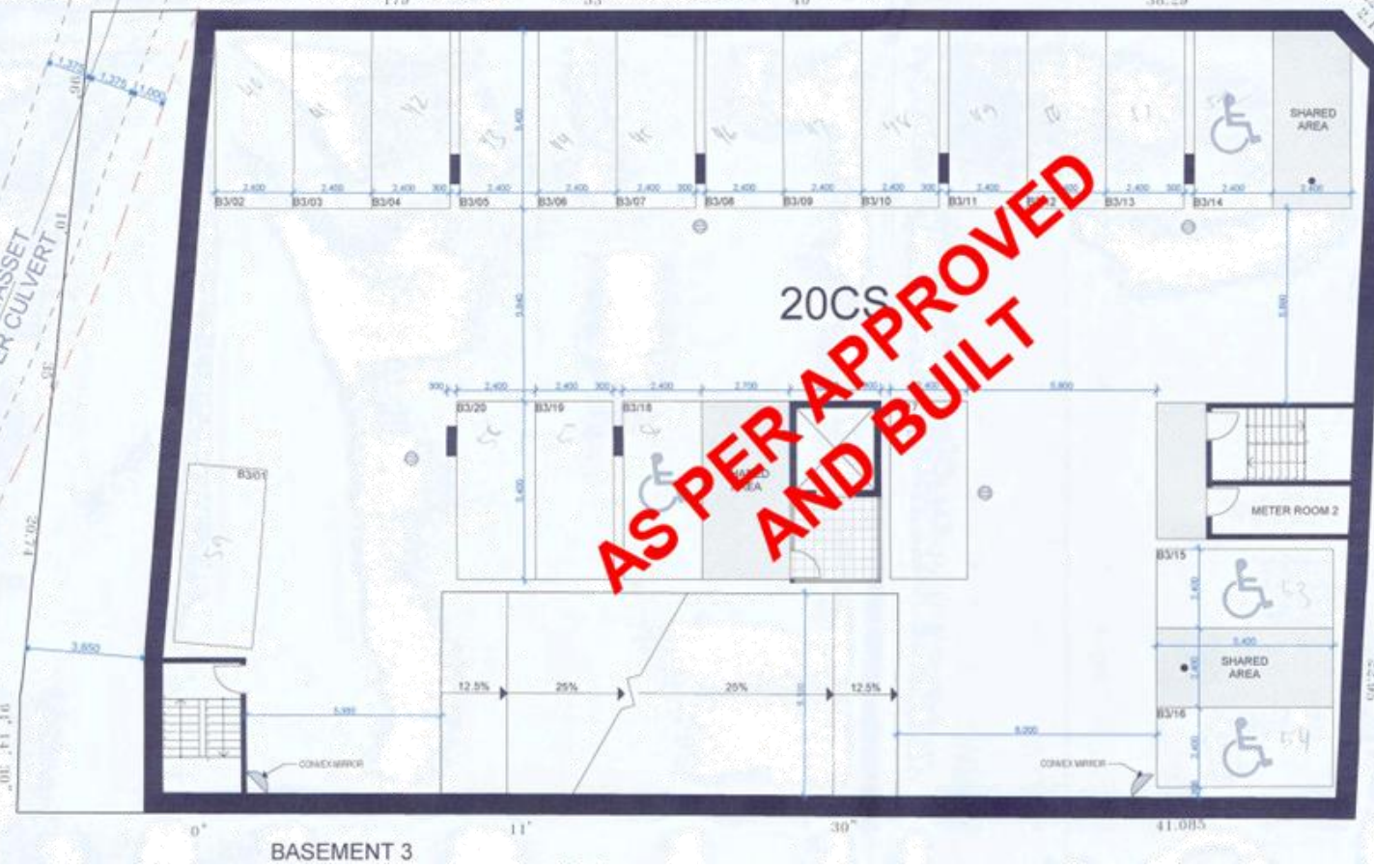
**DA2018/163
21 November 2018**

URBANLINK
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DA - ALTS & ADDS

Project No	00-075
Project Name	23-25 CHURCHILL AVE STRATHFIELD NSW 2140 AUSTRALIA
Client	HAZU PTY LTD
Scale	1:100 @ A1
Date	10/11/2018
Drawn	MP
Checked	TJ

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AND BUILT**

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AND BUILT**

Dwelling No.	All shower heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dishwashers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	No. of
All dwellings	3 star (+ 4.5 star max)	4 star	4 star	4 star										

Dwelling No.	Hot water system	Bathroom ventilation system	Kitchen ventilation system	Laundry ventilation system
All dwellings	gas instantaneous 5 star	individual fan into central duct + VSD	manual switch on/off	individual fan into central duct + VSD

Dwelling No.	Living areas	bedroom areas	Living areas	bedroom areas	No. of bedrooms & air study	No. of living & air dining rooms	Each kitchen	All bedrooms	Each laundry	All hallways	Natural light
All dwellings	1 phase air conditioning 1.5 star (new rating)	1 phase air conditioning 1.5 star (new rating)			1	1	yes	yes	yes	yes	0

Dwelling No.	Pool heating system	Toner	Spa heating system	Toner	Kitchen cooktop/oven	Refrigerator	Wet vented fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Pool water used for cooling tower
All dwellings					gas cooktop & electric oven		yes				yes	no

Dwelling No.	Area adjusted heating load (in mW/m ²)	Area adjusted cooling load (in mW/m ²)
101	58.4	48.1
102	17.5	30.4
103	23.3	40
106	45.3	32
201	23.4	33.4
301	25.4	30
403	47	53.5
404	12.8	21.7
901	30.5	19.2
1000	45.4	42
1004	45.4	28.4
1000	56.8	26.7
202, 302	6	13.8
203, 303	28.9	33.8
206, 306	41.4	50.8
1001, 1002	46.4	40
104, 204, 304	15.7	45.3
105, 205, 305	38.9	48.6
401, 501, 601, 701, 801	30.8	25.5
402, 502, 602, 702, 802	9.9	11.7
100, 603, 703, 803, 902	40.7	36.7
104, 404, 704, 804, 903	30.5	42.5
405, 505, 605, 705, 805, 904	37.6	30.9
All other dwellings	43.6	26

Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system (LCS)
Car park area (No. 1)	ventilation supply + exhaust	carbon monoxide monitor + VSD fan	fluorescent	zoned switching with motion sensor	no
Lift car (No. 1)			fluorescent	connected to lift call button	no
Garbage room (No. 1)	ventilation exhaust only		fluorescent	motion sensors	no
Garbage room (No. 2)	ventilation exhaust only		fluorescent	motion sensors	no
Plant or service room (No. 1)	no mechanical ventilation		fluorescent	manual on / manual off	no
Plant or service room (No. 2)	no mechanical ventilation		fluorescent	manual on / manual off	no

- ABSA COMMITMENTS**
- FLOORS**
 - CONCRETE R2.0 INSULATION TO UNIT FLOORS OVER BASEMENT OR EXPOSED TO AIR UNDER
 - EXTERNAL WALLS**
 - AUTOCLAVED AERATED CONCRETE (EG. HEBEL)
 - GLAZING**
 - LOW E GLAZING & IMPROVED ALUMINUM FRAME (U-VALUE 4.04, SHGC: 0.62) TO UNITS 105,205,305,405,505,605,705,805,905 & 1004
 - STANDARD GLAZING MODELLED FOR REMAINDER
 - ROOF**
 - CONCRETE
 - GENERAL**
 - ALL EXTERNAL MATERIALS MODELLED WITH MEDIUM COLOUR FINISHES
 - R3.0 CEILING INSULATION TO ALL UNITS WITH CEILINGS TO ROOF & EXPOSED SLABS OVER (EG. BALCONY OVERHEAD)

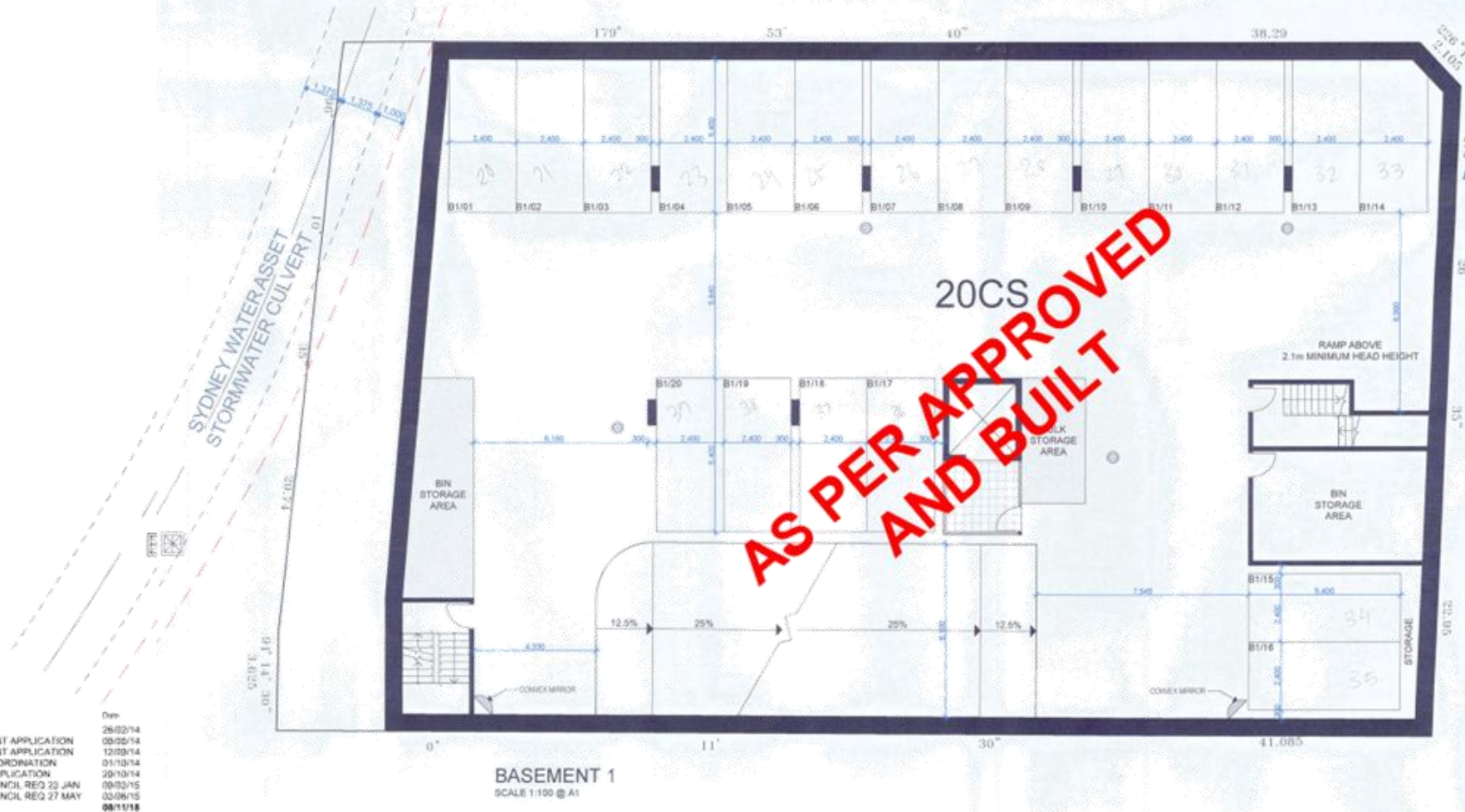
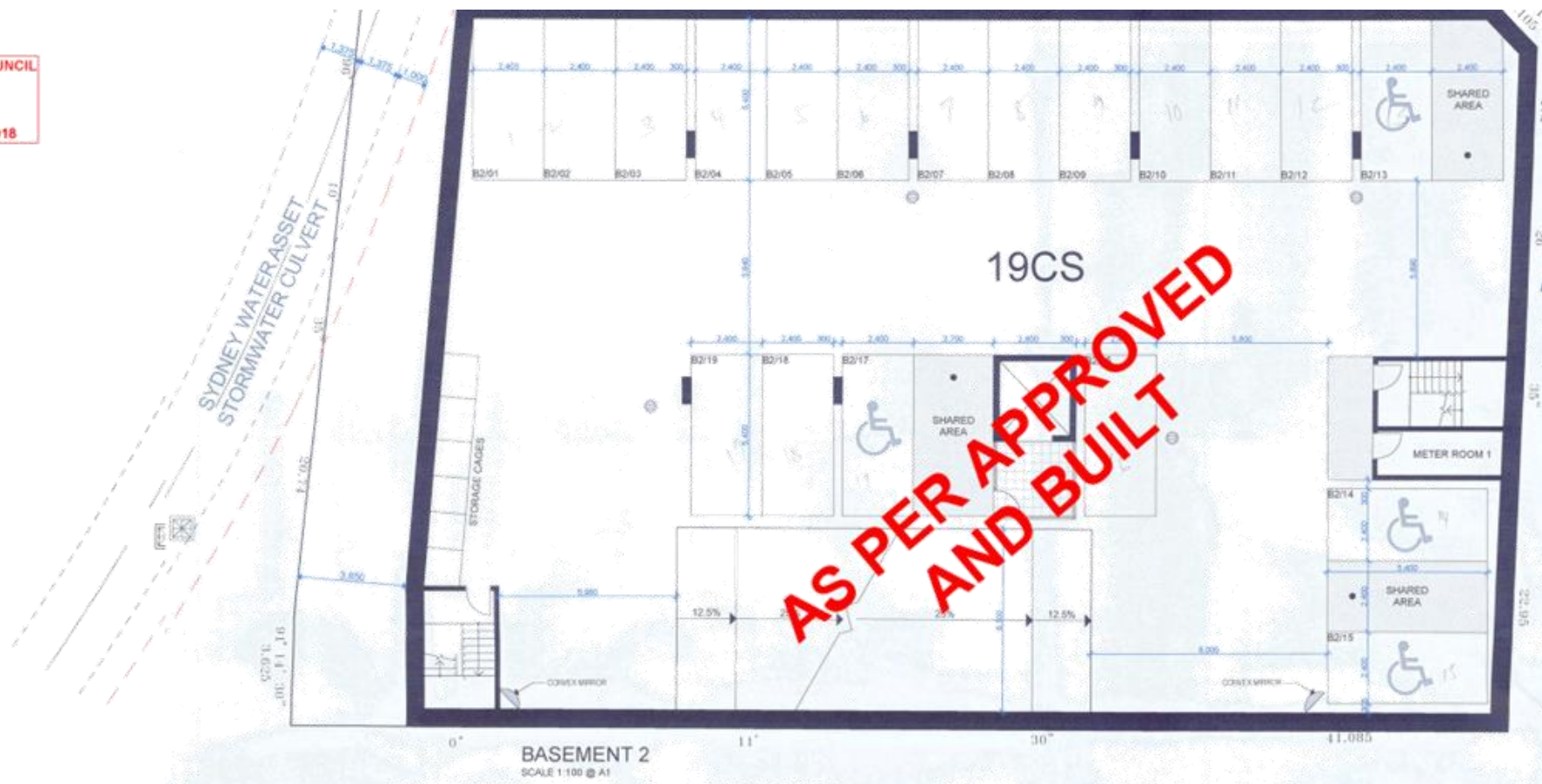
Strathfield Local Planning Panel
- 5 JUN 2018
2014/11

Item	Amendment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	08/05/14
C	PRE-DEVELOPMENT APPLICATION	12/09/14
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E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REG 22 JAN	08/03/15
G	AMENDED TO COUNCIL REG 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

URBAN LINK
200 Riverside Reg 14388
Yusuf D Khawaja Reg 882
Nadea Touk Reg 10224

project 22-25 CHURCHILL AVE
STRATHFIELD NSW
2140 AUSTRALIA
client HAZI PTY LTD
scale 1:100 @ A1
date 10/11/2018
sheet MP
drawing 05
checked T.J.

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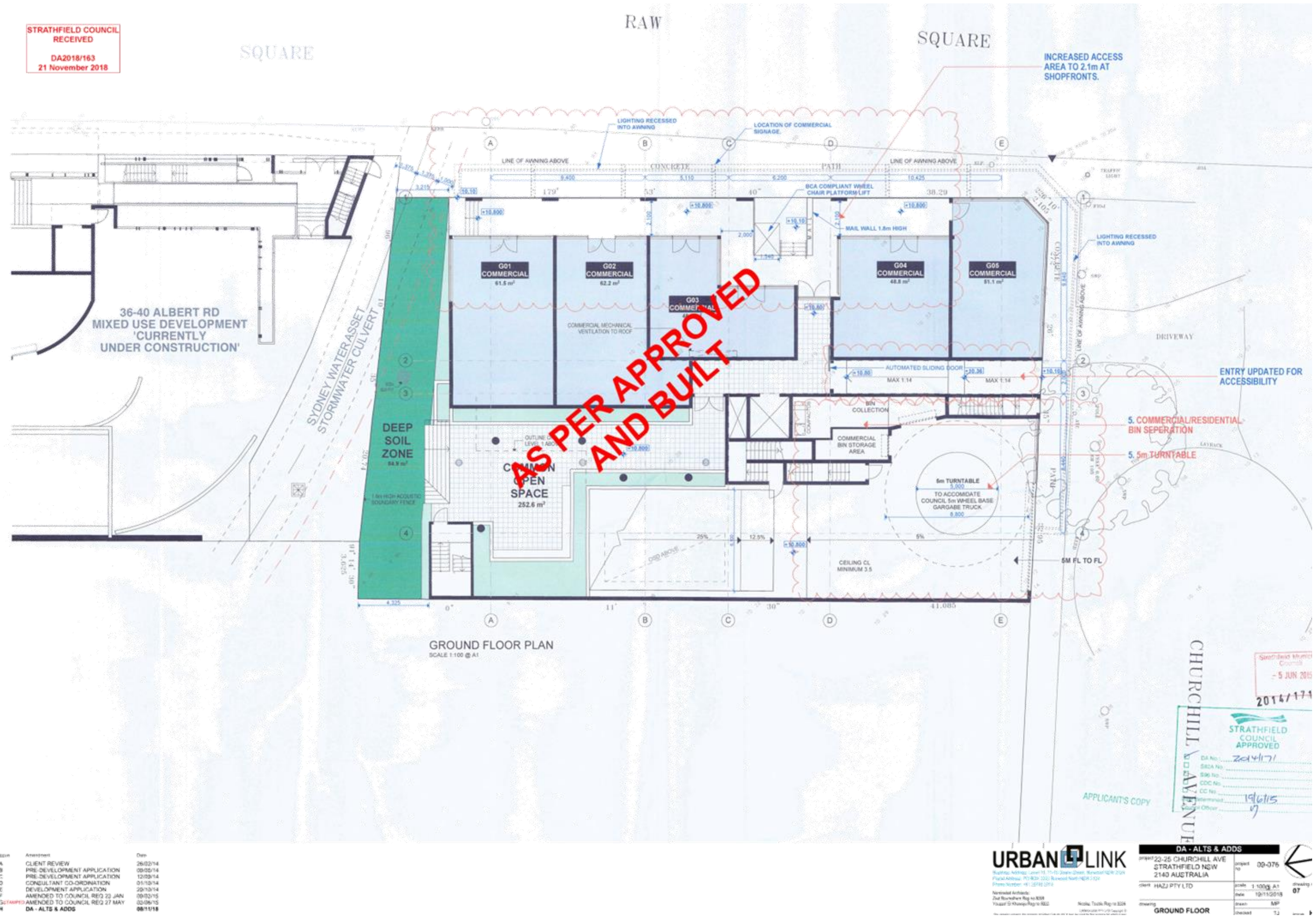
Rev	Amendment	Date
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G	AMENDED TO COUNCIL REG 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

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 Registered Architects:
 2nd Burwood Reg no 8388
 Yousof G Khawaja Reg no 882
 Nicola Todor Reg no 8228
 URBANLINK PTY LTD
 URBANLINK PTY LTD Design & Drafting

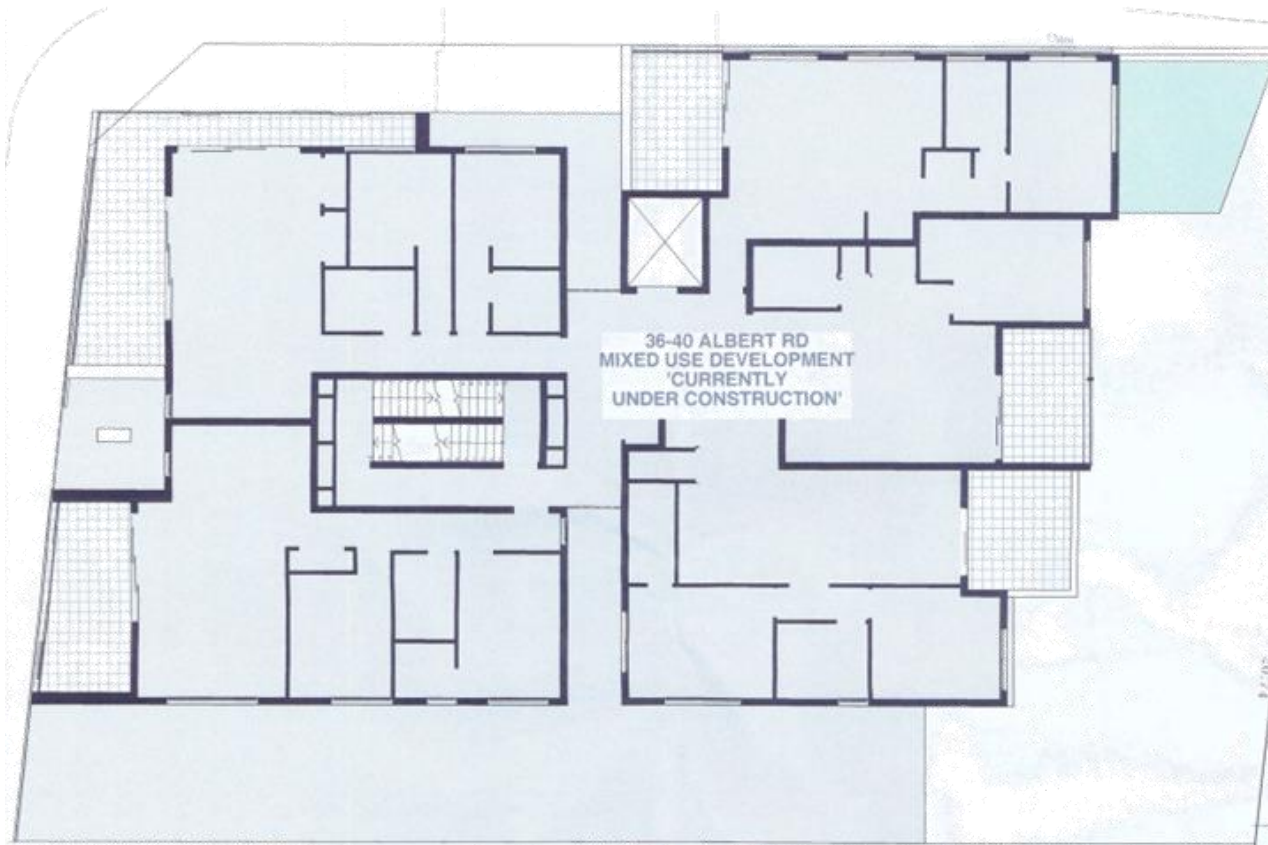
DA - ALTS & ADDS

Project No	00-075
Scale	1:100 @ A1
Date	10/11/2018
Client	HAZJ PTY LTD
Drawing	MP
Sheet	12

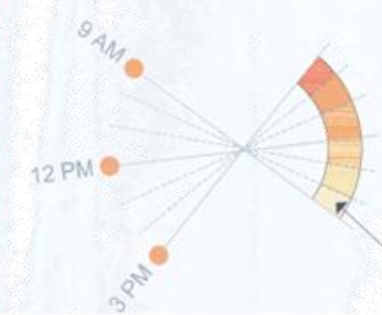
BASEMENTS 1 & 2



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21 November 2018



**AS PER APPROVED
AND BUILT**



UNIT RECEIVES 2HRS SOLAR
CROSS-FLOW VENTILATION

56 UNITS OR 83%
48 UNITS OR 66%

1.1 SOLAR / VENTILATION
SHOW ON PLANS + SOLAR
ANGLES.

EACH SEGMENT REPRESENTS
A FULL HOUR OF SUN

STRATHFIELD COUNCIL APPROVED
DA No: 2014/171
Date determined: 19/11/18
Council Officer: [Signature]

APPLICANT'S COPY
2014/171

Item	Amendment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
C	PRE-DEVELOPMENT APPLICATION	12/09/14
D	CONSULTANT CO-ORDINATION	01/10/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REQ 23 JAN	09/03/15
G	AMENDED TO COUNCIL REQ 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

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DA - ALTS & ADDS
Project: 22-25 CHURCHILL AVE
STRATHFIELD NSW
2140 AUSTRALIA
Project No: 00-075
Scale: 1:100 @ A1
Date: 19/11/2018
Client: HAZJ PTY LTD
Drawing: LEVEL 1 FLOOR PLAN
Sheet: 12



LEVEL 2 PLAN
SCALE 1:100 @ A1

UNIT RECEIVES 2HRS SOLAR
 CROSS-FLOW VENTILATION

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DA2018/163
21 November 2018

1.1 SOLAR / VENTILATION
SHOW ON PLANS + SOLAR ANGLES.



LEVEL 3 PLAN
SCALE 1:100 @ A1

UNIT RECEIVES 2HRS SOLAR
 CROSS-FLOW VENTILATION

STRATHFIELD COUNCIL APPROVED

DA No: 2014/171

5 JUN 2015

2014/171

Item	Amendment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
C	PRE-DEVELOPMENT APPLICATION	12/09/14
D	CONSULTANT CO-ORDINATION	01/10/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REQ 23 JAN	09/03/15
G	AMENDED TO COUNCIL REQ 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

URBAN LINK

22-25 CHURCHILL AVE
STRATHFIELD NSW
2140 AUSTRALIA

client HAZI PTY LTD

project 00-076

scale 1:100 @ A1

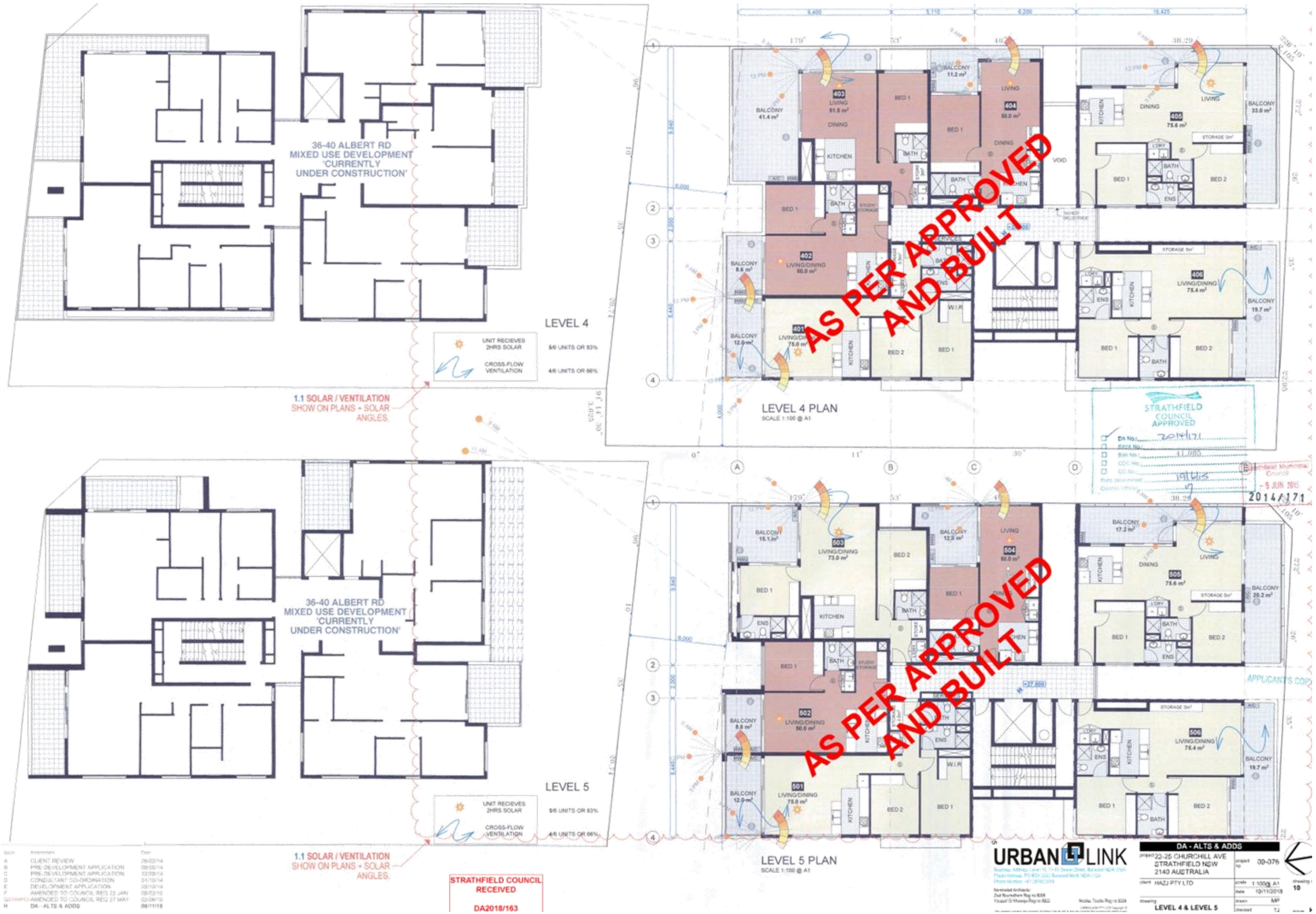
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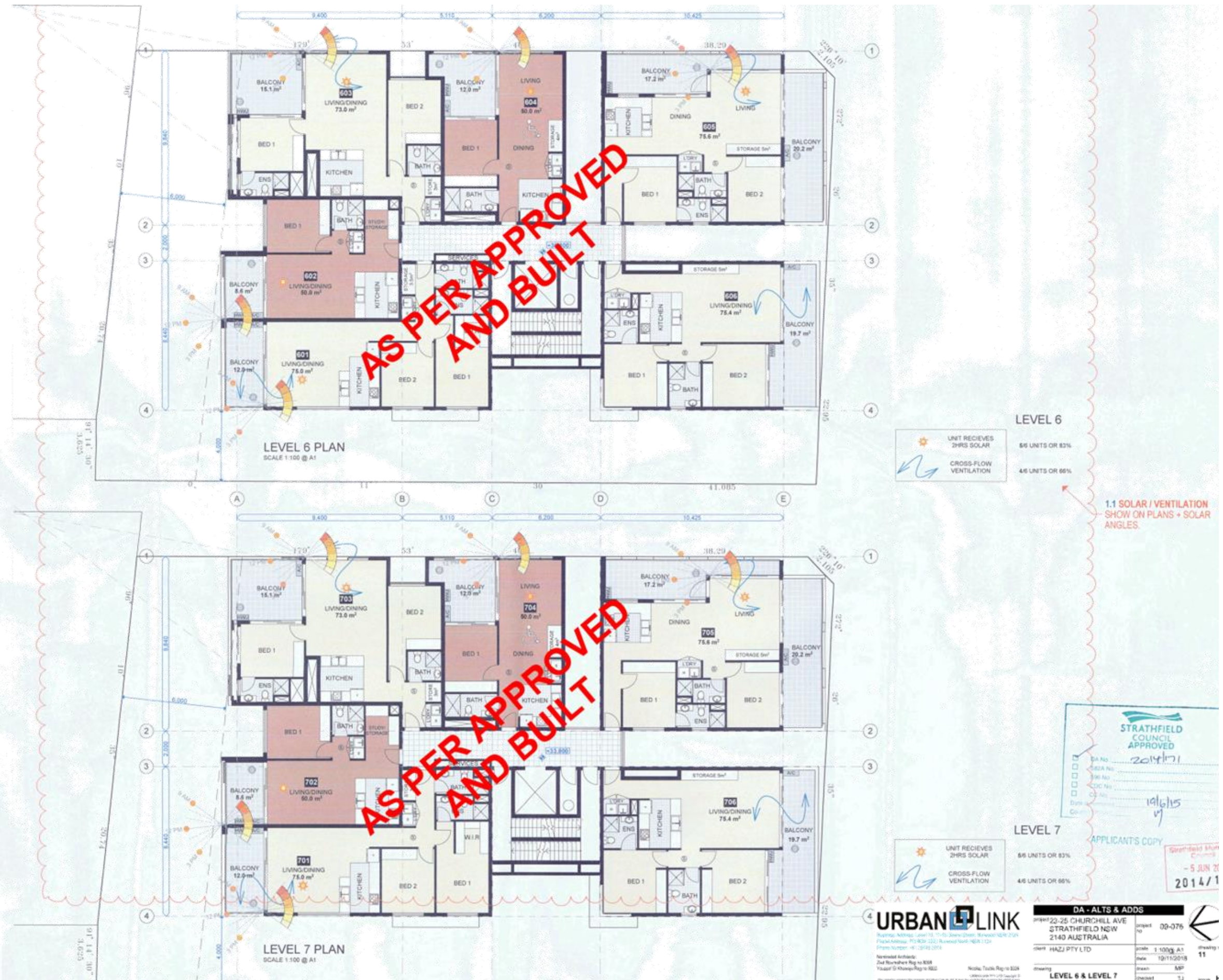
drawing MP

checked T2

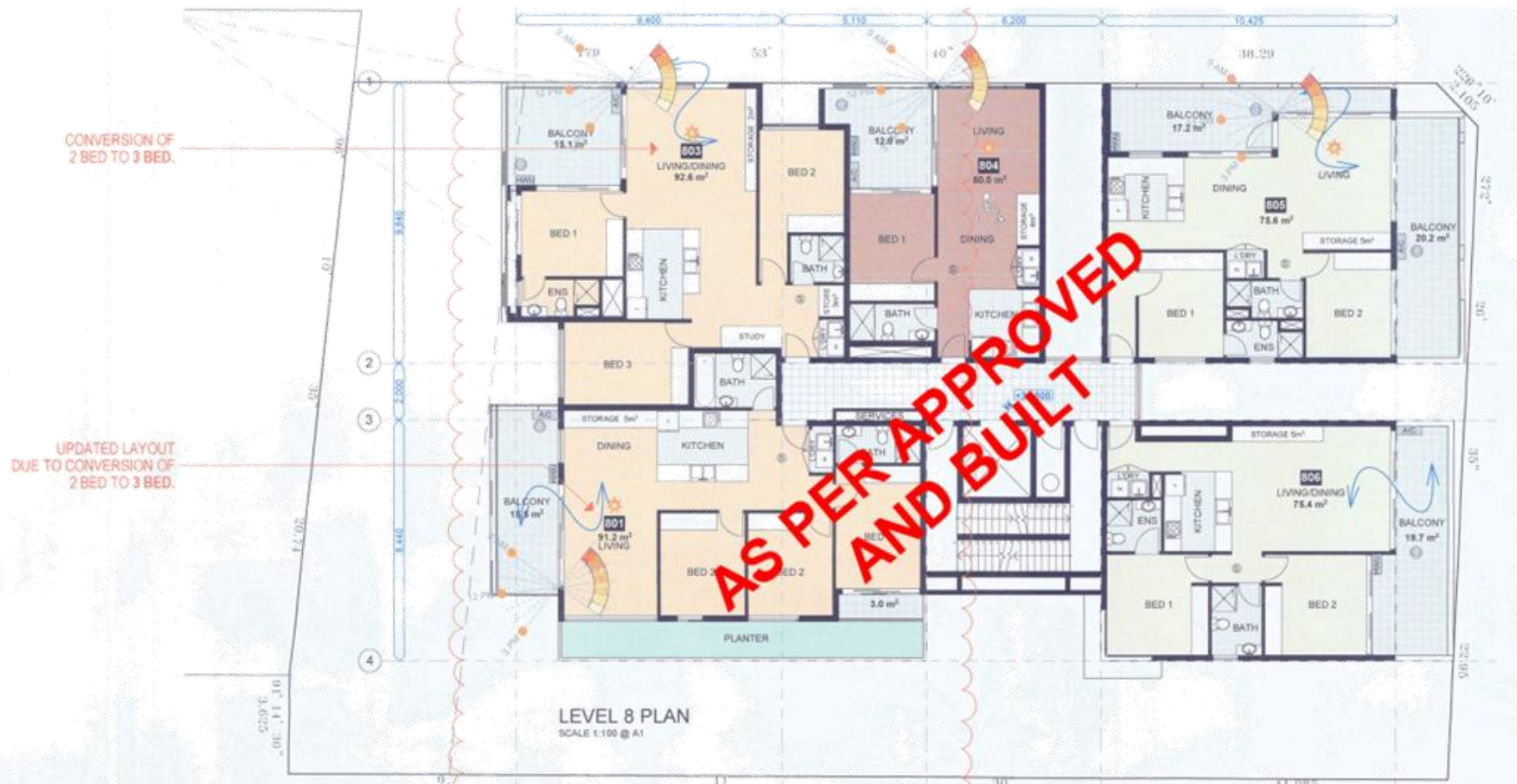
DA - ALTS & ADDS

LEVEL 2 & LEVEL 3

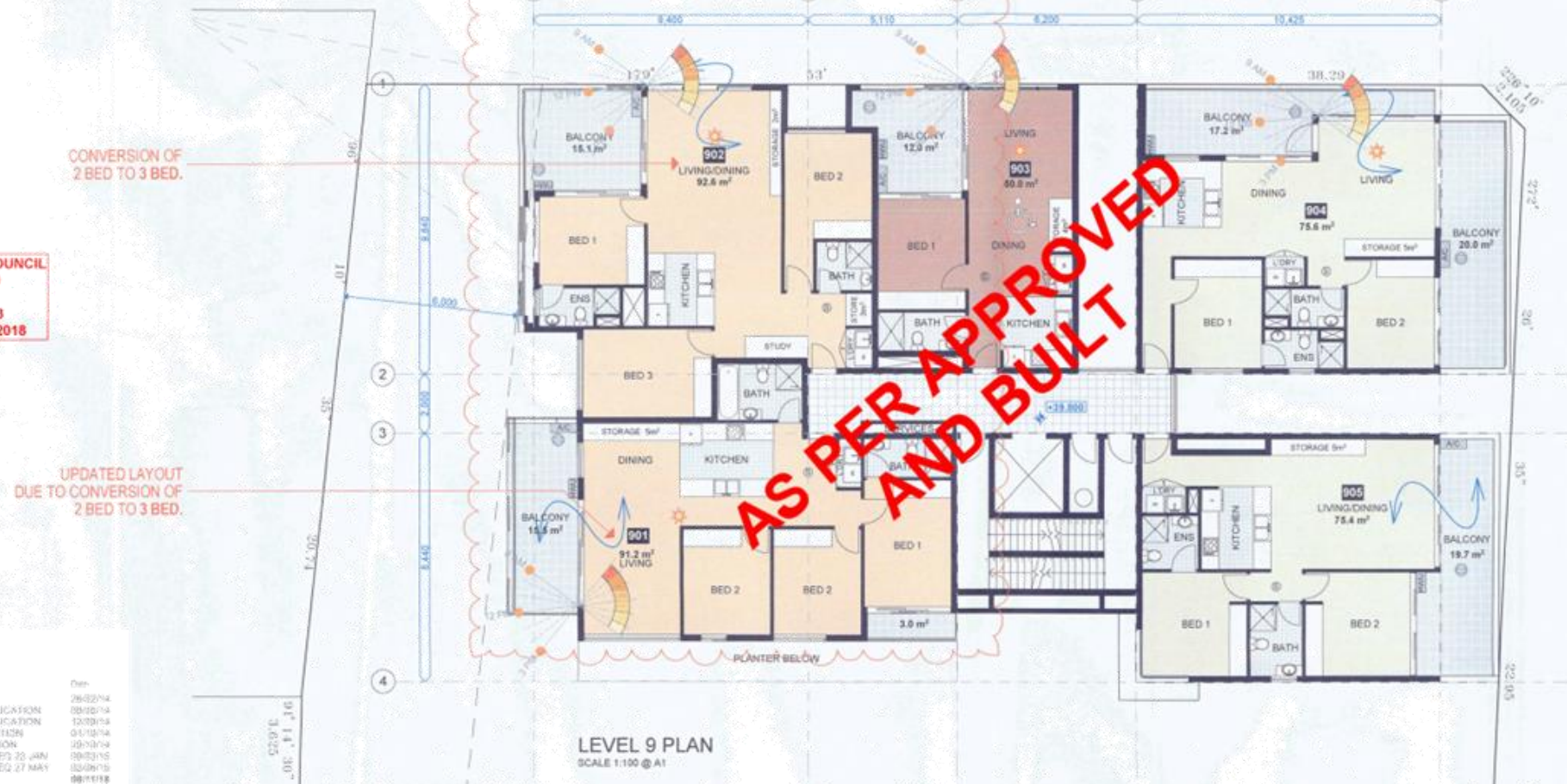




Rev	Description	Date
4	CLIENT REVIEW	28/02/14
3	PRE-DEVELOPMENT APPLICATION	02/02/14
2	PRE-DEVELOPMENT APPLICATION	12/01/14
1	CONSULTANT CO-ORDINATION	01/01/14
0	DEVELOPMENT APPLICATION	20/10/13
0	AMENDED TO COUNCIL REG 20 JAN	09/01/15
0	AMENDED TO COUNCIL REG 27 MAY	02/06/15
0	DA - ALTS & ADDS	08/11/15



LEVEL 8 PLAN
SCALE 1:100 @ A1



LEVEL 9 PLAN
SCALE 1:100 @ A1

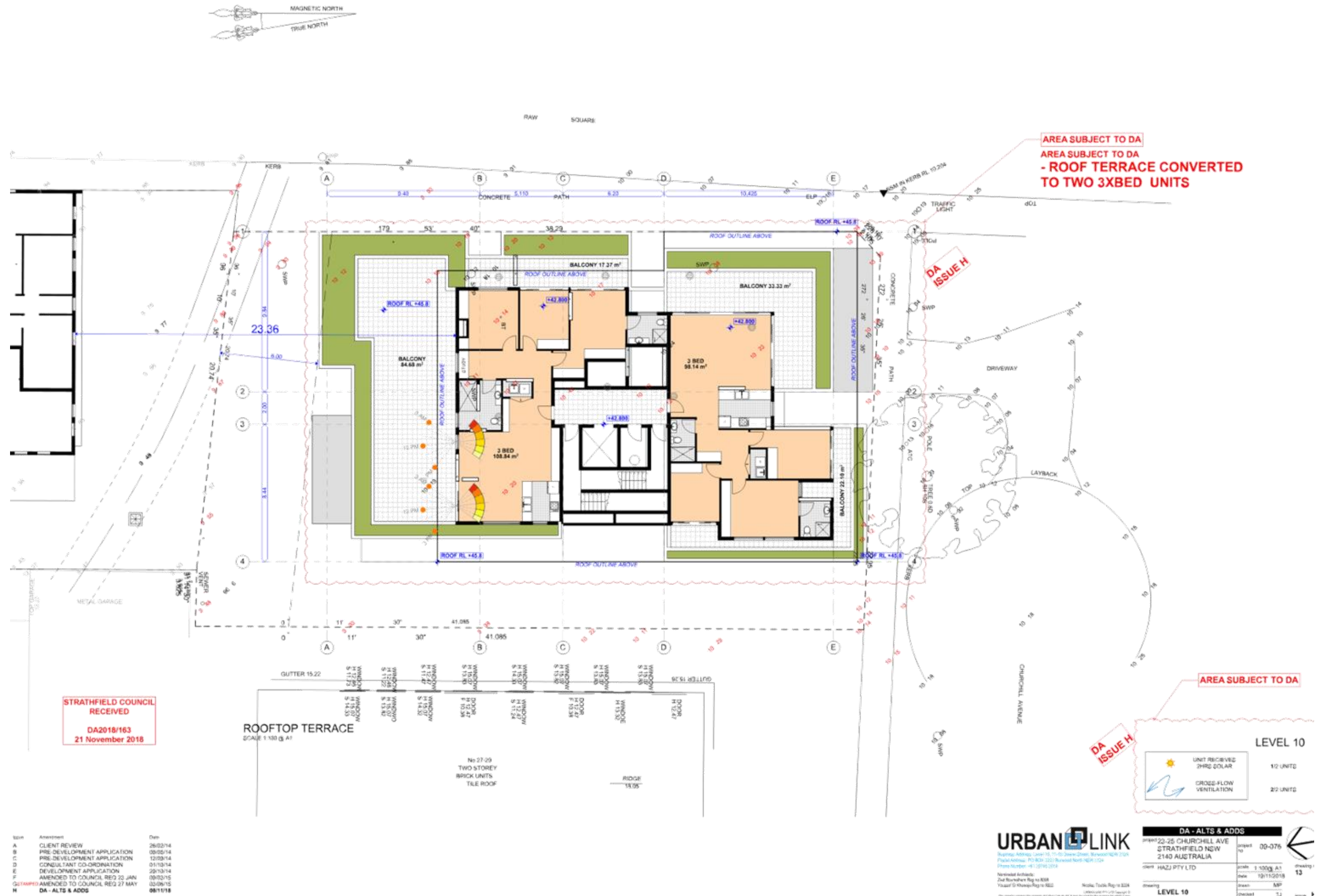
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21 November 2018

- LEVEL 9**
- UNIT RECEIVES 2HR SOLAR 45 UNITS OR 90%
 - CROSS FLOW VENTILATION 45 UNITS OR 90%

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DA - ALTS & ADDS
Project No: 00-075
Scale: 1:100 @ A1
Date: 19/11/2018
Client: HAZI PTY LTD
Drawing: MP
Checked: T.J.

Rev	Description	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	05/02/14
C	PRE-DEVELOPMENT APPLICATION	12/02/14
D	CONSULTANT COORDINATION	01/03/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REG 23 JAN	09/03/15
G	AMENDED TO COUNCIL REG 27 MAY	02/06/15
H	DA - ALTS & ADDS	08/11/18





Item	Amendment	Date
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H	DA - ALTS & ADDS	08/11/18

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**DA2018/163
21 November 2018**

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 Yousof O Khawaja Reg no 8828
 Nadeem Tariq Reg no 8328
 Licence No: 101120018

DA - ALTS & ADDS
 Project: 22-25 CHURCHILL AVE
 STRATHFIELD NSW
 2140 AUSTRALIA
 Project No: 00-075
 Scale: 1:100 @ A1
 Date: 10/11/2018
 Client: HAZJ PTY LTD
 Drawing: NORTH & EAST
 Sheet: 14
 Drawn: MP
 Checked: TJ



SOUTH ELEVATION
SCALE 1:100 @ A1



WEST ELEVATION
SCALE 1:100 @ A1

**STRATHFIELD COUNCIL
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**DA2018/163
21 November 2018**

Item	Amendment	Date
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F	AMENDED TO COUNCIL REG 23 JAN	09/03/15
G	AMENDED TO COUNCIL REG 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

URBANLINK
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 Email: info@urbanlink.com.au

DA - ALTS & ADDS
 Project: 22-25 CHURCHILL AVE
 STRATHFIELD NSW
 2140 AUSTRALIA
 Client: HAZJ PTY LTD
 Scale: 1:100 @ A1
 Date: 19/11/2018
 Drawing: SOUTH & WEST

Project No: 00-075
 Drawing No: 15
 Scale: 1:100 @ A1
 Date: 19/11/2018
 Drawing: SOUTH & WEST



STRATHFIELD COUNCIL
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DA2018/163
21 November 2018

Rev	Amendment	Date
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H	DA - ALTS & ADDS	08/11/18

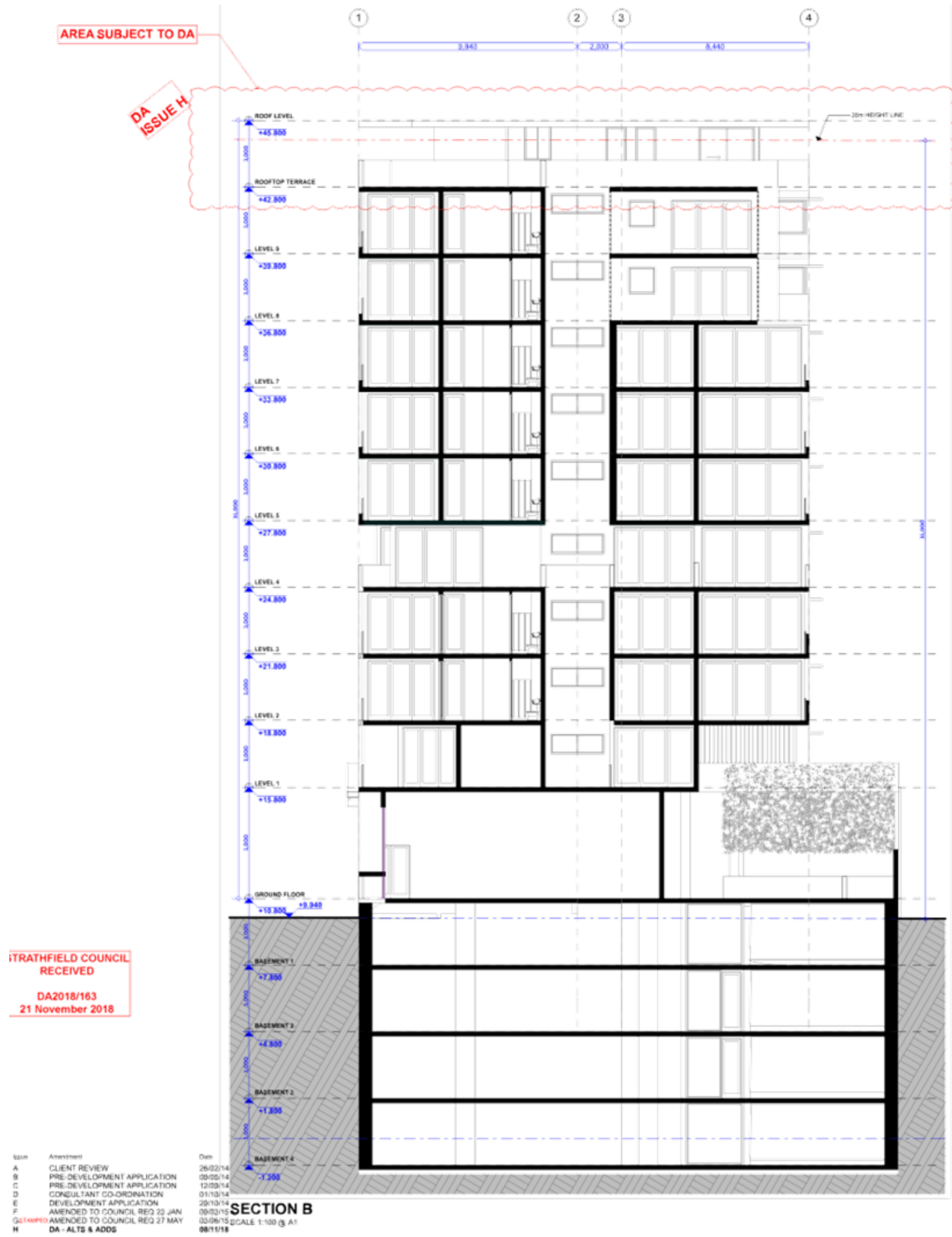
SECTION
SCALE 1:100 @ A1

URBANLINK
 Registered Architects:
 Ziad Bounieher Reg no 8388
 Yousof G. Khawaja Reg no 8822
 Nadeem Toufik Reg no 8328
 URBANLINK Pty Ltd Company No 121112018

DA - ALTS & ADDS

Project No	00-075
Project Name	22-25 CHURCHILL AVE STRATHFIELD NSW 2140 AUSTRALIA
Client	HAZU PTY LTD
Scale	1:100 @ A1
Date	19/11/2018
Drawn	MP
Checked	TJ

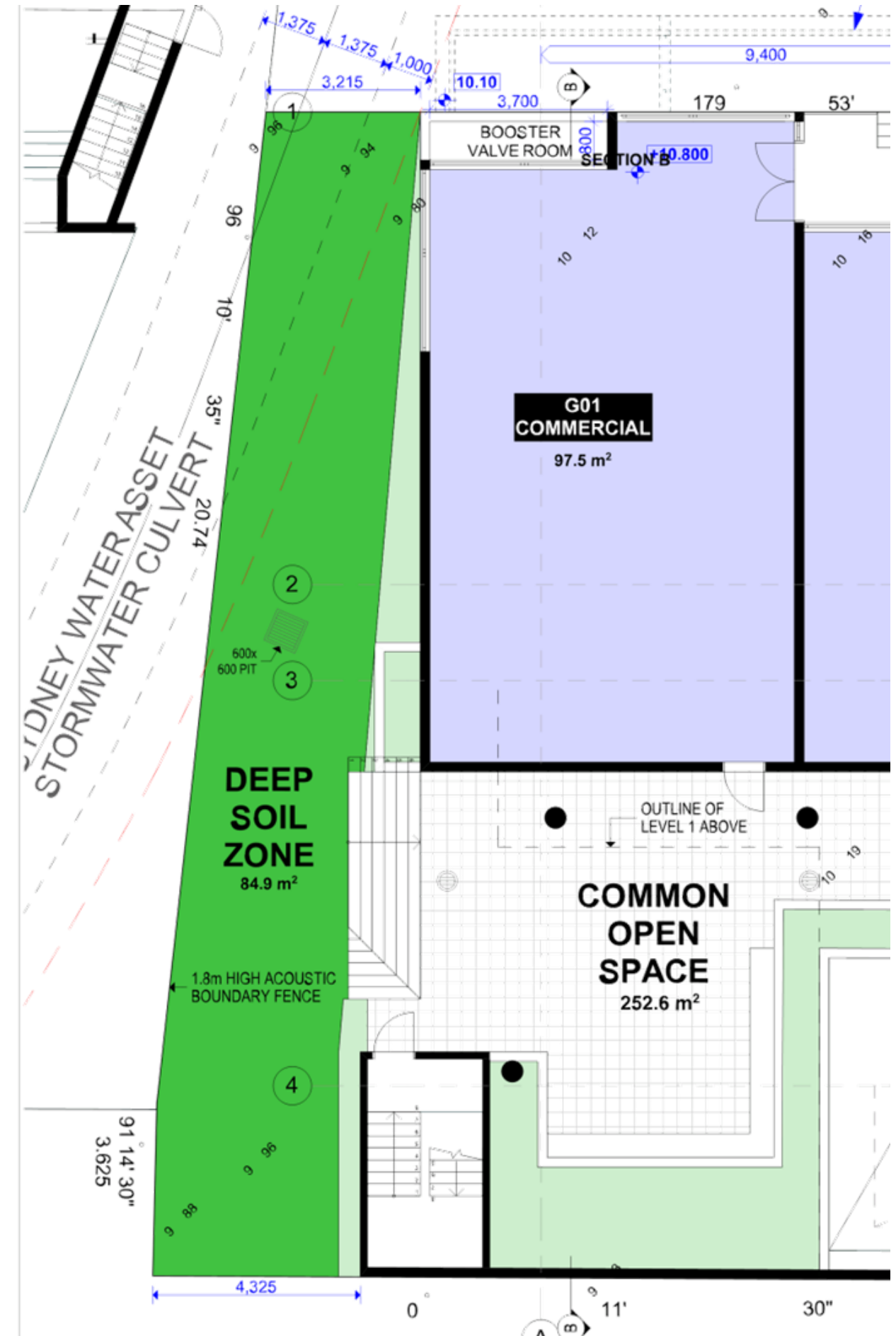
drawing 16

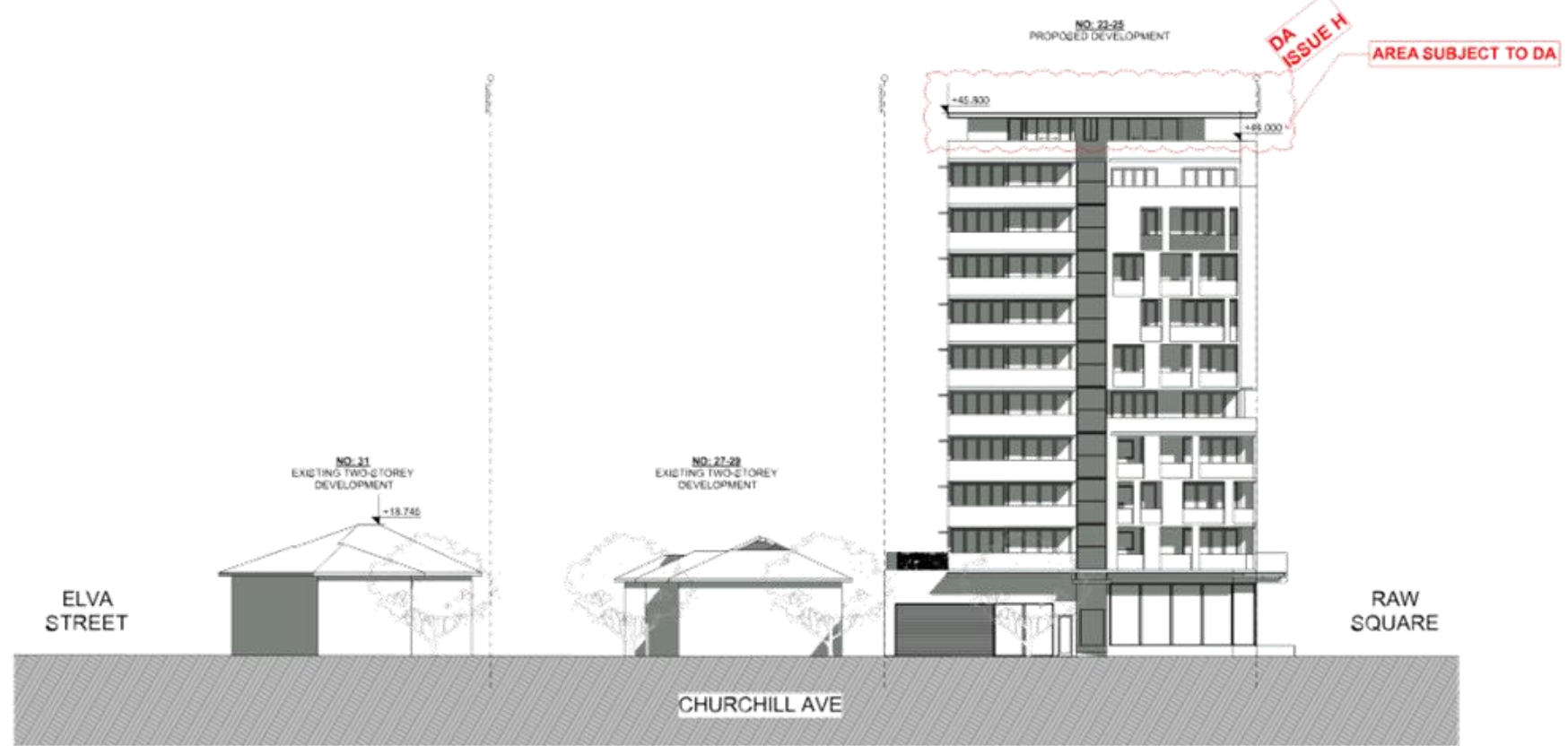


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DA2018/163
21 November 2018

Rev	Amendment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
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D	CONSULTANT CO-ORDINATION	01/10/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REQ 23 JAN	09/03/15
G	AMENDED TO COUNCIL REQ 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

SECTION B





STRATHFIELD COUNCIL
RECEIVED
DA2018/163
21 November 2018

Item	Assessment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
C	PRE-DEVELOPMENT APPLICATION	12/09/14
D	CONSULTANT CO-ORDINATION	01/10/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REQ 23 JAN	09/03/15
G	AMENDED TO COUNCIL REQ 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

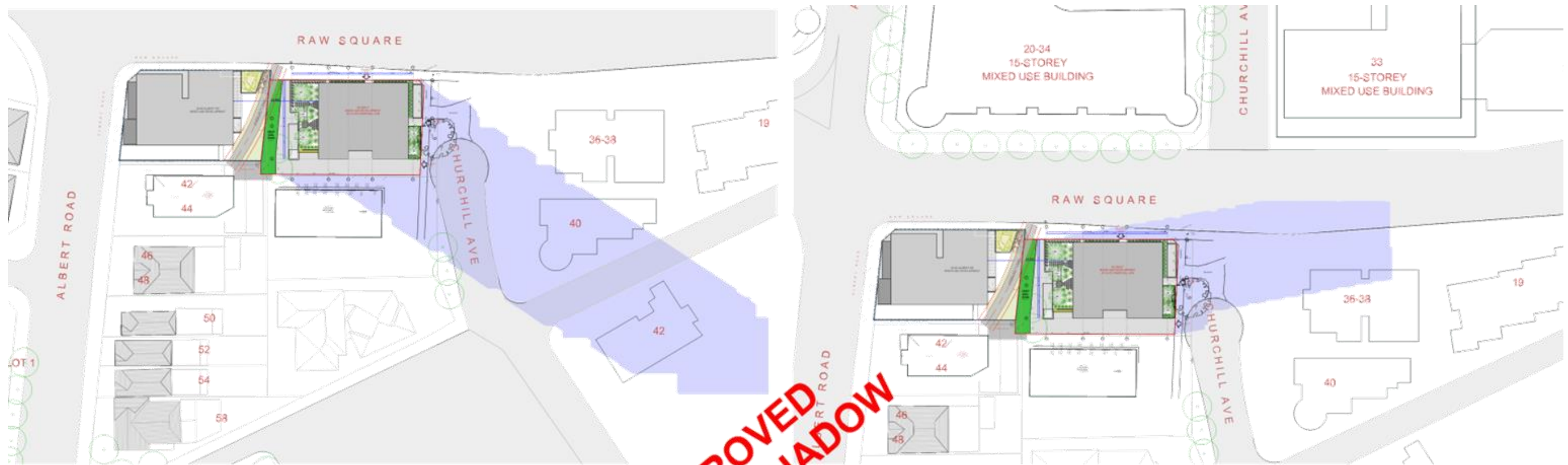
URBANLINK

Registered Architects:
2nd Floor, 100/100 St Georges Road, Sydney NSW 1588
Yousang G. Khoo (P) Reg No. 8888
Nashia Todor (P) Reg No. 8204

DA - ALTS & ADDS

Project: 22-25 CHURCHILL AVE
STRATHFIELD NSW
2140 AUSTRALIA
Project No: 00-076

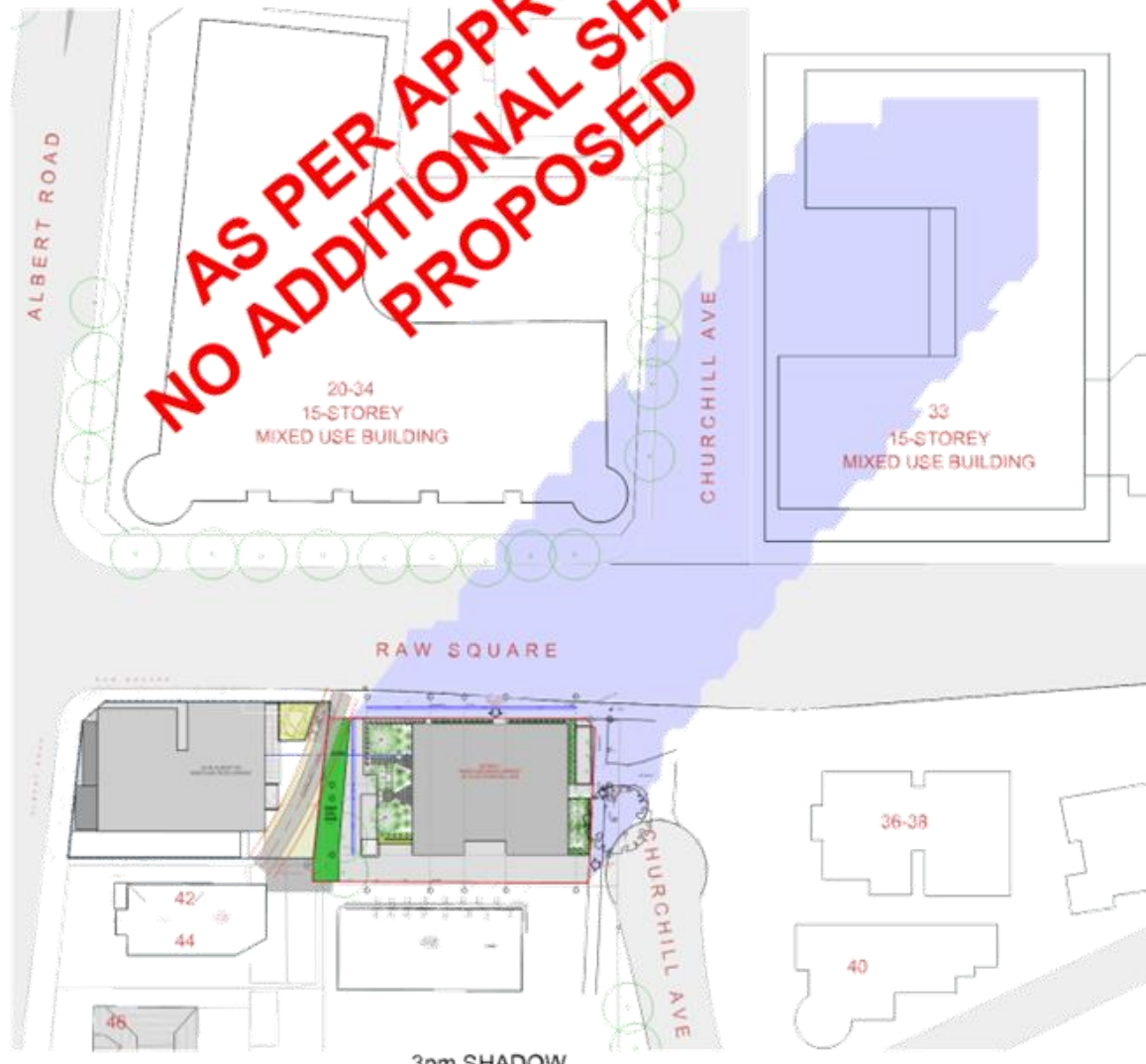
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Scale: 1:100 @ A1
Date: 19/11/2018
Drawing: MP
Sheet: 20



9am SHADOW
SCALE 1:500 @ A1

12pm SHADOW
SCALE 1:500 @ A1

**AS PER APPROVED
NO ADDITIONAL SHADOW
PROPOSED**



3pm SHADOW

STRATHFIELD COUNCIL
RECEIVED
DA2018/163
21 November 2018

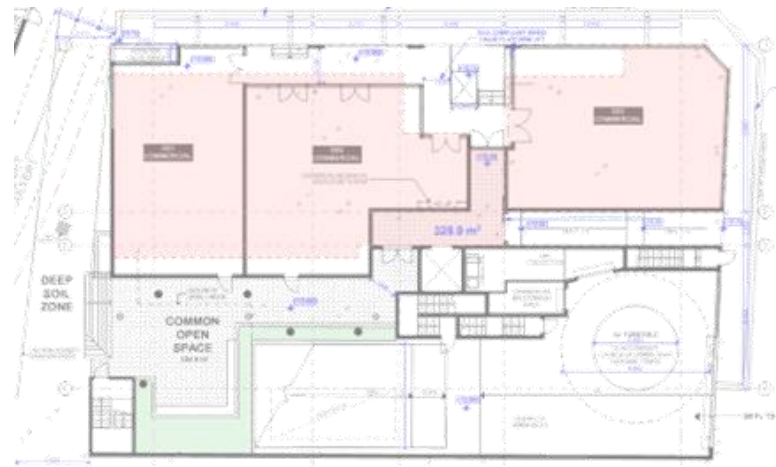
Item	Assessment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
C	PRE-DEVELOPMENT APPLICATION	12/09/14
D	CONSULTANT CO-ORDINATION	01/10/14
E	DEVELOPMENT APPLICATION	20/10/14
F	AMENDED TO COUNCIL REG 23 JAN	09/03/15
G	AMENDED TO COUNCIL REG 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

URBANLINK

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Phone Number: +61 2 9145 2000
Newcastle Architects:
2nd Floor, 100/100, 11-13 Devon Street, Strathfield NSW 2157
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DA - ALTS & ADDS	
Project No	00-075
Project Name	22-25 CHURCHILL AVE STRATHFIELD NSW 2140 AUSTRALIA
Client	HAZU PTY LTD
Scale	1:100 @ A1
Date	19/11/2018
Drawn	MP
Checked	TJ





GROUND FL
AREA : 386.3 m²



LEVEL 1
AREA : 379.8m²



LEVEL 2 - 3
AREA : 430.3 m²



LEVEL 4
AREA : 406.3 m²



LEVEL 5 - 7
AREA : 429.5 m²



LEVEL 8 - 9
AREA : 413.2 m²

G F A CALCULATIONS

GFA TOTAL	
GROUND	328.9
1	379.8
2	430.3
3	430.3
4	406.3
5	429.5
6	429.5
7	429.5
8	413.2
9	413.2
10	235.4
TOTAL	4325.9
SITE A AREA	987.0
MAX GFA ALLOWED	4,145.4

AREA SUBJECT TO DA

DA ISSUE H

PROPOSED FSR	4.38
ALLOWABLE FSR	4.2 : 1
FSR OVER BY	0.18

DA ISSUE H

AS PER APPROVED

DA ISSUE H

AREA SUBJECT TO DA



LEVEL 8 - 9
AREA : 413.2 m²

Item	Assessment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
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DA2018/163

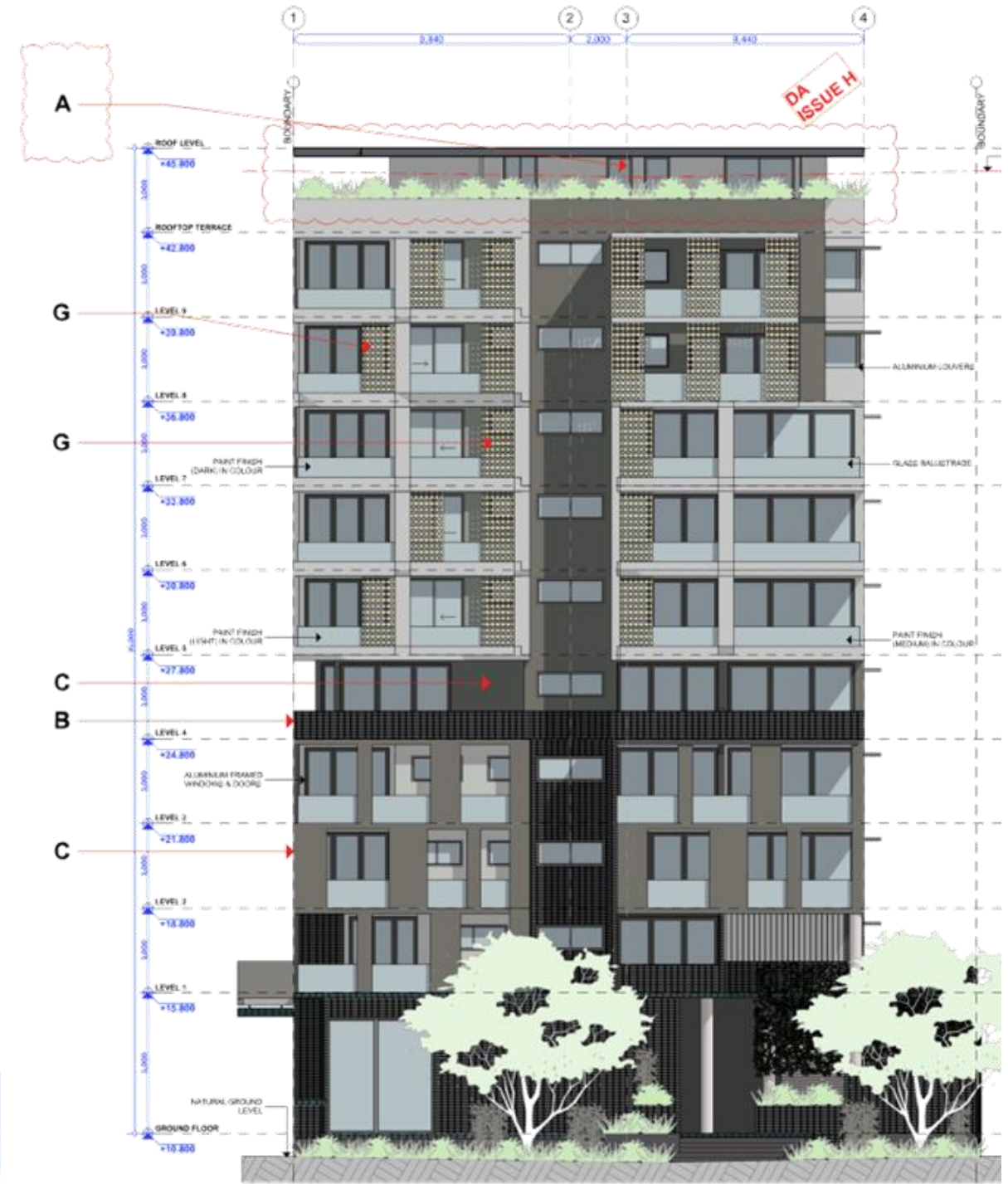
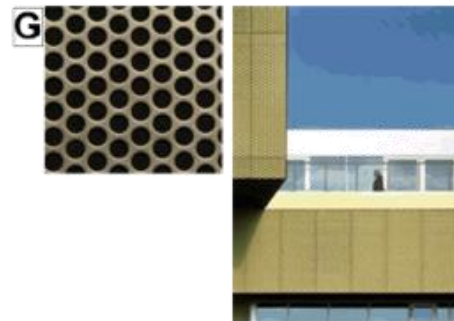
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DA - ALTS & ADDS
 Project: 22-25 CHURCHILL AVE
 STRATHFIELD NSW
 2140 AUSTRALIA
 Project No: 00-075
 Scale: 1:100 @ A1
 Date: 10/11/2018
 Drawing: 20
 Client: HAZJ PTY LTD
 Drawing: FSR CALCS
 Sheet: 12



VIEW FROM RAW SQUARE

- A**
PAINT FINISH
BRISTOL
'CLOUD COVER' P003-L1
OR SIMILAR
- B**
BORAL - FUSION
SYDNEY BLUE
OR SIMILAR
- C**
PAINT FINISH
BRISTOL
'CASINO' T12 8.G12
OR SIMILAR
- D**
CLASS BALUSTRADE
- E**
ALUMINIUM FRAMED
WINDOW & DOORS
STEGRAR 'APO GREY'



NORTH ELEVATION

STRATHFIELD COUNCIL
RECEIVED
DA2018/163
21 November 2018

Item	Assessment	Date
A	CLIENT REVIEW	26/02/14
B	PRE-DEVELOPMENT APPLICATION	09/05/14
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G	AMENDED TO COUNCIL REQ 27 MAY	03/06/15
H	DA - ALTS & ADDS	08/11/18

URBANLINK

Registered Architects
2nd Floor, 100 Pitt St, Sydney NSW 2000
Phone: 02 9250 1234

DA - ALTS & ADDS

22-25 CHURCHILL AVE
STRATHFIELD NSW
2140 AUSTRALIA

Project No: 00-075
Scale: 1:100 (A1)
Date: 10/11/2018
Sheet: MP
Drawing: 24

SCHEDULE OF

TO: Strathfield Local Planning Panel Meeting - 7 March 2019
REPORT: SLPP – Report No. 3
SUBJECT: DA2018/041 - 81-85 ALBERT ROAD & 58 BERESFORD ROAD
LOT 2, 7 & 8 DP 20594
DA NO. DA2018/041

SUMMARY

Proposal: Alterations and additions to existing aged care facility involving demolition of dwelling at 58 Beresford Road and construction of a new community building as well as partial demolition of existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities.

Applicant: Jesmond Aged Care c/- GMD Architects
Owner: Jesmond Aged Care
Date of lodgement: 29 March 2018
Notification period: 17 April – 9 May 2018; and
24 October – 15 November 2018
Submissions received: 52 (in two notification periods)
Assessment officer: RG
Estimated cost of works: \$18,733,282.00
Zoning: R2 - SLEP 2012 (Lot 8 DP20594)
R3 – SLEP 2012 (Lot 2 and 7 DP20594)
Heritage: Heritage item (I69) under SLEP 2012 directly adjoins the site to the west at 87-89 Albert Road
Flood affected: Yes
Yes – Floor space ratio
(complies with Seniors Housing SEPP FSR development standard)
Is a Clause 4.6 variation proposed? Yes – Height
16.84%
Peer review of Clause 4.6 variation: A peer review of the Clause 4.6 variations have been undertaken and the assessment officer's recommendation is supported.

RECOMMENDATION OF OFFICER: REFUSAL

EXECUTIVE SUMMARY

1.0 The application seeks council approval for the alterations and additions to an existing aged care facility involving demolition of the existing dwelling at 58 Beresford Road and construction of a new community building as well as partial demolition of existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities.

**DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)**

- 2.0 The application was publicly notified from 17 April 2018 to 9 May 2018 and re-notified from 24 October to 15 November 2018, in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005.
- 3.0 18 submissions were received during the original notification period and 34 submissions were received during the re-notification period.
- 4.0 The key issues raised in these submissions include that the proposal does not follow desired consolidation patterns, is out of character with the streetscapes, overdevelopment by non-compliance with FSR controls, non-compliance with Seniors Housing SEPP (landscaping), overshadowing and overlooking, dust and noise impacts, traffic and parking impacts and impact on the significance of the adjoining heritage item.
- 5.0 On 25 June 2018, a deferral letter was sent to the applicant outlining a number of outstanding matters and issues with the proposal. Amended plans and documents were submitted on 16 October 2018 however, it is considered that a number of matters have not been addressed.
- 6.0 The principal issues of the proposal include:
- The proposal contravenes the development standard for height and number of storeys set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and a SEPP 1 objection has not been submitted;
 - The proposal does not follow the desired consolidation patterns set out in Part C of SDCP 2005;
 - The proposal is not considered to be in keeping with the streetscape character of Beresford Road and Albert Road;
 - The proposal does not provide a successful height and massing transition between the R2 and R3 zonings;
 - The proposal does not protect the significance of the adjoining heritage item.
- 7.0 The proposal is accompanied by written requests pursuant to Clause 4.6(3) of Strathfield Local Environmental Plan 2012 that seek to justify the contraventions of the building height and floor space ratio development standards. These requests have been reviewed and it is considered that the request to contravene the floor space ratio standard is well founded as the proposed floor space ratio complies with the floor space ratio development standard set out in Clause 48(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), and pursuant to Chapter 1, Clause 5 of the Seniors Housing SEPP where there is an inconsistency between the Seniors Housing Policy SEPP and any other environmental planning instrument, the Seniors Housing SEPP prevails for the extent of the inconsistency. However, the request to contravene the height development standard is not considered to adequately address the matters required to be demonstrated by that sub-clause and more particularly the matter of sufficient environmental planning grounds
- 8.0 Accordingly, the proposal is recommended for refusal.

BACKGROUND

Pre-DA Background

Pre-Application Date

Summary of the Proposal

Summary of Council advice

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

- | | | |
|----------------|---|---|
| June 2015 | <ul style="list-style-type: none"> • Demolition of dwelling at 58 Beresford Road • Demolition of NE section of existing RACF • New level access driveway from Beresford Road to loading/delivery dock • New on-grade car parking and community building above on 58 Beresford Road for a 'Day Care' facility and ancillary offices • New 3-storey care wing on the NW corner of RACF. • New lower ground level to accommodate care for persons with dementia • Additional 24 single beds (resulting in total 123 beds) • Additional ~1,600m² of floor space, resulting in FSR of ~0.96:1 | <ul style="list-style-type: none"> • At grade car parking to be suitably screened and landscaped • Under provision of landscaping • Acoustic impact from open car park, after hour access for mortuary/ ambulance access, loading dock and building ventilation • Provision of a prayer room • Provision of a private visiting room • Provision of a north-facing courtyard potentially with communal gardening opportunities. |
| November 2016 | <ul style="list-style-type: none"> • Demolition of the existing dwelling at 58 Beresford Road • Demolition of the western part of the existing two storey RACF building and proposed additions to replace this with a 2 and 3 storey addition providing an additional 29 beds (resulting in total 128 beds) • Provision of a café/ shop • Additional car parking and landscaping over 58 Beresford Road • Reformation of the existing driveway along the south western side of the site and proposed new landscaping buffer along this boundary line • Reduced number of car parking spaces • Additional ~1,200m² of floor space, resulting in a FSR of ~0.89:1 | <ul style="list-style-type: none"> • Proposed building height exceeds the height development standard in SLEP 2012. • Under provision of on-site car parking (deficient of 3 spaces) as required by Seniors Housing SEPP • Under provision of landscaping (2,100m²) as required by Seniors Housing SEPP • Shop/ café is a prohibited use in R2 and R3 zone under SLEP 2012. The use may be permissible as ancillary to the RACF however, justification required as to the ancillary nature of such use. • Staging plans required to be submitted • Acoustic report is required to be submitted |
| September 2017 | <ul style="list-style-type: none"> • Demolition of the existing residence at 58 Beresford Road. • Demolition of the western part of the existing two storey RACF building • Proposed new building on 58 Beresford Road site to provide 26 beds for decanting of main building during construction | <ul style="list-style-type: none"> • Under provision of landscaping and use of courtyard spaces • Privacy amenity impacts due to placement of windows in relation to neighbouring properties • Position, scale and bulk of new building structure at 58 Beresford Rd, including |

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

- period & reverting to 13 beds once all construction works are completed.
- Proposed additions to replace the western part of the existing RACF building comprising 2 & 3 storeys
 - An additional 23 beds in this building – which when combined with the beds in the new building on 58 Beresford Road will result in **a net increase of 36 beds for the facility (a total of 135 beds).**
 - The reformation of the existing driveway along the south western side of the site to provide access to a new basement car park at lower ground floor under main building.
 - Additional undercover outdoor car parking at 58 Beresford Road.
 - Provision of additional landscaping and amenities to the northern boundary and internal courtyards with soft landscaping.
 - The proposed reformation of driveway and parking within the front setback and new landscaping.
 - **Additional ~1,700m² of floor space, resulting in a FSR of ~0.99:1**
- exceeding maximum building height
 - Acoustic impacts from garage door to basement car parking
 - Staging constructions plans to address off street parking
 - Overshadowing of adjoining properties
 - Waste management consideration
 - Not supportive of driveway access from Beresford Road.

Subject Application

- 29 March 2018** The subject application was lodged with Council. The original submission increased the number of beds from 99 to 131 (increase of 32 new beds).
- 17 April –
9 May 2018** The application was advertised and notified for a period of 21 days. 18 submissions were received, whereby 11 of these were identical.
- 25 June 2018** A letter was sent to the applicant detailing a number of outstanding matters and concerns with the proposal, including:
- a poor design outcome;
 - inconsistency with the prevailing streetscape character of Albert and Beresford Road (including materials and finishes, transition, form and height, scale, setbacks, roof form);
 - lack of articulation of facades;
 - building height is not compatible with scale of adjacent development and Clause 4.6 to vary height development standard is not accepted;

**DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)**

- position, bulk and scale of the building (lack of articulation, inadequate side and rear setbacks, poor transition to R2 zone);
- under provision of landscaping and loss of landscaping to SW boundary and western corner is not supported;
- external materials and finishes (materials to Beresford Road building is inconsistent with streetscape character); pitched roof form to be included for both buildings;
- traffic report to be updated to reflect the current traffic conditions and surveys and under provision of on-site car parking;
- the proposed front fence to Beresford Rd is not in keeping with the prevailing streetscape character; and
- require updated plans to include all property boundaries and streetscape elevation provided for Beresford Road frontage.

16 October 2018 Amended plans and documents received, including amended architectural plans, landscape plans, shadow diagrams, swept paths, supplementary planning report, traffic parking impact report, traffic carpark certification, 3D models.

24 October – The application was re-notified for a period of 21-days. An additional
15 November 2018 34 additional submissions received, whereby 22 of these were identical.

18 February 2019 A meeting was held between planning officers and the applicant and their team to discuss the reasons why the application is not supported.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the north-western side of Albert Road and south-eastern side of Beresford Road, and comprises 81-85 Albert Road (Lot 7 and 8 DP 20594) and 58 Beresford Road (Lot 2 DP 20594) (**Figure 1**).

No. 81- 85 Albert Road currently comprises a two-storey residential care facility (**Figure 2-7**) with on-site parking partly within an undercroft area at the rear of the site. Vehicular access is gained via two vehicle crossovers at the front of the site and a driveway adjacent to the south-western side boundary (**Figure 7**).

No. 58 Beresford Road currently comprises a single storey dwelling house (**Figure 8**) with a detached outbuilding adjacent to the north-eastern side boundary. Vehicle access is gained by a single vehicle crossing and driveway adjacent to the north-eastern side boundary.

The Albert Road frontage is 54.862m in width (Lot 8 – 18.286m and Lot 7 – 36.576m), and the Beresford Road frontage is 15.24m in width. The site has a total area of 5,000.09m².

The site slopes down from the south-east to north-west and has a cross-fall of approximately 7.08m.

The current streetscape of Albert Road is characterised predominately by low density residential dwellings however, Strathfield Girls High School is located directly opposite the site, on the south-eastern side of Albert Road. Also in close proximity to the site on Albert Road (between Homebush Road and Dickson/ Heyde Avenue) is the Catholic Institute Sydney and the Strathfield NSW Education Office).

The current streetscape of Beresford Road is characterized predominately by low and medium density residential accommodation, including single dwelling houses and multi dwelling housing. There is a telecommunications facility located to the south-west of the site along Beresford Road.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

The adjoining site at No. 87-89 Albert Road is a designated heritage item (I69) under Schedule 5 of the SLEP 2012.



Figure 1: Locality plan with the site outlined in blue

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 2: North- eastern portion of the front elevation of the existing residential care facility



Figure 3: South- western portion of the front elevation of the existing residential care facility

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 4: Portion of the front elevation of the existing residential care facility (orientated north- east)



Figure 5: Portion of the south- western side elevation of the existing residential care facility

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 6: Rearmost portion of the existing residential care facility, including car parking area (and undercroft parking area)



Figure 7: Existing vehicle access adjacent to the south- western side boundary

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 8: Front elevation of the existing dwelling house at 58 Beresford Road

PROPERTY BURDENS AND CONSTRAINTS

The site is affected by two (2) easements to drain water, both 1.0m wide. The easements are located adjacent to the north-eastern side boundary of the Beresford Road property (Lot 2) and adjacent to part of the rear boundary shared with No. 56 Beresford Road (Figure 9).

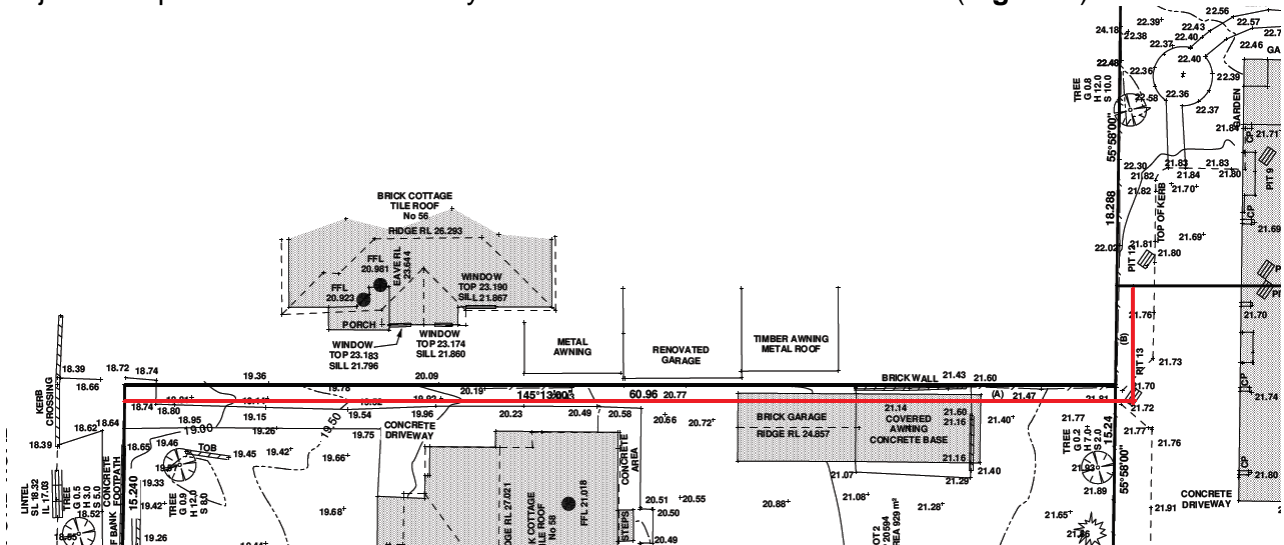


Figure 9: Approximate location of the easements located on the site and marked in red.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

**DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)**

The application seeks Council approval for the alterations and additions to an existing aged care facility involving demolition of the dwelling house at 58 Beresford Road, and construction of a new residential care building (at 58 Beresford Road) as well as partial demolition of the existing aged care facility (at 81-85 Albert Road) and construction of a new three (3) storey addition with new basement car parking facilities.

The main elements of the originally submitted proposal were:

- Demolition of existing dwelling at 58 Beresford Road;
- Partial demolition of the existing residential care facility (western portion);
- Construction of a new three-storey residential care facility at 58 Beresford Road (containing 13 new beds) linked to the main building via a covered awning;
- Part 2, part 3--storey addition to the existing residential care facility (providing an additional 19 beds);
- Provision of an additional 32 beds, resulting in a total of 131 beds on site;
- Extension of the lower ground level to incorporate parking for 32 car parking spaces, including two (2) disabled bays, new kitchen, staff room, reception, computer store, garbage store, and plant rooms;
- Provision of an at-grade ambulance bay at the rear of the building;
- Proposed FSR of 0.99:1
- Clause 4.6 Variations submitted to vary height and FSR development standards under SLEP 2012.

The applicant submitted revised plans and documents on 16 October 2018, whereby the main amendments involved:

- Decrease in 9 beds;
- Provision of an additional 2 car parking spaces,
- Revised roof form to Albert Road building, including two (2) gables and skillion roof;
- Reduced loss of landscaping along south-western side boundary;
- Removal of the covered link between Beresford Road and Albert Road buildings;
- Albert Road building - reduction in roof ridge height (by maximum ~1.98m)
- Beresford Road building - reduction in roof ridge height (by maximum ~1.2m)
- Removal of uppermost floor of proposed Beresford Road building;
- Extent of face brick on external elevations increased;
- Addition of privacy screens;
- Updated Traffic Report to reflect most recent traffic studies;
- Reduced FSR of 0.96:1;
- Updated Clause 4.6 Variation (height).

The specific elements of the amended proposal are:

- Provision of an additional 23 beds, resulting in a total of 122 beds; and

Lower ground level:

- 34 car parking spaces (including 2 disabled bays)
- Plant and store room
- Garbage store
- Computer room
- Staff room
- Kitchen
- Fire stair and lift access

Ground floor level:

- Demolition of, and new addition to, the western wing of the residential aged care facility;

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

- New dining room
- Prayer room
- Internal courtyard
- Meeting rooms
- Lift and fire stair access
- New suites

First floor level:

- New suites
- Internal courtyard
- Lift and fire stair access

Second floor level:

- 17 new suites
- Terrace
- Lift and fire stair access

External works:

- Loading/ turning bay
- One (1) ambulance parking bay
- Removal of 26 trees
- Removal of the most eastern vehicle crossover along Albert Road and reinstate the kerb;
- Removal of the vehicle crossover along Beresford Road and reinstate the kerb;
- Reconfiguration and enlargement of most western vehicle entry and driveway;
- Landscaping works across the site including loss of landscaping along the south-western boundary;
- Stormwater provisions including OSD adjacent to Beresford Road frontage.

The construction works is proposed in three (3) stages, as outlined in the Staging & Construction Management Report submitted with the application, and includes:

- Stage 1: North and east wings of Albert Road building;
- Stage 2: Balance of Albert Road building;
- Stage 3: Beresford Road building.

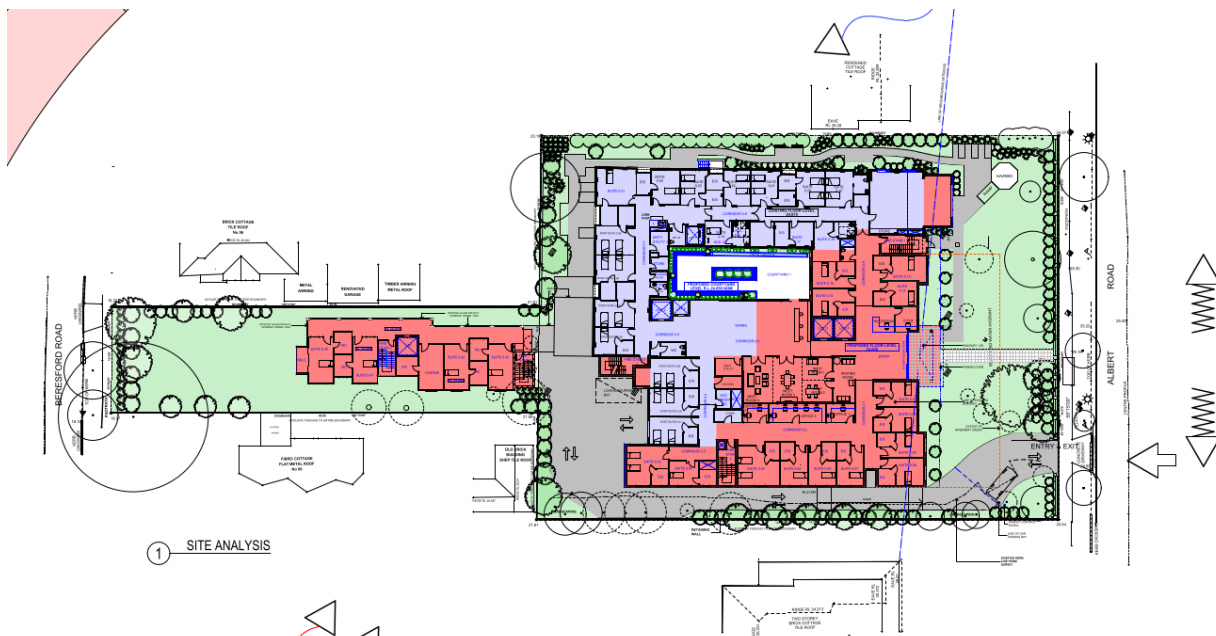


Figure 10: Extract of the proposed site plan

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 11: Photomontage of the proposed front elevation of the Albert Road building

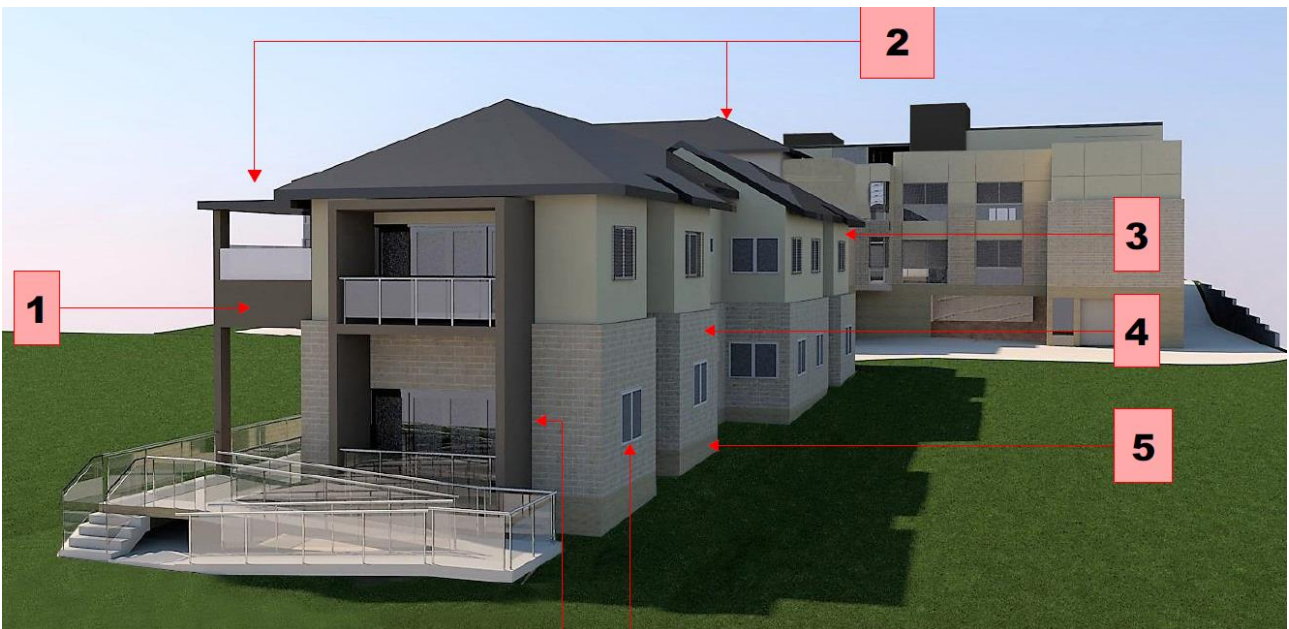


Figure 12: Photomontage of the proposed Beresford Road building (view from Beresford Road)

REFERRALS

INTERNAL REFERRALS

Stormwater Engineering Comments

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

“I have reviewed the stormwater drainage concept plan prepared by Sparks & Partners Consulting Engineers rev A drawing no. SW01 – SW08 job no. 17032 dated 19.02.2018. The subject site has a natural fall to the rear but, presence of Council’s drainage system in Beresford Road has enabled the applicant to submit a compliant design. Water sensitive urban design principles have been incorporated into the stormwater drainage design and Council’s requirements have been met. The site discharges to Council’s drainage system in Beresford Road, Strathfield by gravity pipe means via proposed below ground OSD tank. The proposed alterations and additions roof runoff drains into the OSD tank by gravity

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

means via downpipes. Subsoil seepage drains into the OSD tank by gravity means via subsoil drainage. Driveway access runoff drains into the OSD tank by gravity means via grated trench drain. OSD tank has been designed with internal mechanism to negate likelihood of internal flooding. 278.6m² (5.57%) of total site area bypasses the OSD tank. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."

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

Building Comments

Council's Building Compliance Officer has commented on the proposal as follows:

"As the demo is of part of the facility and the rest of the facility will still be occupied. A report of the existing fire measures and how the proposed demo will impact on travel distances, fire compartments, fire suppression and any proposed fire safety measures.

The lift doors on the Basement carpark level open directly into the path of car turning circle. Bollards would be required there complying with the circulation space for accessible access."

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

Waste Comments

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

"Applicant has not submitted a waste management plan with sufficient detail to properly assess"

The comments are summarised as follows:

- Site plan to be included with application detailing location of bins and vehicular access to bins for collection. Must include the correct dimensions, include multiple bins for waste and truck turning circles.
- Include waste contractors and tipping locations in Waste Management Plan.
- Need to include calculations for waste generation, size of bins and bin store area
- Written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site (e.g. medical related waste, trade waste or excessive waste volumes generated etc) by a licensed waste contractor must be supplied.
- Caretaker or individual identified who is responsible for maintaining waste rooms and moving bins for collection.

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

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

Landscaping Comments

Council's Tree Coordinator raised no objection to the proposal subject to the imposition of conditions including imposing the recommendations contained within the submitted Arborist Report as conditions of consent.

Traffic Comments

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

"I refer to the Traffic and Parking report, Car Park Certification Report and Swept Paths Plans submitted for the development application, 81-85 Albert Road, 58 Beresford Road, (DA 2018/041).

The existing traffic scenario at the surrounding intersection shown in the report for the analysis of traffic impact assessment is based on the survey conducted in Feb 2017. However, the peak hour traffic volume on Homebush Rod is around 600 vehicles/hr according to the traffic study on Homebush Road near Albert Road of Council (Survey conducted in Feb 2018). Hence the current traffic scenario represented in the report is unacceptable based on which traffic generation and impact analysis are justified. It is necessary to update the existing traffic condition with surveys to be conducted.

The increased parking spaces are justified sufficient enough for the increase in the staff member for the proposed development. However, it is required to provide the additional parking spaces to be justified for the increase in the number of beds. With the proposed operation of the extended aged care as day care, the proposed number of parking bays will not be adequate to cater the demand.

According to Traffic Generating Development - Updated Surveys, Technical Direction TDT 2013/04a, the Weekday peak hour trip generation rate to be considered for Housing for seniors must be 0.4 per dwelling. Kindly update the analysis accordingly.

The width of the entry driveway between walls is narrowed to 4.3 which is insufficient to accommodate two way traffic movement. It was mentioned that Traffic control devices will be used to manage two-way movement. Kindly elaborate in detail how will this be addressed.

Considering the existing traffic condition on Albert Road and Homebush Road it is required to distribute the traffic generated from this development on the roads. It will be more appropriate if there is an additional access arrangement on Beresford Road which will ease the traffic on Albert Road.

The Construction Traffic Management Plan submitted for this development is not required at this stage and it is advised to resubmit this document to Council when it is conditioned in DA approval with conditions of consent. Hence, it is not accepted and reviewed."

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

Heritage Comments

Council's Heritage Advisor commented on the amended proposal as their comments are summarised as follows:

- Site is adjacent to a listed heritage item, 'Tuxedo' located at 87- 89 Albert Road (I69)
- The proposed building is out of scale with the neighbouring heritage item and there is opportunity to lessen the impact of the proposed on the heritage item through increasing

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the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage

- Concern raised regarding the proximity of the basement driveway access along the western boundary and the potential damage to the adjacent heritage item arising from the proposed excavation. However, this may be addressed through appropriate conditions of consent
- The proposal include face brickwork to the front elevation adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality. It is recommended that the face brickwork proposed for the lower two (2) level be of a colour and hue that is more in keeping with the materiality of the neighbouring heritage item or the general locality. This will necessarily require reconsideration of the CFC cladding proposed to the upper floors. This will also help anchor the building in its locality.

The subject site comprises "Agincourt" which is not a listed heritage item and, while there are parts of the current building where the former Victorian era mansion can be identified, these areas are limited and, as noted above and demonstrated in the pictures below, much of the detailing is either compromised or lost. The compromised state of the Victorian era element is such that it does not warrant retention or listing. However, there is a detailed stained glass window in the stairwell which indicates the year and the initials of the original owner, John Paul.

- The heritage impact statement submitted with the development application from John Oultram makes recommendations for the reuse of the stained glass element (**Figure 13 and 14**) and the recording of the building to be demolished, and for interpretation to be included in the new building. It is noted that the reuse of the stained glass window is included in the front elevation as shown below. These recommendations are considered to be appropriate and these are included as recommended conditions and are accompanied by appropriate conditions addressing the protection, storage and reuse of this element.



Figure 13 and 14: Existing stained glass window of Agincourt (LHS) and proposed reuse of the stained glass window (RHS)

Overall, Council's Heritage Advisor noted that a better relationship between the building and the adjoining heritage item could be improved by setting back the uppermost floor and a reconsideration of the proposed materials and finishes. Conditions of consent were also recommended in relation to the reuse of the stain glass window and appropriate interpretation of 'Agincourt' included in the new development.

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Environmental Health Comments

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

The development is classified as class 5 ASS – and no further assessment is required for acid sulfate soils.

During the construction, there will be temporary stockpiles – sediment and erosion controls will be implemented. During the demolition and construction of the development, there will be excavation equipment which has the potential to cause noise and vibration nuisances. An acoustic assessment has been conducted, however a vibration assessment is recommended. To minimise dust during demolition and construction the development will use spray carts to wet dusty surfaces.

As the acoustic measurements were conducted in May 2017, the proposal follows the EPA Industrial Noise Policy 2000. Table 3.4 Project Specific Noise Level sets out each receiver and the project specific noise level. The criteria specified in this table seems to meet the requirements of the INP 2000. Section 4.1 discusses Construction Noise. The assessment includes a brief statement about vibration, specifically Section 4.1.4. The report mentions that the plant and equipment to be used for the construction should be provided by the construction contractor. Section 4 does attempt to provide as much information as possible to manage noise and vibration from the development – however, a detailed vibration management plan is required to ensure that equipment used throughout demolition and construction is managed and will not cause a nuisance to neighbouring properties.

Section 4.2 discusses Operational Noise, specifically in relation to mechanical noise from ventilation, air conditioning units and mechanical plants.

Architectural Plans

- 1. An acoustic wall is proposed around the whole boundary of the site.*
- 2. Has the development considered access for people with disabilities?*

Recommendation

Environmental Services does not have any current objections to this proposal. However, further information and a referral to State Government are required. I have noted Special Conditions below. However, in addition the following items must be addressed;

- 1. A referral to the NSW Food Authority may be required in relation to increasing the number of people that the kitchen will be servicing and if it will be adequate.*
- 2. A noise and vibration assessment must be completed by a suitably qualified person to address the use of excavation equipment and the vibration associated with its use.*
- 3. Confirm how many deliveries/ truck movements are expected during demolition, construction, and ongoing use of the premises.*

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

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

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(i) any environmental planning instrument

State Environmental Planning Policy No 55 – Remediation of Land

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council’s Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees. Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting and imposition of a number of recommended conditions.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

An assessment of the proposal against the general aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) is included below:

Cl. 2	Aims	Complies
(1)	<i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i>	
(a)	<i>Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i>	Yes
(b)	<i>Make efficient use of existing infrastructure services, and</i>	Yes
(c)	<i>Be of good design</i>	No

Comment: *The proposal involves alterations and additions to the existing residential care facility, to provide an additional 23 beds within the facility. As such, it is acknowledged that the proposal will assist in meeting the needs of seniors or people with a disability.*

However, officers do not consider the proposal to be of good design for the following reasons:

- *The Albert Road and Beresford Road buildings do not successfully relate to the surrounding streetscape (through use of a flat roof form, materials which do not accord with the surrounds, reduced setbacks and excessive height),*
- *The Albert Road building does not provide a successful height transition between the R2 and R3 zones*
- *The Albert Road building is not sympathetic to, nor conserves the significance of the adjoining heritage item*

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- *The Beresford Road building comprises building elements, including a prominent bulky front entrance ramp and external access balcony which does not positively contribute to the character of the streetscape*
- *Loss of landscaping between the Albert Road building and the south-western side boundary*

These matters are discussed in more detail later in this report.

Chapter 1 Clause 4 of the Seniors Housing SEPP sets out the land to which this Policy applies in New South Wales and states:

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- (a) development for the purpose of any of the following is permitted on the land:*
- (i) dwelling-houses,*
 - (ii) residential flat buildings,*
 - (iii) hospitals,*
 - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) the land is being used for the purposes of an existing registered club.*

The subject site comprises a split zoning, including R2 – Low Density Residential and R3- Medium Density Residential under the Strathfield Local Environmental Plan 2012 (SLEP 2012), and therefore the site is land zoned primarily for urban purposes. 'Dwelling-houses' are a permissible use within the R2 zone under SLEP 2012, and 'dwelling-houses' and 'residential flat buildings' are permissible uses within the R3 zone under SLEP 2012. Therefore this policy is applies to the subject site.

Chapter 2, Clause 11 of the Seniors Housing SEPP sets out that a 'residential care facility' is residential accommodation for seniors or people with a disability that includes:

- (a) Meals and cleaning services, and*
 - (b) Personal care or nursing care, or both, and*
 - (c) Appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
- Not being a dwelling, hostel, hospital or psychiatric facility.*

The proposal is for alterations and additions to an existing residential care facility, which is consistent with the definition of a residential care facility defined under Chapter 2, Clause 11 of the Seniors Housing SEPP.

Chapter 3, Part 2, Clause 26 sets out the site-related requirements for seniors housing, including the location and access to facilities. The proposal relates to an existing residential care facility, and therefore the proposal is considered to be acceptable in terms of its location and access to facilities.

Chapter 3, Part 3, Division 2 of the Seniors Housing SEPP sets out the design principles for seniors housing. A summary of the design principles and an assessment of the proposal against these are provided in the table below:

Cl.	Aims	Complies
33	Neighbourhood amenity and streetscape	No

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	<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> (a) <i>recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i> (b) <i>retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i> (c) <i>maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <ul style="list-style-type: none"> (i) <i>providing building setbacks to reduce bulk and overshadowing, and</i> (ii) <i>using building form and siting that relates to the site's land form, and</i> (iii) <i>adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> (iv) <i>considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i> (d) <i>be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i> (e) <i>embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i> (f) <i>retain, wherever reasonable, major existing trees, and</i> (g) <i>be designed so that no building is constructed in a riparian zone.</i> 	
34	<p>Visual and acoustic privacy</p> <ul style="list-style-type: none"> - <i>Consider visual and acoustic privacy of the neighbours through positioning of windows and balconies, use of screening and landscaping</i> - <i>Ensure acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths</i> 	Yes
35	<p>Solar access and design for climate</p> <ul style="list-style-type: none"> - <i>Ensure adequate daylight to main living areas of neighbours in the vicinity and adequate sunlight to substantial areas of private open space</i> - <i>Reduce energy use and make practical use of natural ventilation solar heating and lighting by locating windows of living and dining area in a northerly direction</i> 	Yes
36	<p>Stormwater</p> <ul style="list-style-type: none"> - <i>Control and minimise disturbance and impacts of stormwater runoff on adjoining properties and receiving waters</i> - <i>Include where practical, on-site stormwater detention or re-use for second quality water uses</i> 	Yes
37	<p>Crime Prevention</p> <ul style="list-style-type: none"> - <i>to provide personal property security for residents and visitors and encourage crime prevention</i> 	Yes
38	<p>Accessibility</p> <ul style="list-style-type: none"> - <i>have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities</i> - <i>provide attractive and safe environments for pedestrians and motorists with convenient access and parking for residents and visitors</i> 	No
39	<p>Waste Management</p> <ul style="list-style-type: none"> - <i>Provide waste facilities that maximise recycling</i> 	Yes

Comments:

Neighbourhood amenity and streetscape

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- (a) *recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

The surrounding area is in part, is leafy in character including significant trees and substantial planting. The proposal involves the removal of a number of camphor laurel trees along the south-western side boundary. Whilst these trees are in a poor- fair condition and Council's Tree Officer recommends their removal, the trees are still considered to make a position contribution to the street, providing a substantial vegetative buffer between the subject site and the adjoining heritage item. The loss of trees in this location, without their replacement is considered to result in an adverse visual impact to the streetscape and adversely affect the heritage significance of the neighbouring heritage item.

- (b) *retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

The subject site is located adjacent to 'Tuxedo', a listed heritage item (I69) under Schedule 5 of SLEP 2012, located at 87-89 Albert Road, Strathfield.

Council's Heritage Advisor stated that the proposed additions to the Albert Road building are out of scale with the neighbouring heritage item. The Advisor identified that there is opportunity to lessen the impact of the proposal on the heritage item through increasing the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage. This would require a reconsideration of the proposed gable and skillion roof form.

Given that the proposal involves a reduced setback to the south-western side boundary, substantial increase in height, and a roof form which does not reflect the predominate roof form in the surrounding area, the resultant building will appear bulky, and overly dominant thereby detracting from the significance of the heritage item. Furthermore, it is noted that there is a loss of substantial landscaping on the subject site along the south-western side boundary (shared with No. 87-89 Albert Road). The existing landscaping forms part of the setting of the listed building and provides a vegetation buffer and break between the existing residential care facility and the heritage item. The removal of trees along this boundary, and the reduction in width of this landscaping strip, may also compromise the significance of the heritage item.

Furthermore, Council's Heritage Advisor noted that the proposal includes face brickwork to the front elevation, adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality.

There is opportunity for the proposal to setback the uppermost floor of the Albert Road building from the front and side of the floor level below, retain and maximise the landscaping along the south-western side boundary and reconsider the external materials and finishes to be more sympathetic to the heritage item. However, in the current form, the proposal is not considered to conserve the heritage significance of the adjoining heritage item and is contrary to the design principle set out in Clause 33(b), thereby forming a reason for refusal.

- (c) *maintain reasonable neighbourhood amenity and appropriate residential character by:*
- (i) *providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) *using building form and siting that relates to the site's land form, and*
 - (iii) *adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (iv) *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

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The application has been accompanied by shadowing diagrams which have demonstrated that adequate sunlight and daylight has been retained to the neighbouring habitable windows and private open space.

Beresford Road Building

The proposed Beresford Road building is setback a minimum 1.915m from the north-eastern side boundary and a minimum 3m from the south-western side boundary. The building is two-storeys in height and extends right up to the rear of Lot 2 (and the rear boundary of the adjoining properties). The adjoining properties on Beresford Road comprise dwelling houses and the protrusion of the proposed building 2 -storeys in height right up to their rear boundaries will result in an adverse visual amenity impact as the proposed building will enclose the neighbouring dwellings at their side boundary. This is particularly of concern to No. 56 which already has the rear of their property enclosed by the existing residential care facility, which appears as three storeys from the rear yard of No. 56 (see **Figure 15** and **Figure 16**).



Figure 15: Photo of the rear of the existing residential care facility viewed from the rear of No. 56 Beresford Road

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Figure 16: Photo taken from the rear of No. 56 Beresford Road, looking towards the rear of the existing residential care facility and shared side boundary with No. 58 Beresford Road (location of proposed new two-storey residential care facility wing)

The side windows and external balcony access are provided with adequate screening measures so that no privacy impacts will result to these neighbouring properties.

The building height of the Beresford Road building is considered to be compatible in scale with adjacent development, when viewed from the street frontage.

Albert Road Building

The subject site comprises a split zoning, whereby Lot 8 on Albert Road is zoned R2 Low Density Residential, and Lot 7 on Albert Road is zoned R3 – Medium Density Residential (**Figure 18**). The properties adjoining the Albert Road site comprise two-storey dwelling houses, whereby the property to the south-west (No. 87-89 Albert Road) is a heritage item (169) under Strathfield Local Environmental Plan 2012. The proposal involves additions to the south-western side of the existing residential care facility, as well as an additional storey to the existing building, resulting in a three-storey presentation to Albert Road.

The proposed three-storey height right up to the north-eastern elevation of the building does not provide a successful height transition to the adjoining two-storey dwelling at No. 79 Albert Road and land zoned R2 –Low Density Residential. This adjoining dwelling presents more as a single storey dwelling with accommodation within the roof space due to the steep roof pitch, and this further accentuates the differing and jarring building heights. A transitional and stepped height along this side of the building would greatly assist in providing a more sympathetic building height within the streetscene.

Furthermore, the additional height and reduced setback to the south-western side boundary is not sympathetic to the height and scale of the adjoining heritage item at 87-89 Albert Road. The

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additional height and reduced setback results in an overly dominant building within the streetscape which further detracts from the visual prominence of the heritage item within the streetscene.

A third storey may be acceptable (subject to compliance with development standards and suitable justification to any variations), subject to setting back the upper floor from the front and sides, in order to be more sympathetic to the significance of the adjoining heritage item, and providing a more sympathetic height transition between the R2 and R3 zones.

The alterations and additions to the Albert Road building involve a new roof form which includes two gables on the front elevation and a skillion roof behind. The skillion roof form would be highly visible within the street, and this roof form is not characteristic of the surrounding area. If the skillion roof is required to provide sufficient head height for the uppermost storey, a more acceptable roof form would be pitched/ gabled roof form which restricts view to a skillion roof behind.

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

The proposed alterations and additions to the Albert Road building reduce the existing front setback to Albert Road by approximately 2.7m. Whilst this is fairly substantial, the front building line will still align with the predominate front building line of dwellings located to the north- east of the subject site along Albert Road, including No. 75 and 77 Albert Road.

The existing dwelling at 58 Beresford Road which is to be demolished is setback approximately 16m from the front boundary. Whilst the neighbouring property at No. 60 comprises a front setback of approximately 18m, the predominate front setback of properties on the south-eastern side of Beresford Road is approximately 9.5m (**Figure 17**). As the new two-storey residential care facility wing is setback approximately 27m from the Beresford Road boundary, this does not accord with, or is sympathetic to the predominate building line of Beresford Road. The substantial setback to Beresford Road will reduce the visual presence of the building within the street however, it will still be highly visible due to proposed tree removal. As the proposed building on Lot 2 does not align with the front building line of 58 Beresford Road, this forms a reason for refusal.

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Figure 17: Properties on the south-eastern side of Beresford Road which subject site outlined in red, and the predominate front building line marked in yellow, and the approximate building line of the proposed Beresford Road building marked in blue.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

The application was accompanied by a landscaping plan and it is considered to incorporate planting which is in sympathy with the streetscape.

(f) retain, wherever reasonable, major existing trees, and

The proposal involves the removal of 26 trees and an Arboricultural Report has accompanied the development application. Council’s Tree Officer reviewed the proposal and accompanying report and raised no objection to the proposed tree removal, subject to the imposition of conditions of consent including protection of trees to be retained, protection of fauna species which may be inhabiting the proposed trees to be removed and replacement planting.

(g) be designed so that no building is constructed in a riparian zone.

The subject site is not located within a riparian zone.

Visual and acoustic privacy

Visual privacy

The proposed new side facing windows have been treated with a mixture of frosted glass and louvre screens to the Albert Road building, and privacy louvres to the Beresford Road building and it is considered that these treatments will protect the visual privacy of adjoining properties.

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Acoustic Privacy

The application has been accompanied by an Acoustic Report. Council's Environmental Health Officers raised no objections however, had the application been supported it would have been considered necessary to impose conditions recommended by the Environmental Health Officer, including requiring a noise and vibration assessment to be completed to address use of excavation equipment and vibration associated with its use. Furthermore, the recommendations contained within the Acoustic report would need to be complied with.

Solar access and design for climate

The proposal has been accompanied by shadow diagrams which have demonstrated that adequate daylight to main living areas of the neighbours in the vicinity, and adequate sunlight to substantial areas of private open space is retained.

Given the south-eastern orientation of the existing building fronting Albert Road, it is acknowledged that there are existing constraints to provide northerly aspect windows for the suites in the proposed addition. Nevertheless, the northerly aspect for the Beresford Road building has not been maximised as the north-eastern elevation comprises a covered awning in front of the entrance to the suites, and the main windows are provided to the south-western elevation. It is noted that open space has been provided to the north of this building however, the front setback does not align with the predominate building line of the street.

Stormwater

The applicant has submitted Stormwater Management Plans prepared by Sparks and Partners. The subject site has a natural fall to the rear and there Council has a stormwater pit in front of the site on Beresford Road. Council's Stormwater Engineer provided comments on the proposal and confirmed that water sensitive urban design principles have been incorporated into the stormwater drainage design. The site discharges to Council's drainage system in Beresford Road by gravity pipe means via a proposed below ground OSD tank. The proposed alterations and additions roof runoff drains into the OSD tank by gravity means via downpipes and subsoil seepage drains into the OSD tank by gravity means via subsoil drainage. Driveway access runoff drains into the OSD tank by gravity means via grated trench drain. The OSD tank has been designed with an internal mechanism to negate likelihood of internal flooding. Council's Stormwater Engineer has further confirmed that the stormwater concept plan is feasible and no objections are raised, subject to the imposition of conditions.

Had the application been supported, conditions would be recommended in regards to the stormwater management of the site, in order to comply with the stormwater design principle.

Accessibility

The proposal incorporates obvious and safe pedestrian links from Albert Road to the building fronting Albert Road. However, officers have concern with the pedestrian safety of persons moving between the front building along Albert Road, and the rear building on Beresford Road. A persons moving from the Albert Road building would need to exit the doors at the rear of lower ground level, between the proposed sitting room and staff roof and walk across an ambulance bay to access the rear building. This poses a safety risk due to the proximity of moving vehicles/ an ambulance, particularly if an emergency situation is occurring. This is particularly a safety concern for visitors to the site who may not be as aware of the site layout as employees of the care facility. Whilst there are another set of rear doors at lower ground level, this is from a kitchen and members of the public would not be able to access this. It would not be safe for persons who have parked their vehicle in the lower ground level to walk back out of the vehicle access of this area, in order to gain access to the rear building.

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As such, the proposal is not considered to provide safe pedestrian links within the site, and this forms a reason for refusal.

Waste Management

The proposal has incorporated a garbage store at lower ground level that is approximately 40m² in area. Council's Waste Officer has commented on the proposal and stated that insufficient information has been provided to assess the acceptability of waste management across the site. Nevertheless, the proposed garbage store appears capable of accommodating sufficient capacity of waste, and had the application been supported conditions of consent would be recommended in regards to waste management to address the Waste Officer's concerns.

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

Cl. 40	Aims	Complies
(1)	General <i>A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</i>	
(2)	Site size <i>The size of the site must be at least 1,000 square metres.</i>	Yes
(3)	Site frontage <i>The site frontage must be at least 20 metres wide measured at the building line</i>	Yes
(4)	Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	No
(5)	Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.	N/A

Comment:

The north-western portion of the site, Lot 8, is zoned R2- Low Density Residential under SLEP 2012 and 'residential flat buildings' are a prohibited use in this zone. The development standards set out in Chapter 3, Part 4, Clause 40(4) of the Seniors Housing SEPP require the height of part of the building located on the Lot zoned R2, to not exceed 8m in height, and two- storeys in height (as this portion of the building is adjacent to a boundary of the site).

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The portion of the building located on Lot 8 is 8.75m in height (height defined by the Seniors Housing SEPP) and is partially three-storeys in height. As such, the proposal does not comply with the development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the Seniors Housing SEPP.

State Environmental Planning Policy No 1- Development Standards (SEPP 1) sets out in Clause 6, that:

Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

The applicant has not submitted a written objection under SEPP 1, that compliance with the development standards of the Seniors Housing SEPP would be unreasonable or unnecessary in the circumstances of the case. As such, Officers are not able to consider a variation to development standards as set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the Seniors Housing SEPP and this forms a reasons for refusal.

In terms of Chapter 3, Part 4, Clause 40(4), the proposal does not increase the height to the building in the rear 25% area of the site zoned R2 – Low Density Residential.

Chapter 3, Part 7, Division 2, Clause 48 sets out the development standards for residential care facilities that cannot be used as ground to refuse consent, and an assessment of the proposal against these standards is provided in the table below:

Cl. 48	Complies
(a) Building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	Noted
(b) Density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	Yes
(c) Landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	No
(d) parking for residents and visitors: if at least the following is provided:	Yes
(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and	
(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and	
(iii) 1 parking space suitable for an ambulance.	

Comments:

Building Height

The proposal involves a maximum building height of 8.75m (height defined by the Seniors Housing SEPP) which exceeds the development standard set out in Clause 48(a). Whilst this development standard cannot be used as a ground to refuse consent, it is noted that a height in excess of 8m can be used as a ground to refuse consent under Clause 40(4) of the Seniors Housing SEPP.

The Beresford Road building complies with the building height set out in Clause 48(a).

Density and Scale

**DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)**

The proposal involves a FSR of 0.961 (4,809.7m²) which complies with Clause 40(b) of the Seniors Housing SEPP which allows for a maximum FSR of 1:1. It is noted that where there is an inconsistency between the Seniors Housing SEPP and another environmental planning instrument, the provisions within the Seniors Housing SEPP prevails to the extent of the inconsistency.

Landscaped Area

The proposal includes a total of 2,225.8m² of landscaped area, which equates to 18.24m²/ residential care facility bed. Clause 48(c) requires a minimum 25m²/ residential care facility bed to be provided however, noting that this is not a development standard which can be used as a ground to refuse consent.

Whilst the proposal results in a shortfall to the landscaping standards in the Seniors Housing SEPP, it is noted that the existing development provides only 13.19m² of landscaped area per residential care facility bed, and therefore the proposal provides a substantial increase in the amount of landscaping per residential care facility bed across the site.

Officers have concern with the loss of the landscaping adjacent to the western side boundary however, the overall provision of landscaping across the site can be accepted given the quality of the spaces provided, and the increase in proportion of landscaping to residential care facility beds provided.

Parking for Residents and Visitors

The proposal increases the capacity of the residential care facility to 122 beds, whereby 15 of these are for persons with dementia. The Statement of Environmental Effects has set out that a maximum 39 staff would be working at any one time, and therefore a total of 31.2 car parking spaces would be required. As the proposal involves the provision of 34 car parking spaces, including 2 disabled parking bays, at lower ground level, it complies with the minimum requirements for car parking.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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>	No
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	No
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	No
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

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Lot 2, 7 & 8 DP 20594 (Cont'd)

Comments:

- (a) *To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield*

The proposal does not achieve high quality urban form that exhibits design excellence and reflects the existing or desired future character of the surrounding area.

The Beresford Road building comprises a substantial setback to Beresford Road which does not accord with the predominate front setback of buildings on the south-eastern side of Beresford Road. A bulky and incongruous ramp is provided on the Beresford Road frontage, and whilst it is acknowledged that this is required for access, it is highly visible within the street and is a building element which does not accord with the surrounding developments on Beresford Road. The external balcony excess to the ground and first floor has not been integrated in the overall design of this building, including the privacy screens affixed to the balustrading. Overall this building is not considered to be of a high quality which reflects the surrounding locality.

The Albert Road building does not provide a successful height transition between the R2 and R3 zones. The proposed building is three-storeys in height right up to the north-eastern side of the building which results in an abrupt change in height to the two-storey height of the adjoining properties to the north-east of the site along Albert Road. A stepped height would be more appropriate to provide a successful height transition between the R2 and R3 zones.

- (b) *To promote the efficient and spatially appropriate use of land...*

The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No. 60 Beresford Road, a property which is identified to be amalgamated with No. 58 Beresford Road, under Part C of the SDCP 2005. This is discussed in more detail under Part C of the SDCP 2005.

- (f) *To identify and protect environmental and cultural heritage*

The proposal is not considered to protect environmental and cultural heritage, and this is discussed below in more detail under Clause 5.10 of the SLEP 2012.

Permissibility

The subject site comprises a split zoning, whereby Lot 2 (Beresford Road site) and Lot 7 (south-western lot along Albert Road) are zoned R3 – Medium Density Residential under Strathfield Local Environmental Plan 2012 (SLEP 2012), and Lot 8 (the north-eastern lot along Albert Road) are zoned R2 – Low Density Residential under SLEP 2012 (**Figure 18**).

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 Lot 2, 7 & 8 DP 20594 (Cont'd)



Figure 18: Image showing the split zoning of the subject site (outlined in black)

Residential care facilities are permissible within the R2 and R3 Zone with consent and is defined under SLEP 2012 as follows:

means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

but does not include a dwelling, hostel, hospital or psychiatric facility.

The proposed development for the purpose of residential care facility is consistent with the definition above and is permissible within the R2 and R3 Zone with consent.

Zone Objectives

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

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	No
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Comments: The north-eastern portion of the site along Albert Road (Lot 8), as well as the properties located to the north-east of the site, and on the opposite side of Albert Road, are zoned R2 – Low Density Residential (**Figure 18**).

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Lot 2, 7 & 8 DP 20594 (Cont'd)**

Overall the proposed alterations and additions to the existing residential care facility will result in an increased number of beds at the facility, assisting to address the need for this type of residential accommodation in the local area.

The proposal involves a second floor addition to the existing two-storey building (presenting a three-storey building in the streetscape). The most north-eastern side of the building comprises a flat roof form and is three-storeys in height for 13.95m in depth. As a result, this portion of the building is considered to be bulky and does not provide a successful transition to the low density residential zone. Whilst it is noted that the existing building comprises a flat roof form on the north-eastern portion, the additional height and bulk at this level no longer provides a successful transition between the R2 and R3 zones.

The R2 zoned land of the subject site does not adversely impact the significance of any nearby heritage items or heritage conservation areas.

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

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

Comments: The proposed alterations and additions to the existing residential care facility are not inconsistent with the objectives of the R3 zone.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	9.5m	11.1m	No

	Objectives	Complies
(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>	No
(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	No
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Comments:

The proposal comprises a maximum building height (as defined by the SLEP 2012) of 11.1m which exceeds to maximum 9.5m building height development standard allowed under Clause 4.3 of SLEP 2012. The application was accompanied by a Clause 4.6 Variation submission, which was updated with the amended package submitted on 16 October 2018. It is noted that the variation to the building height development standard applies to the Albert Road building, and the Beresford Road building complies with the allowable maximum height. The extent of the non-compliance with the 9.5m building height development standard, as well as the non-compliance with the 10% variation to the maximum building height (10.45m) is shown in **Figure 19**.

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 Lot 2, 7 & 8 DP 20594 (Cont'd)

ED PLAN)

18/041
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ES TO DWG
 16A

3 SITE MODEL
 AMENDED DESIGN

10.45m HEIGHT PLAN



9.5m HEIGHT PLAN

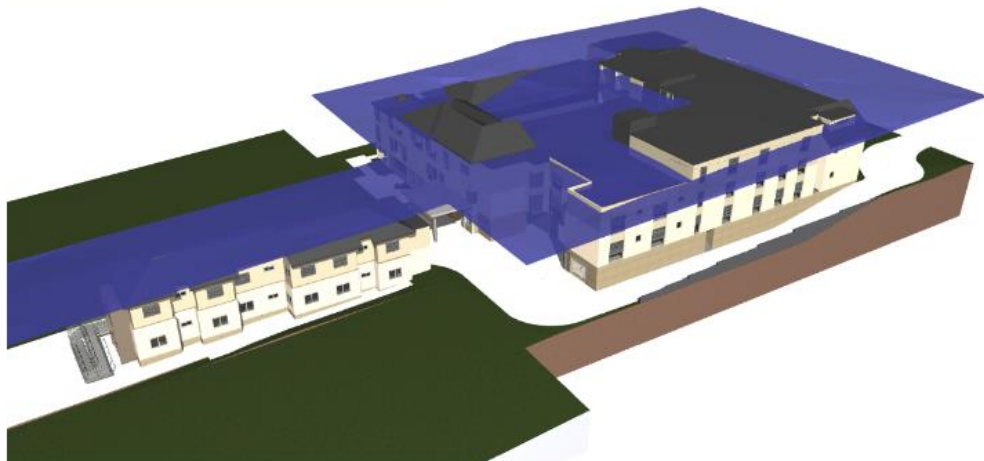


Figure 19: Height plane diagrams showing the extent of the non-compliance with the 9.5m maximum height standard (bottom, shown in blue), and non-compliance with a 10.45m height plane (top, shown in yellow)

To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area

The subject site comprises a split zoning, whereby Lot 7 and Lot 2 (Beresford Road) are zoned R3 – Medium Density Residential and Lot 8 is zoned R2 – Low Density Residential. The Beresford Road building complies with the height development standard whilst the Albert Road building exceeds the height development standard by 1.6m.

The Albert Road building presents as a three-storey building within the streetscape. The property to the north-east of the site along Albert Road, No. 79 Albert Road, is a two-storey dwelling however, the dwelling comprises a steep pitched roof form and the upper level is situated within the roof form. As a result, the north-eastern portion of the subject building (located on R2 zoned land) is three-storeys in height which is juxtaposed with the adjacent dwelling which appears more as a single storey dwelling within accommodation within the roof. As such, the proposal is not considered to provide a successful height transition between the R2 and R3 residential zonings, and the exceedance to the height limit is not compatible with the adjoining low density residential zone.

To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area

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The proposal is not consistent with the desired consolidation pattern outlined in Appendix 1 of Part C of the SDCP 2005. In Appendix 1 it is identified that for the optimum and efficient use of the land, No. 58 Beresford Road (part of the subject site) and No. 60 Beresford Road are to be amalgamated. The applicant has failed to submit any evidence to demonstrate that a reasonable attempt has been made to purchase this neighboring land (more on this under Part C of SDCP 2005). It is considered that by following the desired consolidation pattern, that this would provide the opportunity for the optimum sustainable capacity height for the two properties, and the surrounding area. As such, the proposal in its current form fails to result in the optimum sustainable capacity height for the area.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4 and 4.4C	<i>Floor space ratio</i>	R2 Zone 0.5:1 (2,500.045m ²)	0.96:1 (4,800m ²)	No
		R3 zone 0.65:1 (3,250.0585m ²)		

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	No
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	No
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	No
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	N/A
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments: *The proposal does not comply with the FSR development standards for the site and the consideration of the Clause 4.6 Variation submission is provided below.*

Clause 4.6 Exceptions to Development Standards

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

The provisions of this clause prescribe partly as follows:

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

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- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out...*

As outlined above, the proposal contravenes the development standards relating to building height and floor space ratio, as prescribed in clauses 4.3 and 4.4A respectively. The applicant's written requests in accordance with sub-clause (3) along with the other matters for consideration outlined in sub-clause (4) are addressed as follows.

Height of Buildings

A maximum building height of 9.5m is prescribed for the site. The roofing above the proposed above the additional floor level exceeds this height limit by up to ~1.6m (16.84%). There are existing parts of the building which exceed the height development standards, but this is to the central portion of the rear of the Albert Road building. The extent of non-compliance is shown in **Figure 19**.

The non-compliance with height development standard is not consistent with the objective of the development standard set out in Part 4, Clause 4.3(1)(a) of SLEP 2012. The Albert Road building presents as a three-storey building within the streetscape. The property to the north-east of the site along Albert Road, No. 79 Albert Road, is a two-storey dwelling however, the dwelling comprises a steep pitched roof form and the upper level is situated within the roof form. As a result, the north-eastern portion of the subject building (located on R2 zoned land) is three-storeys in height which is awkwardly juxtaposed with the adjacent dwelling which appears more as a single storey dwelling with accommodation within the roof. As such, the proposal is not considered to provide a successful height transition between the R2 and R3 residential zonings, and the exceedance to the height limit is not compatible with the adjoining low density residential zone.

The breach in height does not arise because of some topographical challenge or other site constraint, but rather arises because of the applicant's desire to increase the residential density of the site by way of adding another floor level to the existing building. As noted above, the additional level does not integrate well with the adjoining low density residential zone and heritage item.

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

- The roof form of the western wing of the Albert Road building has been derived in part as an architectural roof feature to match the roof form of the Albert Road streetscape. An alternative roof feature would be to have a flat roof at or only marginally above the maximum building height at the Albert Road frontage for the whole façade and this is not considered to be a satisfactory urban design response
- The gable elements are an architectural roof feature – they are decorative, match the adjoining building and streetscape character, do not comprise advertising, do not create additional floor area, do not cause any additional overshadowing and plant and lift overruns are not visible from the street level.
- The adjoining properties along Albert Road also have a maximum building height of up to ~11.8m or ~2.3m over the maximum building height

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- Elements of the parapet and lift over runs exceed the height plane along the western and northern facades, which are predominantly out of public domain view
- The roof form of the rear part of the western wing above the new reception area also exceeds the height plane but those elements are existing and virtually wholly within the centre of the site
- To comply a flat roof form would be required and this is not desirable for the streetscape
- Constraints due to existing floor level, site slope and issues concerning circulation for staff and care residents by avoiding split floors stairs and ramps
- Unreasonable to comply with the height as this would require the removal of the uppermost floor, and thereby reducing the number of beds provided (which are in short supply)
- No adverse impact to the adjoining heritage item or adjoining R2 zone
- The height has been exceeded partly due to the incorporation of a basement level
- The exceedance is generally less than 10% for the majority of the building.

The following comments are made in response to the above grounds:

- The objectives of the height development standard have not been met (Clause 4.3(1)(a) of SLEP 2012)
- The basis for the applicant's argument that the proposal involves an architectural roof feature is not substantiated as the gable roof element comprises floor space, and as such does not meet the definition of an architectural roof feature as prescribed in Clause 5.6 of SLEP 2012
- The basis for the applicant's argument that there are existing constraints concerning circulation for staff and care residents has not been supported by any substantive evidence
- Whilst the assessing officer agrees that compliance with the building height development standard may reduce the number of beds which can be provided, this should not be at the expense of adverse impacts to the streetscape and relationship to an adjoining heritage item
- A pitched roof form could still be achieved with a two-storey building
- Additionally, it is noted that a SEPP 1 objection has not been received in relation to the exceedance of the height development standard within the Seniors Housing SEPP.

Floor Space Ratio

The applicant has provided a written request that seeks to justify the proposed contravention of the floor space ratio development standard on the following grounds:

- The proposal complies with Clause 48(b) of Seniors Housing SEPP, which sets out that the maximum FSR for residential care facilities is 1:1 or less
- The existing residential care facility already exceeded the floor space ratio development standard for the site;
- Allows for a more efficient use of the site
- Provide more RCF beds to address shortage and growing demand for this type of care accommodation
- Built form is considered compatible with the streetscape

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

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information on the environmental planning grounds. Clause 48(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 sets out that a density and scale of the building expressed as a floor space ratio of 1:1 or less, and this is a development standard that cannot be used to refuse development consent for residential care facilities. As the proposal incorporates a maximum FSR of 0.96:1, it would comply with the FSR development standard under the Seniors Housing SEPP.

Chapter 1, Clause 5(3) states that where the Seniors Housing SEPP is inconsistent with any other environmental planning instrument, made before or after the Seniors Housing SEPP, the Seniors Housing SEPP prevails to the extent of the inconsistency.

In conclusion, the applicant's written request to justify the contravention of the floor space ratio development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case.

Part 5: Miscellaneous Provisions

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

5.3 Development near zone boundaries

The objective of this clause is *to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

The subject site comprises a split zone, including R2 and R3 zonings and the site is not within 10m of any other zones. Nevertheless, the subject proposal is for a residential car facility which is a permissible use within both the R2 and R3 zone under SLEP 2012.

5.6 Architectural roof features

The applicant has set out in their Supporting Planning Report that the proposal incorporates an architectural roof feature, by way of the two (2) gable elements on the front elevation. Clause 5.6 of SLEP 2012 states that:

- (1) The objectives of this clause are as follows:
 - (a) to ensure that architectural roof features to which this clause applies are decorative elements only,
 - (b) to ensure that the majority of the roof features are contained within the prescribed building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and

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- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The gable roof elements are not considered to be an architectural roof feature as it includes floor space area. As such, this is not considered to be an adequate justification to exceed the height limit set by Clause 4.3.

5.10 Heritage Conservation

The subject site is located adjacent to 'Tuxedo', a listed heritage item (I69) under Schedule 5 of SLEP 2012, located at 87-89 Albert Road. Tuxedo is a two-storey dwelling house with a pitched roof form.

Council's Heritage Advisor stated that the proposed additions to the Albert Road building are out of scale with the neighbouring heritage item. The Advisor identified that there is opportunity to lessen the impact of the proposal on the heritage item through increasing the setback of the uppermost level to maintain a predominately two-storey presentation to the Albert Road frontage. This would require a reconsideration of the current gable and skillion roof form.

Given that the proposal involves a reduced setback to the south-western side boundary, substantial increase in height, and a roof form which does not reflect the predominate roof form in the surrounding area, the proposal will appear bulky and dominant, thereby detracting from the significance of the heritage item. Furthermore, it is noted that there is a loss of substantial landscaping on the subject site along the south-western side boundary (shared with No. 87-89 Albert Road). The existing landscaping forms part of the setting of the listed building and provides a vegetation buffer and break between the existing residential care facility, and the heritage item. The removal of trees along this boundary, and the reduction in width of this landscaping strip, may also compromise the significance of the heritage item.

Furthermore, Council's Heritage Advisor noted that the proposal includes face brickwork to the front elevation adjacent to the listed heritage item. 'Tuxedo' features brickwork that is red-brown in colour with contrasting orange-red brick detailing to the archways and soldier courses. The proposed brick is of a pale cream colour and are not in keeping with the materials of the neighbouring heritage item or the general locality.

There is opportunity for the proposal to setback the uppermost floor from the front and side of the level below, retain and maximise the landscaping along the shared boundary and reconsider the external materials and finishes to be more sympathetic to the heritage item. However, in the current form, the proposal is not considered to conserve the heritage significance of the adjoining heritage item and is contrary to the objectives of Clause 5.10 of SLEP 2012.

Part 6: Local Provisions

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

6.1 Acid sulfate soils

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

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6.2 Earthworks

The proposal involves the extension of the lower ground level to primarily provide on-site car parking, and thereby requiring the excavation and removal of soil. Had the application been supported conditions would have been recommended including a pre-commencement dilapidation report on the adjoining properties. The lower ground floor level is primarily within the building footprint, except for the protrusion towards the front boundary along Albert Road, and as a result cut and fill has been minimized..

6.3 Flood planning

The subject site is identified as being affected by overland floodwaters in the 1 in 100 year flood event. The application was accompanied by a Flood Risk management Report prepared by Sparks and Partners, dated 16th February 2018. The submitted plans demonstrate compliance with Council's 1 in 100 year flood event habitable and non-habitable finished floor level requirements. Additionally, a driveway ramp crest is proposed above the flood level to prevent floodwater entering the basement. Council's Stormwater Engineer reviewed the proposal and raised no objections, subject to the imposition of recommended conditions. Overall, the proposal is consistent with the Flood Planning objectives under Clause 6.3 of the *SLEP 2012* is satisfied. Had the application been supported, conditions would have been recommended for flood planning and stormwater management.

6.4 Essential services

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

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

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

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

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

Heritage and Conservation

Cl. 1.11	Aims	Complies
A	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	Yes
B	<i>Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area</i>	Yes
C	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	Yes
D	<i>Conserve archaeological sites and places of Aboriginal significance</i>	Yes
Cl. 1.11	Controls	Complies

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(1)	<i>A Statement of Heritage Impact is required for proposed development:</i> a) <i>affecting a heritage item;</i> b) <i>within a heritage conservation area; or</i> c) <i>in the vicinity of an item or heritage conservation area</i>	Yes
(2)	<i>This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact</i>	Yes

Comments: The subject application was accompanied by a Heritage Impact Statement which was reviewed by Council's Heritage Advisor. The proposal is not considered to conserve the heritage significance of the adjoining heritage item, due to the proposed additional height, reduced setback to the south-western side boundary and loss of landscaping along the same boundary. This is discussed in more detail under Clause 5.10 of SLEP 2012.

PART C – MULTIPLE UNIT HOUSING (SCDCP 2005)

Part C of SDCP 2005 sets out the design requirements for multiple unit housing and Section 1.2 sets out the objectives of Part C. The first objective states:

1. To maintain and improve the amenity and character of medium density residential areas in the Council area.

Whilst the proposal does not comprise multiple unit housing, Lot 2 and Lot 7 are zoned R3 - Medium Density Residential, and so the design guidance of Part C is still relevant to the proposal, as indicated by the first objective of this Part.

Appendix 1 of Part C sets out the desired consolidation pattern for a number of medium density residential areas across the local government area. Map 4 specially relates to the site, and stipulates that No. 58 Beresford Road should be amalgamated with No. 60 for the purposes of townhouses and villas (**Figure 20**). Whilst the proposal is not for townhouses and villas, without amalgamating the site with No. 60, this will result in the potential isolation of No. 60 and thereby comprising its redevelopment potential in the R3- Medium Density Residential zone. As shown in **Figure 20** and **Figure 21**, the south-western side of Beresford Road has already partly been redeveloped for townhouses and villas and the consolidation pattern in Map 4 has been followed. The redevelopment of the other properties, namely No. 46 and No. 52 Beresford Road was undertaken before the implementation of SDCP 2005.

Furthermore, it is noted that Section 2.2(1) of Part C of SDCP 2005 states that multiple- unit housing shall not be permitted on allotments less than 1,000m² in area and 30m in width. Both No. 58 and No. 60 Beresford Road are below 30m in width and 1,000m² in area, and so the amalgamation of these sites would be required to meet these size requirements.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

STRATHFIELD



MAP 4



KEY:  CONSOLIDATION PATTERN
 DENSITY ZONE

Figure 20: Extract of the consolidated plan included in Appendix 1 of Part C SDCP 2005

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

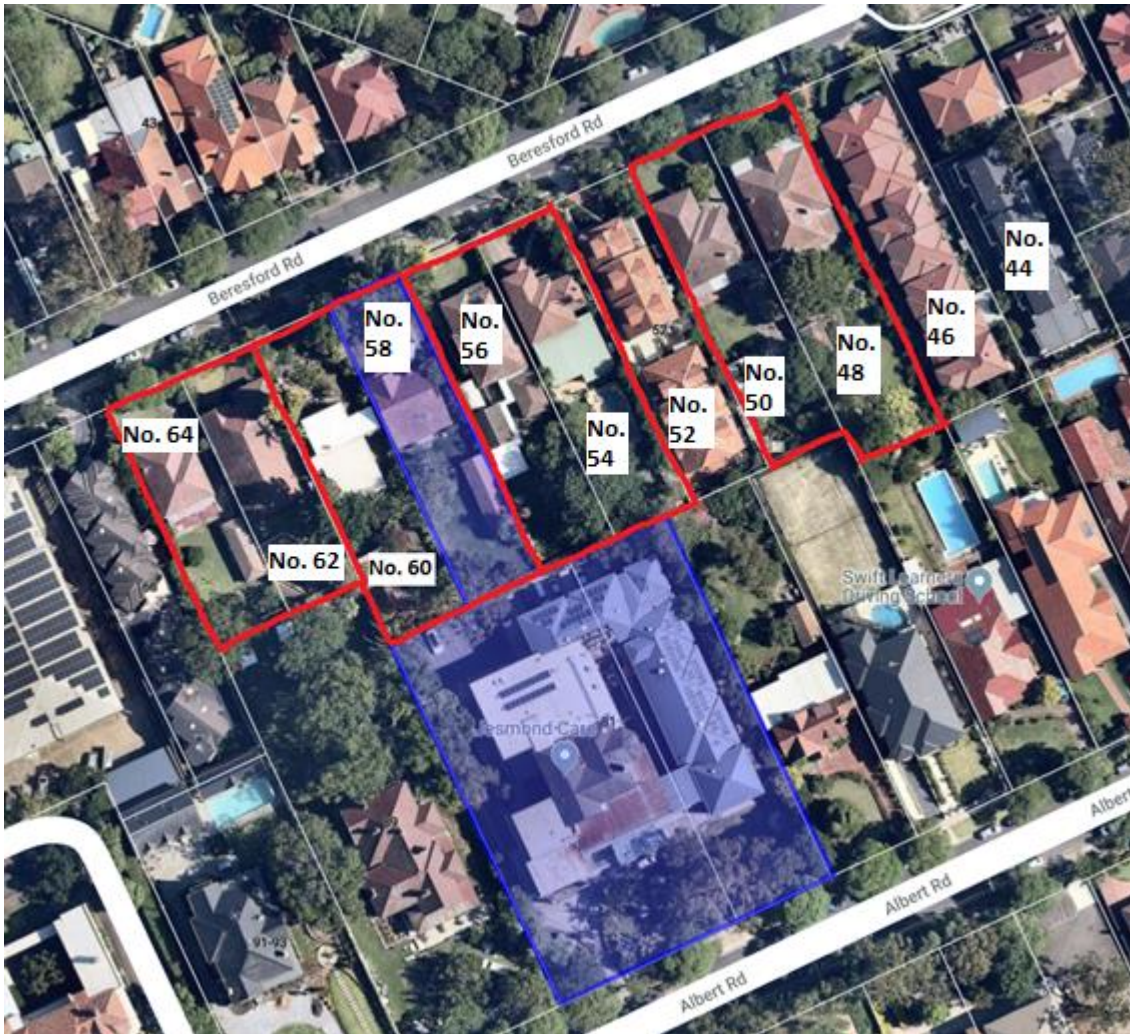


Figure 21: The subject site highlighted in blue, consolidated plan identified in Appendix 1 of Part C outlined in red and the isolated site identified as No. 60 Beresford Road.

Karavellas v Sutherland Shire Council [2004] NSWLEC 251 sets out the planning principle for site amalgamation, including the general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment. The questions are:

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

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

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

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

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

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

On this matter, the applicant has not submitted any information in regards to attempts to purchase No. 60. In a meeting between the Council and the applicant on 18 February 2019, the applicant stated that attempts have been made to purchase No. 60 however, their offer was never accepted. Nevertheless, no written evidence of this has been provided including details of negotiations between the owners of the property, offers to the owner of the isolated property, and evidence that a reasonable offer has been made (i.e. based upon at least one recent independent valuation and inclusion of other reasonable expenses likely to be incurred by the owner of the isolated site in the sale of the property).

As no documentation to this effect has been received, officers are unable to give any weight to the claims made in the meeting of the 18 February 2019.

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

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

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

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

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

In considering this second matter, No. 60 as an isolated site would not meet the minimum area requirement of 1,000m² and 30 metre width for multiple-unit housing as set out in Part C of the SDCP 2005. Furthermore, the applicant has not submitted an envelope for the isolated site, indicating the height, setbacks, resultant site coverage to demonstrate whether it is capable of successfully being redeveloped as an isolated site.

**DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)**

In consideration of the above, as the proposal would result in the isolation of No. 60 Beresford Road and the applicant has not satisfied the requirements of the planning principle for site amalgamation, this forms a reason for refusal.

PART H - WASTE MINIMISATION AND MANAGEMENT (SCDCP 2005)

The application has been accompanied by a Waste Management Plan. Council's Waste Officer has provided comments on the proposal stating that insufficient information has been provided to properly assess the proposal, and its compliance with Part H of SDCP 2005. More specifically, a site plan would be required to be included which details the location of bins and vehicular access to the bin for collection during demolition and construction, as well as details of the waste contractors and tipping location. In terms of the ongoing use of the site, written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site would be required, as well as details of caretaker or individual responsible for maintaining waste rooms and moving bins for collection.

The proposed garbage store is approximately 40m² in size and is considered to be of a sufficient size to accommodate adequate waste storage on the site.

Had the application been supported, suitable conditions of consent could have been imposed alongside the other conditions recommended by the Waste Officer, to address the abovementioned matters and in order to ensure efficient and satisfactory waste minimization and management across the site, in accordance with Part H of SDCP 2005.

PART I – PROVISION OF OFF STREET PARKING (SCDCP 2005)

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

1.3: Objective of Part I

1.3	Objectives	Satisfactory
A.	<i>To inform members of the public and developers of Council's requirements concerning the number, layout and design of off-street parking spaces to be provided in association with all development applications for the erection, alteration, addition or change of use of any premises within the Strathfield Council Area.</i>	Yes

2.0: Part B – Main Provisions

2.0	Provisions	Complies
I	<i>Parking Dimensions</i>	
	(a) The minimum dimensions set out in Appendix A of Part I shall apply to all off-street parking areas.	Yes
II	<i>Plans</i>	
	(a) The provisions of off-street car parking, loading/unloading and service areas shall be clearly defined and dimensioned on the submitted plan.	Yes
III	<i>Paving / Drainage</i>	
	(a) All stormwater run-off from the roof and hardpaved areas associated with the proposed development is to be collected and	Yes

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

		piped by means of a gravity induced system to an adequate Council drainage system.	
	(b)	A physical barrier at least 150mm high and 150mm wide is to be constructed along the street frontage and paved areas, with the exception of vehicular access driveways and pedestrian access points, to prevent the discharge of surface water onto the road reserve.	Yes
	(c)	Full width grated drains shall be constructed across the vehicular access crossing(s) at the street alignment for the collection of surface water; such drains are to be connected to the proposed drainage system.	See below
		<i>Grade of Ramps</i>	
IX	(a)	The slope of ramps shall not be in excess of 1 in 7 and access points into a public space shall be designed to the Municipal Engineer's satisfaction.	Yes
		<i>Service Loading Facilities</i>	
X	(a)	Off-street loading and unloading facilities will be required for certain uses. In such instances, the criteria outlined in Appendix C of the DCP will apply.	Yes

Comments: *The size of the proposed car parking spaces and loading bays comply with the requirements of Part I of SDCP 2005. Details of grated drains across the vehicle access crossing has not been provided however, it is noted that the vehicle crossing is existing and if considered necessary it could have been addressed by way of condition. The SDCP 2005 does not include guidance on the number of parking spaces to be provided for residential care facilities however, in any case the standards set out in the Seniors Housing SEPP prevail.*

PART N – WATER SENSITIVE URBAN DESIGN (SCDCP 2005)

The application has been accompanied by a Water Sensitive Urban Design Report prepared by Sparks and Partners. The report has confirmed that water sensitive urban design measures have been incorporated through the treatment of stormwater once collected in the OSD tank. Council's Stormwater Engineer has reviewed these measures and is satisfied that the objectives of Part N – Water Sensitive Urban Design of SDCP 2005 have been met.

PART O – TREE MANAGEMENT (SCDCP 2005)

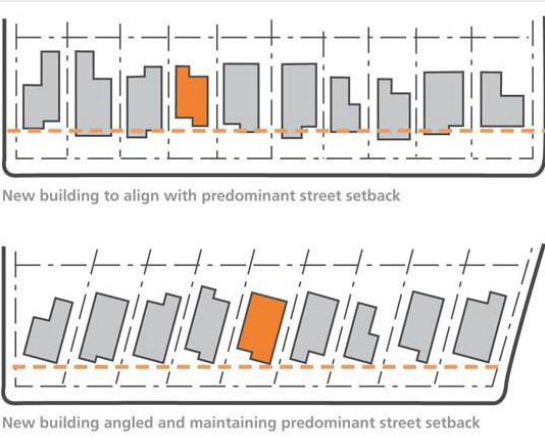
The application has been accompanied by an Arboricultural Impact Report, prepared by Above All Tree Services Pty Ltd. The report details the proposed removal of trees 4-9, 15-25, 27-31, 35, 36 and 40 and the retention of the remainder of the trees. Council's Tree Officer commented on the proposal and had no objection to the removal of the specified trees, subject to the imposition of a number of conditions, including compliance with the recommendations contained within the Arborist Report, adequate protection of retained trees and tree replacement planting.

Had the application been supported, conditions of consent as recommended by Council's Tree Officer would need to be imposed to ensure that the aims and objectives of Part O of the SDCP 2005 were met.

PART Q – URBAN DESIGN CONTROLS (SCDCP 2005)

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

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

<i>Provisions</i>		<i>Comments</i>
<i>Streetscape</i>		
2.2	1) Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls; and	No – The 3-storey building height to the north-eastern portion of the building fronting Albert Road does provide a successful height transition to the adjoining R2 zone.
	6) Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings 	No – The Beresford Road building is setback substantially further from the Beresford Road boundary than the neighbouring properties on the south-eastern side of Beresford Road.
<i>Siting</i>		
2.3	8) Possible future development on adjoining sites must be considered as part of any design.	No – The applicant has not submitted any indicative redevelopment envelopes of the isolated site at No. 60 Beresford Road (see assessment under Part C of the SDCP 2005).
<i>Building Massing and Scale</i>		
2.5	3) Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.	No – The Albert Road building is 3-storeys in height right up to the south-western elevation of the building, and a reduced setback to the south-western side boundary is proposed, thereby resulting in a building which is not sympathetic to the adjoining heritage item at No. 87-89 Albert Road.
	6) The form and massing of buildings must provide a transition between adjoining land use zones and building types.	No – The 3-storey building height to the north-eastern portion of the building fronting Albert Road does provide a successful height transition to the adjoining R2 zone, and the

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

		adjoining property at No. 79 Albert Road which is a two-storey dwelling house (with the first floor located within the roof).
	<i>Transition zones</i>	
2.6	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.	No – The proposal does not incorporate a stepped appearance to provide a successful height transition between the R2 and R3 zones.
	2) Development proposals are to be sensitive and complementary in scale and site location to surrounding properties of identified heritage and/or streetscape value, and which contributes positively to the desired character of the street or area concerned	No – The Albert Road building is 3-storeys in height right up to the south-western elevation of the building, and a reduced setback to the south-western side boundary is proposed, thereby resulting in a building which is not sympathetic to the adjoining heritage item at No. 87-89 Albert Road.

Building Frontages to Public Domain

2.7	(a) Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.	No – The proposed Albert Road building comprises a predominately skillion roof with two gable elements. The surrounding area is characterized by pitched roof forms and it is considered that the gabled roof elements are not significant in their size and proportions to detract from the prominence of the proposed skillion roof, which is not a building element characteristic of the surrounding area.
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Roof Forms

2.8	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 – The lift overruns of both the Albert Road and Beresford Road are not incorporated in to roof design. However, they are not anticipated to be highly visible within the streetscene and can be accepted.
	4) Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not	No – The proposed Albert Road building comprises a predominately skillion roof with two gable elements. The

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
 Lot 2, 7 & 8 DP 20594 (Cont'd)

necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.

surrounding area is characterized by pitched roof forms and it is considered that the gabled roof elements are not significant in their size and proportions to detract from the prominence of the proposed skillion roof, which is not a building element characteristic of the surrounding area.

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

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

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

Not applicable.

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

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration.

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

The site is suitable for the proposal in that it is appropriately zoned for residential care facility purposes and not subject to any major environmental constraints.

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

The application was notified in accordance with Part L of the SDCP 2005 from **17 April to 9 May 2018** and 21 submissions were received. Amended plans and documents were submitted and the application was re-notified from **24 October to 15 November 2018**. An additional 35 submissions were received, noting a number of submissions were received from persons who did not make a submission to the original proposal.

1. *The proposal does not follow the consolidation plan set out in SDCP 2005 and it will isolate No. 60 Beresford Road*

Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

2. *Building height is excessive and non-compliant with Seniors Housing SEPP*

Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

3. *Proposal does not integrate successfully with the character of the street – form, number of storeys, bulk, scale, setbacks*

Assessing officer's comments: The officer agrees with this matter and this is discussed in more detail earlier in this report.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

4. *FSR non-compliance*

Assessing officer's comments: The proposal incorporates a FSR of 0.96:1, which complies with the maximum FSR allowed under the Seniors Housing SEPP. Whilst it is acknowledged that the proposed FSR does not comply with the FSR development standard under SLEP 2012, the applicant has submitted a Clause 4.6 variation to vary this development standard. The Clause 4.6 Variation is considered to be well- founded as Chapter 1, Clause 5 of the Seniors Housing SEPP states that where there is an inconsistency between the environmental planning instruments, the Seniors Housing SEPP prevails to the extent of the inconsistency.

5. *Insufficient on-site landscaping (non-compliant with Seniors Housing SEPP) and tree removal*

Assessing officer's comments: This has been addressed previously in this report.

6. *Adverse traffic and parking impacts to Beresford Road*

Assessing officer's comments: The proposal does not involve vehicle access from Beresford Road, except during the demolition/ construction phase. The applicant needs to confirm the number of truck/ vehicle movements during this period, and had the application been supported it would have been considered necessary to impose a condition requiring a construction management plan to be prepared to minimize amenity impacts to neighbouring properties, including traffic and parking impacts.

The proposal complies with Chapter 3, Part 7, Division 2, Clause 48(d) of the Seniors Housing SEPP and the minimum requirement for on-site parking. Therefore, sufficient on-site parking has been provided for the proposed development.

7. *Safety impacts due to increased traffic*

Assessing officer's comments: The proposal will increase the comings and goings from the site however, this is not anticipated to result in safety impacts to other road users and pedestrians. The proposal removes two (2) vehicle crossings to the site, and had the application been supported, appropriate conditions could be imposed requiring signage on the site such as, speed limits on the site, and stop sign at the exit..

8. *Traffic Assessment is not accurate*

Assessing officer's comments: In response to Council's Traffic Engineer's original comments, the applicant submitted a revised Traffic Assessment Report reflecting the most recent traffic studies that were undertaken in February 2018. Council's Traffic Engineer has reviewed the amended Report and has raised no objections.

9. *Object to vehicle access to the site from Beresford Road*

Assessing officer's comments: Vehicle access is not proposed from Beresford Road, except during the demolition and construction period. This is a temporary measure only, and had the application been supported it is considered suitable that a condition of consent be imposed requiring a construction management plan to be submitted which identifies measures to minimise impacts to neighbouring properties and the surrounding road network.

10. *Cause damage to surrounding roads*

Assessing officer's comments: Had the application been supported, a condition of consent would be imposed requiring the payment of Section 7.11 Contributions, which would in part, financially contribute towards the upgrades of roads (and other services) within the local government area.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

11. Proposal does not comply with Clause 40 of the Seniors Housing SEPP

Assessing officer's comments: The officers assessment of the proposal against Clause 40 of the Seniors Housing SEPP is provided earlier in this report.

12. Adverse overshadowing to neighbouring properties

Assessing officer's comments: This is addressed earlier in the report. The application has been accompanied by shadowing diagrams which has demonstrated that adequate sunlight/ daylight has been retained to windows and private open space of neighbouring properties.

13. Dust and noise impacts

Assessing officer's comments: Had the application been supported, dust and noise impacts during the demolition and construction phases could be addressed through conditions of consent which require a construction management plan and acoustic and vibration assessment report to be submitted.

An acoustic report has been submitted with the application, and had the application been supported it would have been considered suitable to impose the recommendations contained within the Acoustic Report to protect the

14. Overlooking and privacy impacts

Assessing officer's comments: This is addressed earlier in the report. The new side facing windows of the Albert Road building have been treated with a mixture of frosted glass and privacy louvres, and the side facing windows of the Beresford Road building have been treated with privacy louvres so as to protect the visual privacy of the adjoining properties.

15. Adverse impact on the significance of the neighbouring heritage item

Assessing officer's comments: The assessing officer agrees that the proposal would have an adverse impact on the significance of the neighbouring heritage item and this has been discussed in more detail earlier in this report.

16. Set a precedence for further development in the surrounding area

Assessing officer's comments: Each development applications will be assessed on its own merits.

17. Plans and elevations not illustrative of what is proposed

Assessing officer's comments: The submitted plans appear to be of a sufficient quality to make an accurate assessment of the proposal.

18. De-value neighbouring properties

Assessing officer's comments: This is not a material planning consideration.

4.15 (1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

SECTION 7.11 CONTRIBUTIONS

As the development application is recommended for refusal, no calculations for development contributions have been completed.

CONCLUSION

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

Signed: Rachel Gardner
Senior Development Assessment Planner

PEER REVIEW

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

Signed: Kandace Lindeberg
Manager, Development Assessment

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the non-compliance with the development standard contained in Clause 4.3 (Building Height) of the SLEP 2012 is not well founded and that there are insufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2018/041 for the alterations and additions to the existing aged care facility involving the demolition of the dwelling at 58 Beresford Road, and construction of a new community building as well as partial demolition of the existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities at 81-85 Albert Road and 58 Beresford Road be **REFUSED**, for the following reasons:

1. A written request under State Environmental Planning Policy No. 1 Development Standards has not been received in order for the Council to consider the acceptability of a variation to the height development standards set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. The written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the height development standard contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 is not well founded and there are insufficient planning grounds to justify contravening the standard.

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

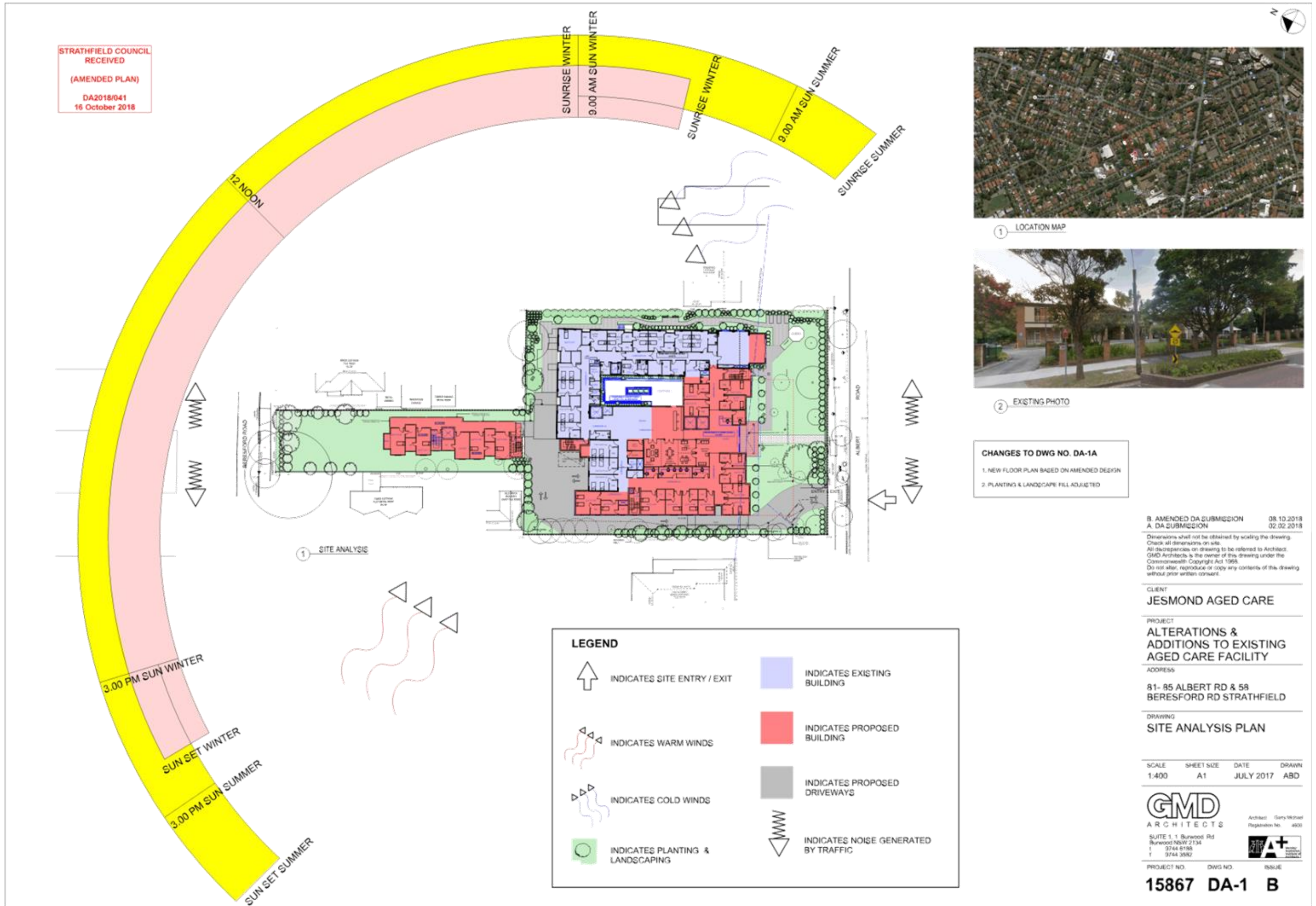
3. The proposal does not result in the efficient and spatially appropriate use of land, as it results in the isolation of No.60 Beresford Road, and thereby undermining the neighbouring sites redevelopment potential. As such, the proposal is contrary to Clause 1.2(2)(b) of the Strathfield Local Environmental Plan 2012
4. The proposal does not align with the desired medium density consolidation pattern for No. 58 and 60 Beresford Road, Strathfield, as set out in Appendix 1 of Part C of the Strathfield Consolidated Development Control Plan 2005
5. The proposal is not of good design, by reason of the excessive height, unarticulated facades, reduced front and side setback, unsuccessful height transition between zones, predominate flat roof form and materials and finishes which do not accord with the character of the surrounding area, and thereby does not accord with the aims of Chapter 2, Clause 2(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Part Q of the Strathfield Consolidated Development Control Plan 2005.
6. The proposed building height of the Albert Road building is not compatible with the scale of adjacent development, and does not provide a gradual stepping of the built form at its interface with existing low rise development, thereby contrary to Part Q of the Strathfield Consolidated Development Control Plan 2005.
7. The proposal does not provide safe pedestrian links within the site, in particular between the two residential care facility buildings, and accordingly does not comply with the accessibility design principle of Chapter 3, Part 3, Division 2, Clause 38 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
8. The proposal does not conserve the significance of the adjacent heritage item, and is contrary to Clause 1.2(2)(f) and Clause 5.10 of the Strathfield Local Environmental Plan 2012, and Clause 33(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
9. The proposed new building is not setback to be sympathetic with the existing predominate building line of properties on the south-eastern side of Beresford Road, and does not accord with the design principle set out in Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
10. The proposed Beresford Road building results in a sense of enclosure and cumulative visual overbearing appearance, thereby it does not comply with Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
11. The proposal does not achieve high quality urban form exhibiting design excellence and does not accord with Clause 1.2(2)(a) of the Strathfield Local Environmental Plan 2012

DA2018/041 - 81-85 Albert Road & 58 Beresford Road
Lot 2, 7 & 8 DP 20594 (Cont'd)

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

ATTACHMENTS

1. [↓](#) DA2018.041(Amended)-Architecturals-Colour-81-85 Albert rd



STRATHFIELD COUNCIL
RECEIVED
(AMENDED PLAN)
DA2018/041
16 October 2018



1 LOCATION MAP



2 EXISTING PHOTO

CHANGES TO DWG NO. DA-1A

- 1. NEW FLOOR PLAN BASED ON AMENDED DESIGN
- 2. PLANTING & LANDSCAPE FILL ADJUSTED

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

Dimensions shall not be obtained by scaling the drawing.
Check all dimensions on site.
All discrepancies on drawing to be referred to Architect.
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without prior written consent.

CLIENT
JESMOND AGED CARE

PROJECT
**ALTERATIONS &
ADDITIONS TO EXISTING
AGED CARE FACILITY**

ADDRESS
**81- 85 ALBERT RD & 58
BERESFORD RD STRATHFIELD**

DRAWING
SITE ANALYSIS PLAN

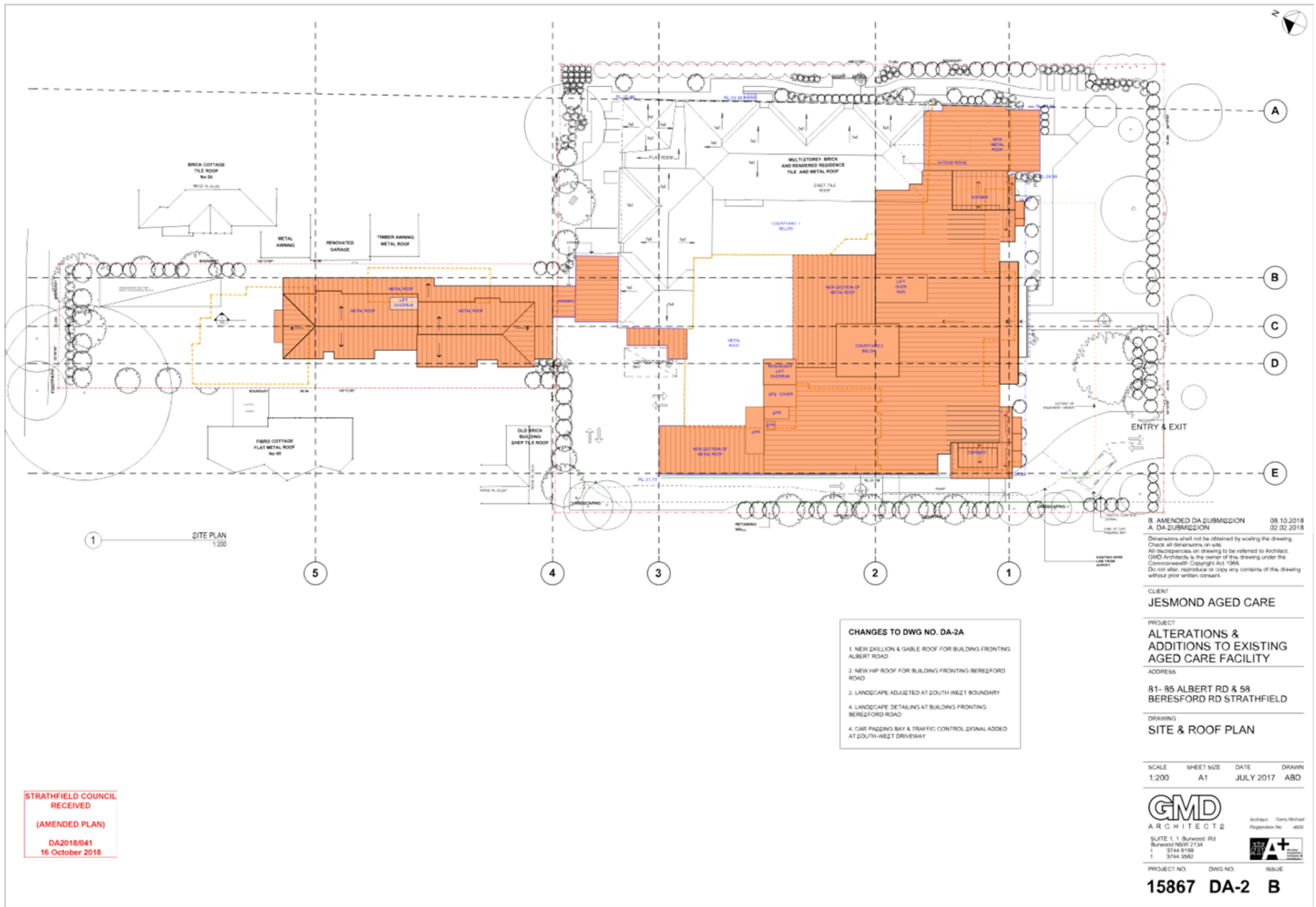
SCALE	SHEET SIZE	DATE	DRAWN
1:400	A1	JULY 2017	ABD

GMD
ARCHITECTS
Architect: Garry Whelan
Registration No. 4900
SUITE 1.1 Buresford Rd
Buresford NSW 2134
T 3744 8188
F 3744 3582

PROJECT NO. DWG NO. ISSUE
15867 DA-1 B

LEGEND

- INDICATES SITE ENTRY / EXIT
- INDICATES EXISTING BUILDING
- INDICATES PROPOSED BUILDING
- INDICATES PROPOSED DRIVEWAYS
- INDICATES WARM WINDS
- INDICATES COLD WINDS
- INDICATES PLANTING & LANDSCAPING
- INDICATES NOISE GENERATED BY TRAFFIC



1 SITE PLAN
1:200

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

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CLIENT
JESMOND AGED CARE

PROJECT
ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY

ADDRESS
81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD

DRAWING
SITE & ROOF PLAN

- CHANGES TO DWG NO. DA-2A**
1. NEW SKILLION & GABLE ROOF FOR BUILDING FRONTING ALBERT ROAD
 2. NEW HIP ROOF FOR BUILDING FRONTING BERESFORD ROAD
 3. LANDSCAPE ADJUSTED AT SOUTH-WEST BOUNDARY
 4. LANDSCAPE DETAILING AT BUILDING FRONTING BERESFORD ROAD
 4. CAR PASSING BAY & TRAFFIC CONTROL SIGNAL ADDED AT SOUTH-WEST DRIVEWAY

SCALE 1:200 SHEET SIZE A1 DATE JULY 2017 DRAWN ABD

GMD ARCHITECTS

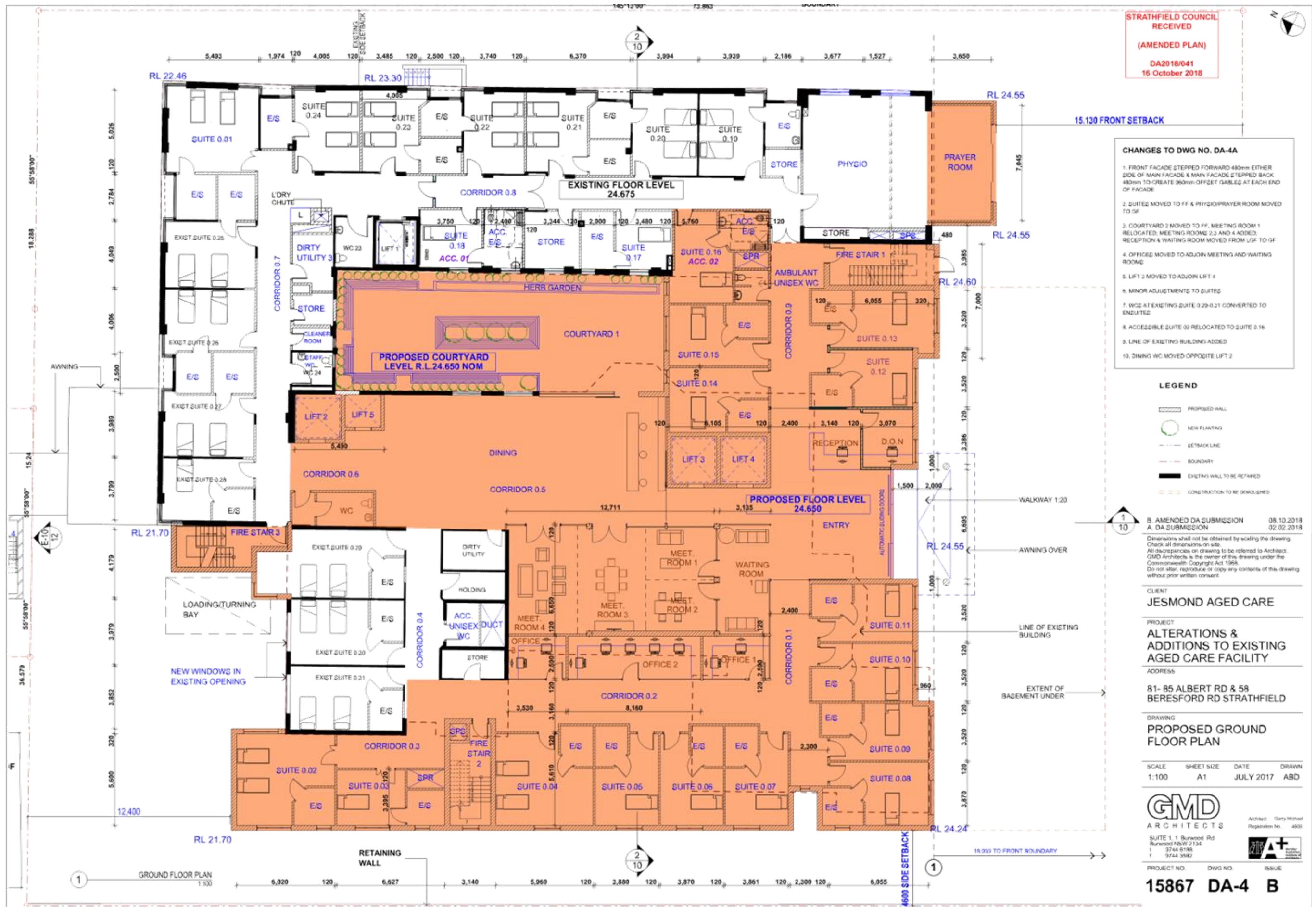
Architect: Garry Michael
Registration No. 4800

SUITE 1.1 Burwood Rd
Burwood NSW 2134
T 3744 6188
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PROJECT NO. 15867 DWG NO. DA-2 ISSUE B

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DA2018/041
16 October 2018









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(AMENDED PLAN)
DA2018/041
16 October 2018

LEGEND

- PROPOSED WALL
- NEW PLANTING
- SETBACK LINE
- BOUNDARY
- EXISTING WALL TO BE RETAINED

CHANGES TO DWG NO. DA-6A

1. FRONT FACADE STEPPED AS NOTED ON 0/0 PLAN
2. EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
3. FIXED AND ADJUSTABLE LOUVRES ADDED AT SUITE 2.02 & 2.03 BALCONIES
4. BALCONIES ADDED TO SUITE 2.06 & 2.12; SUITE 2.08, 2.09, 2.10 BALCONIES ADJUSTED
5. LIFT 3 MOVED TO ADJOIN LIFT 4
6. LOUNGE & SUITE RELOCATED; TERRACE REPLACED SUITE
7. MINOR ADJUSTMENTS TO SUITES
8. LINE OF ROOFS & DORMERS OVER ADDED

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

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JESMOND AGED CARE

PROJECT
ALTERATIONS & ADDITIONS TO EXISTING AGED CARE FACILITY

ADDRESS
81- 85 ALBERT RD & 58 BERESFORD RD STRATHFIELD

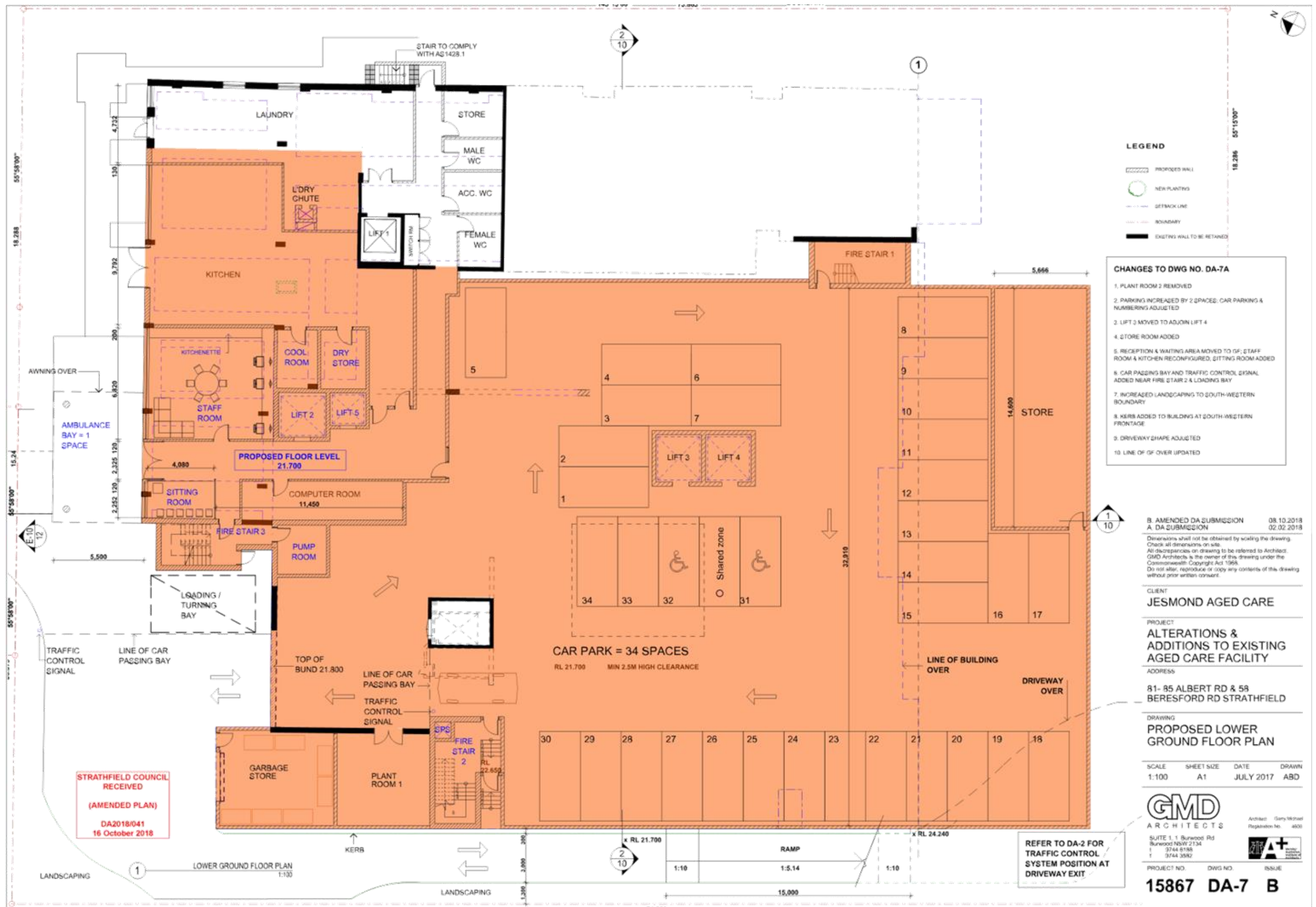
DRAWING
PROPOSED SECOND FLOOR PLAN

SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

GMD ARCHITECTS
Architect: Garry Whitford
Registration No. 4800

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PROJECT NO. DWG NO. ISSUE
15867 DA-6 B



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16 October 2018

- LEGEND**
- PROPOSED WALL
 - NEW PLANTING
 - SETBACK LINE
 - BOUNDARY
 - EXISTING WALL TO BE RETAINED
- CHANGES TO DWG NO. DA-7A**
1. PLANT ROOM 2 REMOVED
 2. PARKING INCREASED BY 2 SPACES; CAR PARKING & NUMBERING ADJUSTED
 3. LIFT 3 MOVED TO ADJOIN LIFT 4
 4. STORE ROOM ADDED
 5. RECEPTION & WAITING AREA MOVED TO GF; STAFF ROOM & KITCHEN RECONFIGURED; SITTING ROOM ADDED
 6. CAR PASSING BAY AND TRAFFIC CONTROL SIGNAL ADDED NEAR FIRE STAIR 2 & LOADING BAY
 7. INCREASED LANDSCAPING TO SOUTH-WESTERN BOUNDARY
 8. KERB ADDED TO BUILDING AT SOUTH-WESTERN FRONTAGE
 9. DRIVEWAY SHAPE ADJUSTED
 10. LINE OF GF OVER UPDATED

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

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DRAWING
PROPOSED LOWER GROUND FLOOR PLAN

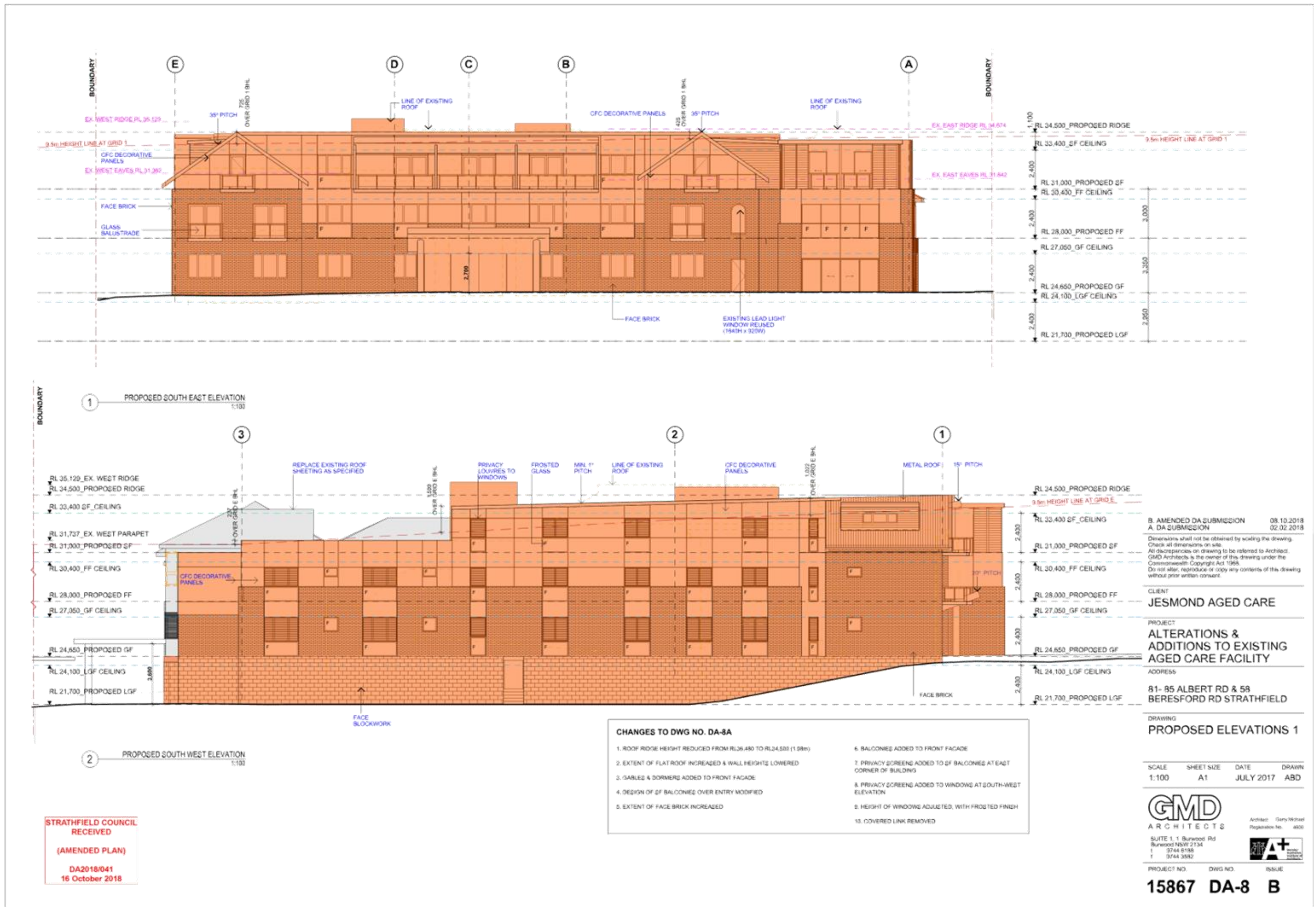
SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

GMD ARCHITECTS
Architect: Garry Whitford
Registration No. 4800

SUITE 1.1 Bureswood Rd
Bureswood NSW 2134
T 3744 8188
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PROJECT NO. DWG NO. ISSUE
15867 DA-7 B

REFER TO DA-2 FOR TRAFFIC CONTROL SYSTEM POSITION AT DRIVEWAY EXIT



B. AMENDED DA SUBMISSION 08.10.2018
 A. DA SUBMISSION 02.02.2018

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ADDRESS
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DRAWING
PROPOSED ELEVATIONS 1

SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

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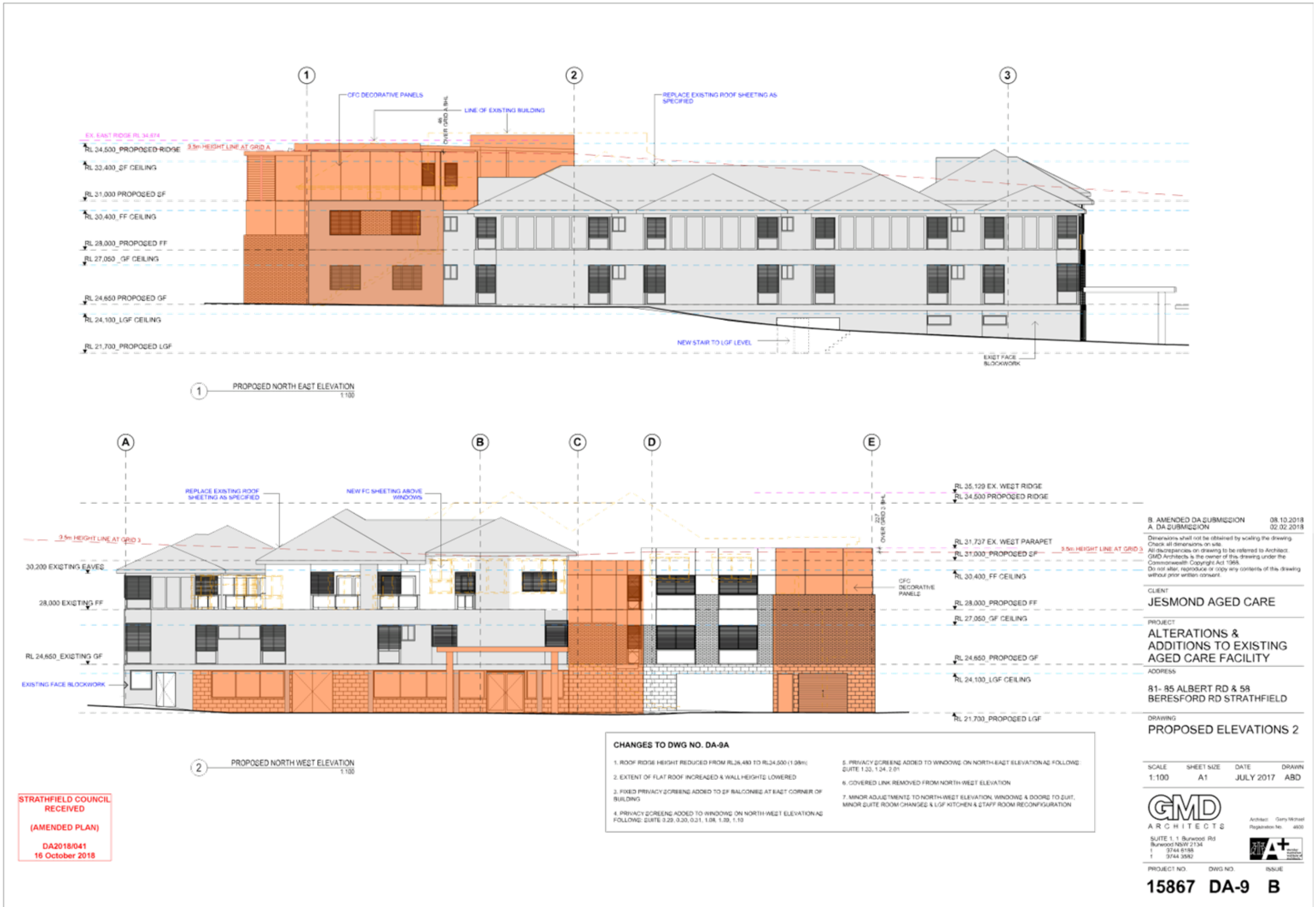
Architect: Gerry Whelan
 Registration No. 4800

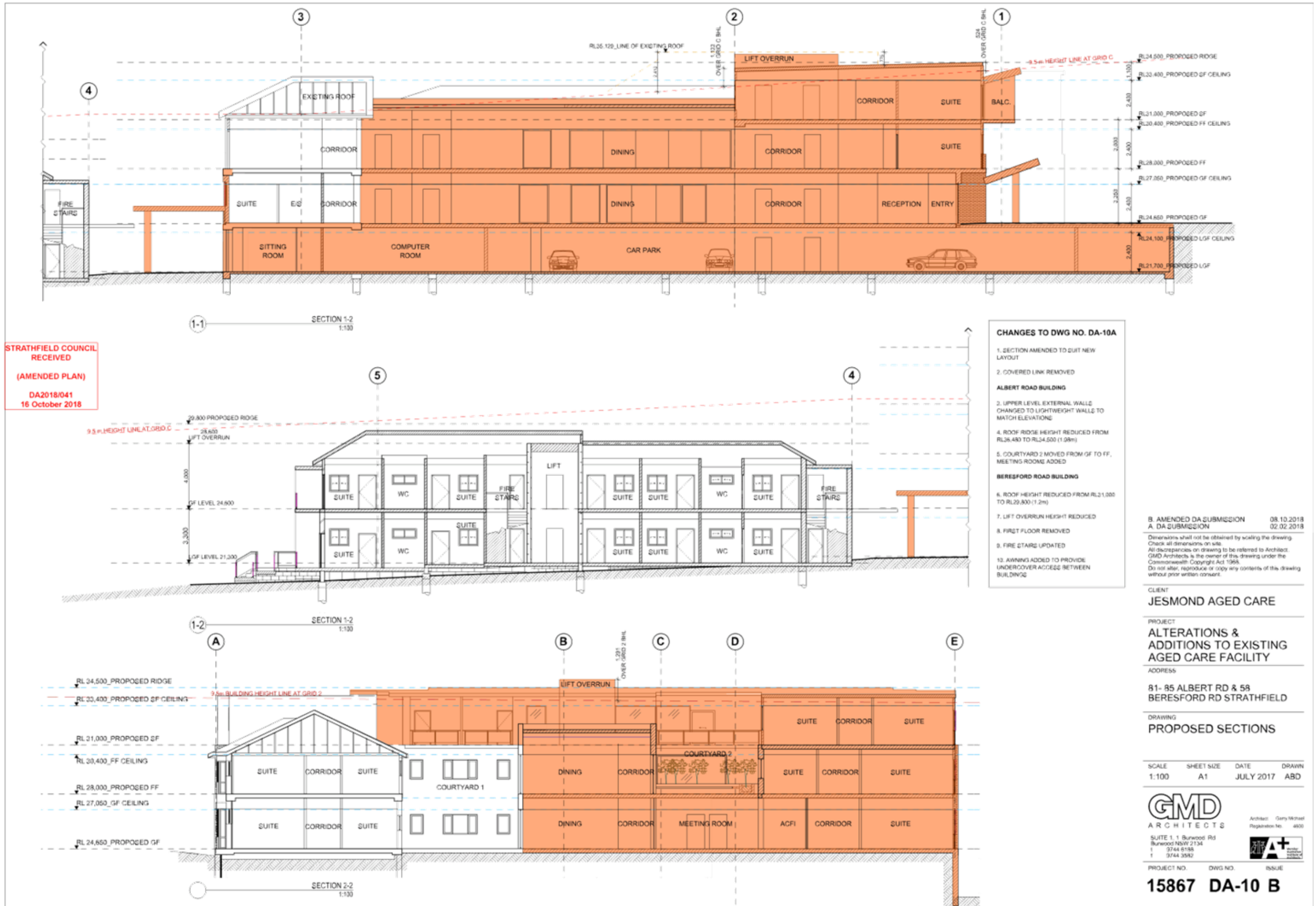
SUITE 1.1 Buresford Rd
 Buresford NSW 2134
 T 3744 8188
 F 3744 3582

PROJECT NO. DWG NO. ISSUE
15867 DA-8 B

- CHANGES TO DWG NO. DA-8A**
1. ROOF RIDGE HEIGHT REDUCED FROM RL36.480 TO RL24.500 (1.98m)
 2. EXTENT OF FLAT ROOF INCREASED & WALL HEIGHTS LOWERED
 3. GABLES & DORMERS ADDED TO FRONT FACADE
 4. DESIGN OF SF BALCONIES OVER ENTRY MODIFIED
 5. EXTENT OF FACE BRICK INCREASED
 6. BALCONIES ADDED TO FRONT FACADE
 7. PRIVACY SCREENS ADDED TO SF BALCONIES AT EAST CORNER OF BUILDING
 8. PRIVACY SCREENS ADDED TO WINDOWS AT SOUTH-WEST ELEVATION
 9. HEIGHT OF WINDOWS ADJUSTED, WITH FROSTED FINISH
 10. COVERED LINK REMOVED

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DA2018/041
16 October 2018

- CHANGES TO DWG NO. DA-10A**
- SECTION AMENDED TO SUIT NEW LAYOUT
 - COVERED LINK REMOVED
- ALBERT ROAD BUILDING**
- UPPER LEVEL EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
 - ROOF RIDGE HEIGHT REDUCED FROM RL36.480 TO RL34.500 (1.98m)
 - COURTYARD 2 MOVED FROM GF TO FF. MEETING ROOMS ADDED
- BERESFORD ROAD BUILDING**
- ROOF HEIGHT REDUCED FROM RL31.000 TO RL29.800 (1.2m)
 - LIFT OVERRUN HEIGHT REDUCED
 - FIRST FLOOR REMOVED
 - FIRE STAIRS UPDATED
 - AWNING ADDED TO PROVIDE UNDERCOVER ACCESS BETWEEN BUILDINGS

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

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ADDRESS
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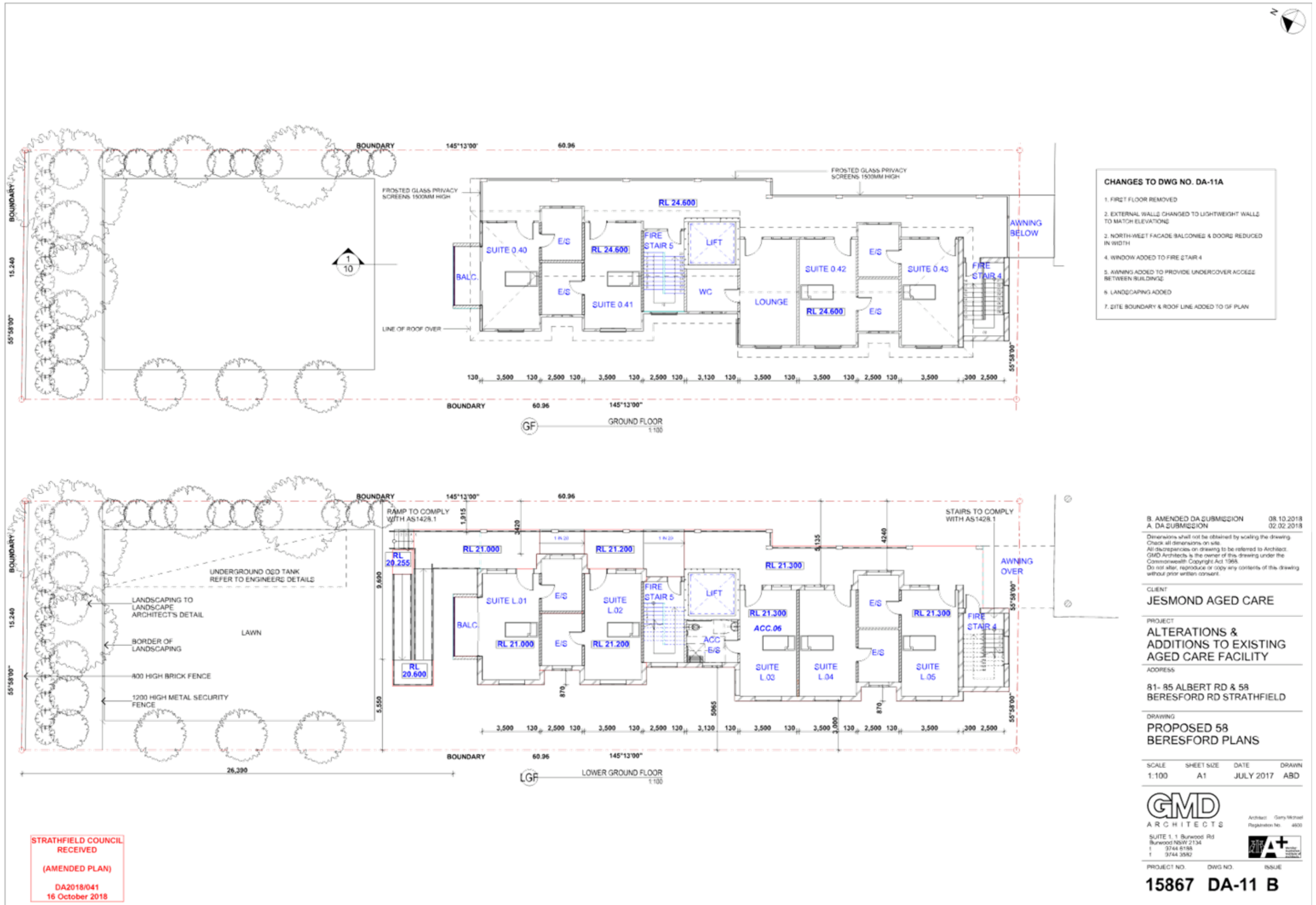
DRAWING
PROPOSED SECTIONS

SCALE 1:100 SHEET SIZE A1 DATE JULY 2017 DRAWN ABD

GMD ARCHITECTS
Architect: Garry Michael
Registration No. 4600

SUITE 1.1 Burwood Rd
Burwood NSW 2134
T 3744 6188
F 3744 3582

PROJECT NO. DWG NO. ISSUE
15867 DA-10 B



- CHANGES TO DWG NO. DA-11A**
1. FIRST FLOOR REMOVED
 2. EXTERNAL WALLS CHANGED TO LIGHTWEIGHT WALLS TO MATCH ELEVATIONS
 3. NORTH-WEST FACADE BALCONIES & DOORS REDUCED IN WIDTH
 4. WINDOW ADDED TO FIRE STAIR 4
 5. AWNING ADDED TO PROVIDE UNDERCOVER ACCESS BETWEEN BUILDINGS
 6. LANDSCAPING ADDED
 7. SITE BOUNDARY & ROOF LINE ADDED TO GF PLAN

B. AMENDED DA SUBMISSION 08.10.2018
 A. DA SUBMISSION 02.02.2018

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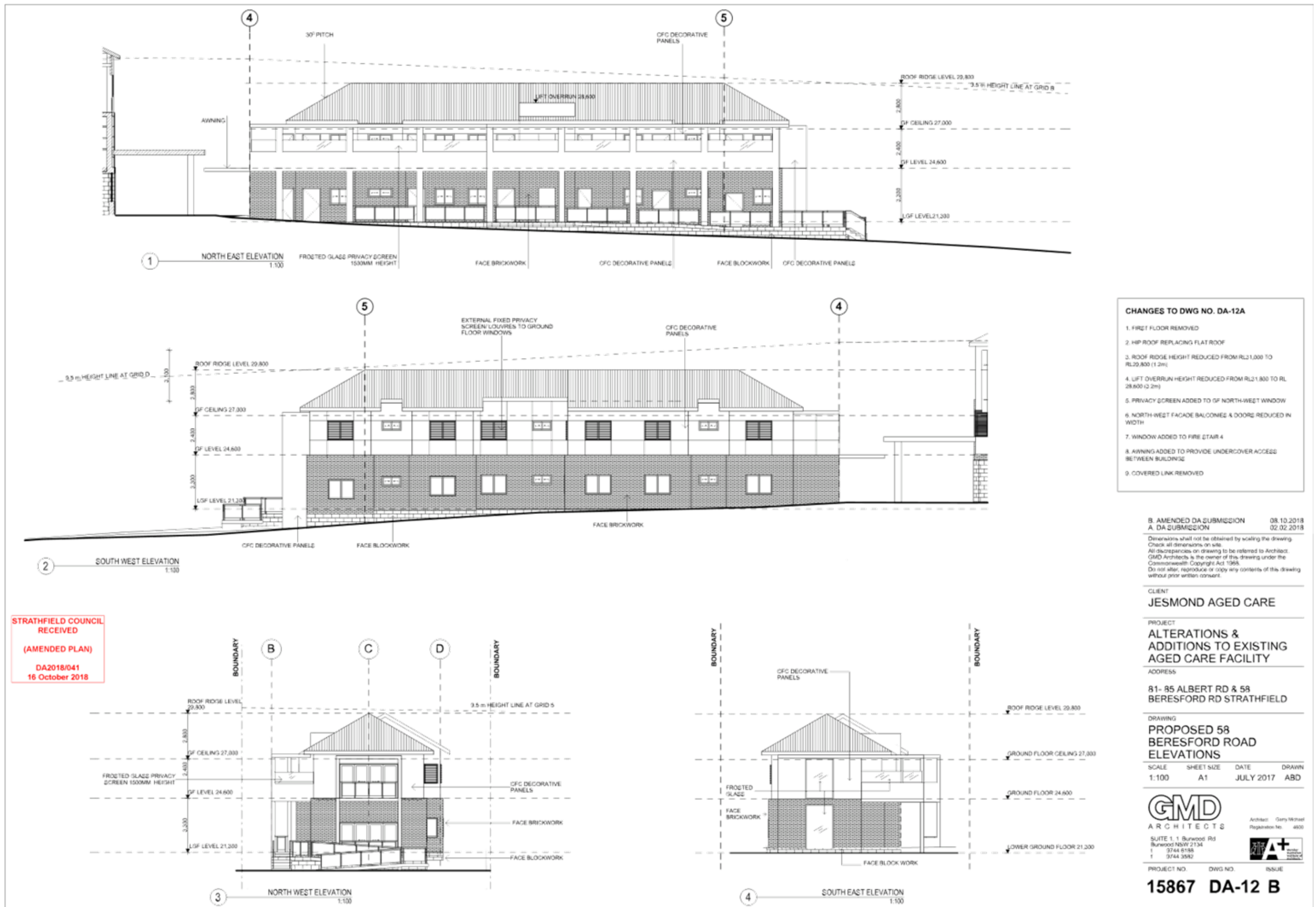
DRAWING
PROPOSED 58 BERESFORD PLANS

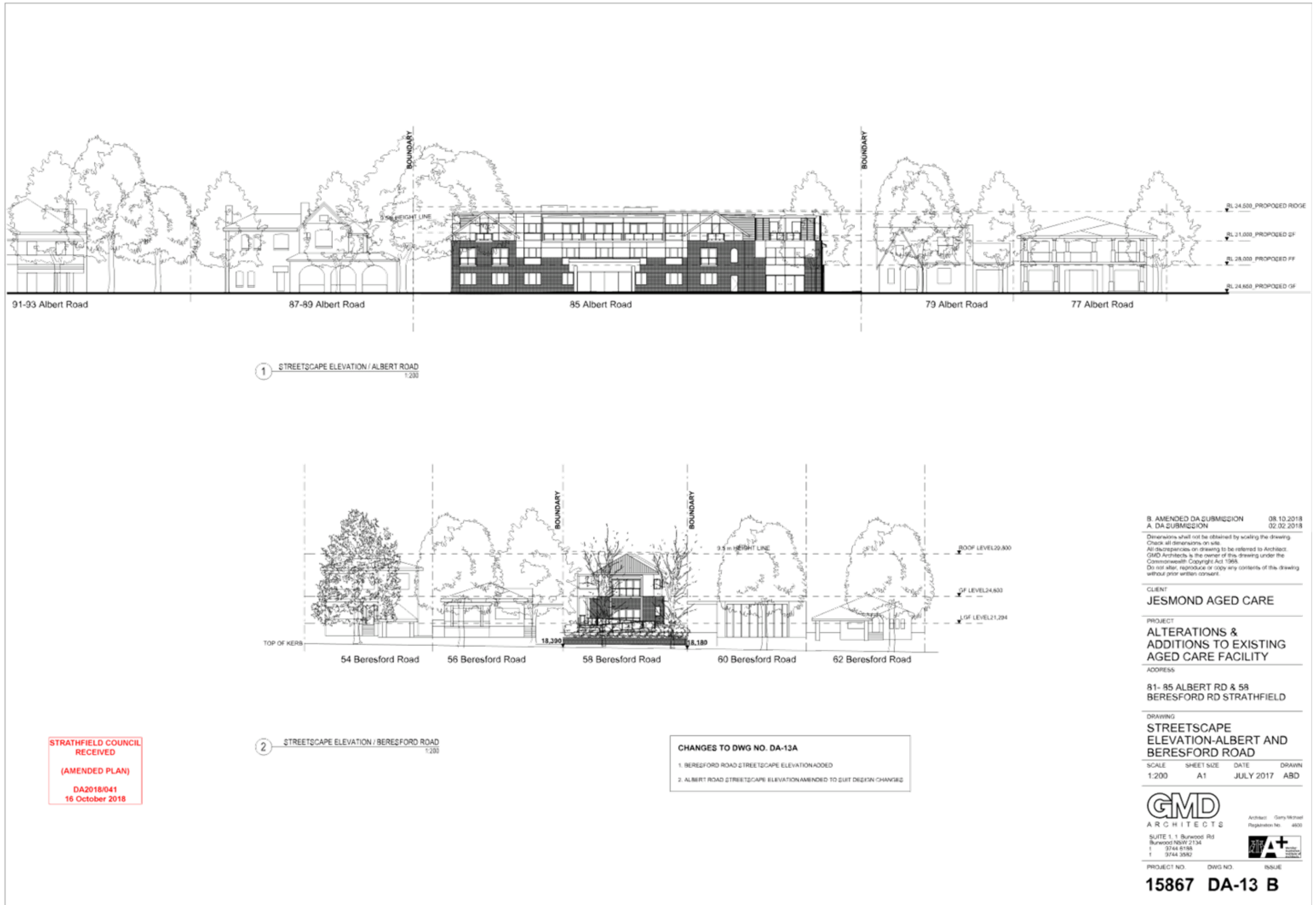
SCALE	SHEET SIZE	DATE	DRAWN
1:100	A1	JULY 2017	ABD

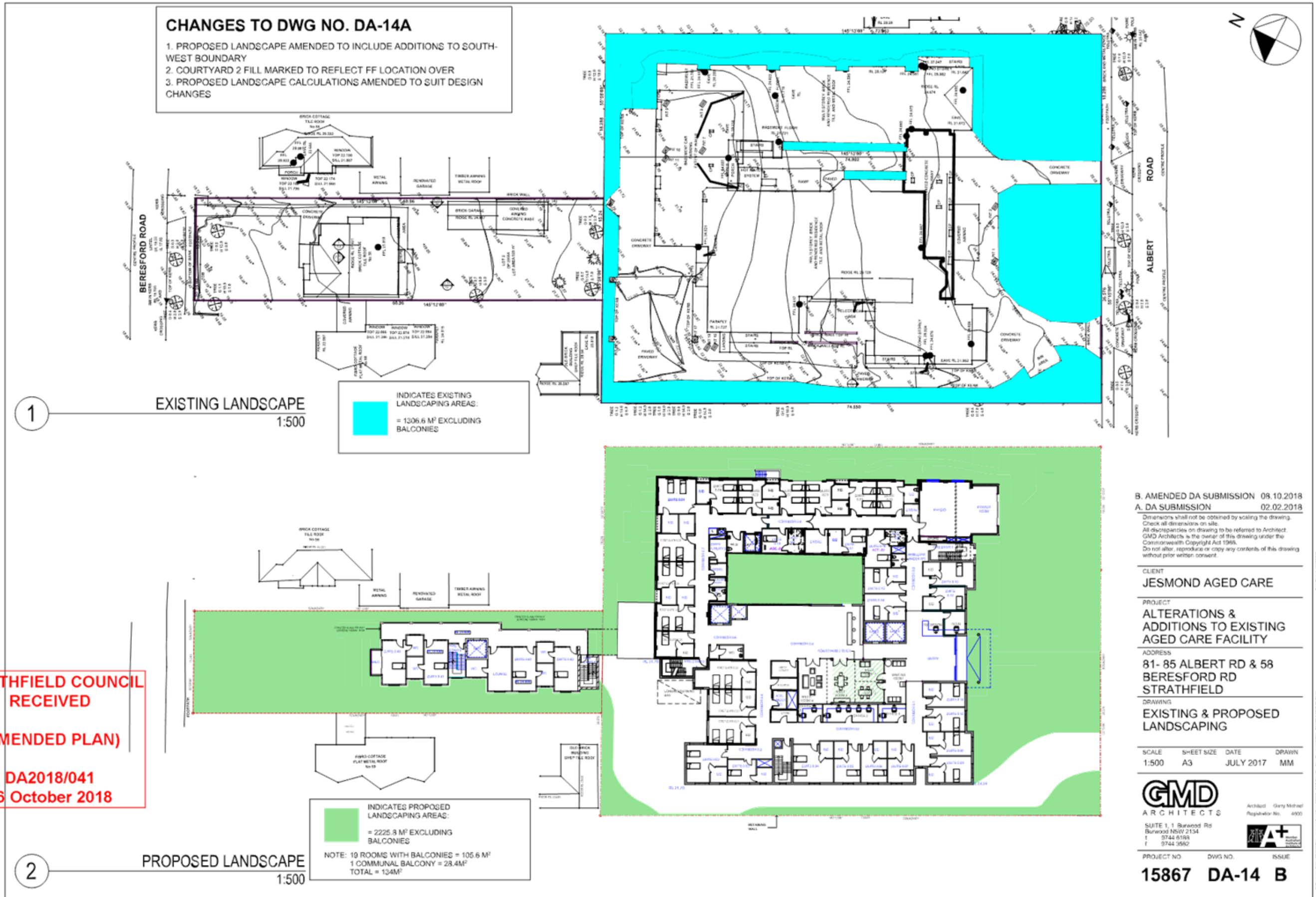
GMD ARCHITECTS
 Architect: Garry Michael
 Registration No: 4800
 SUITE 1.1 Burwood Rd
 Burwood NSW 2134
 T 3744 6188
 F 3744 3582

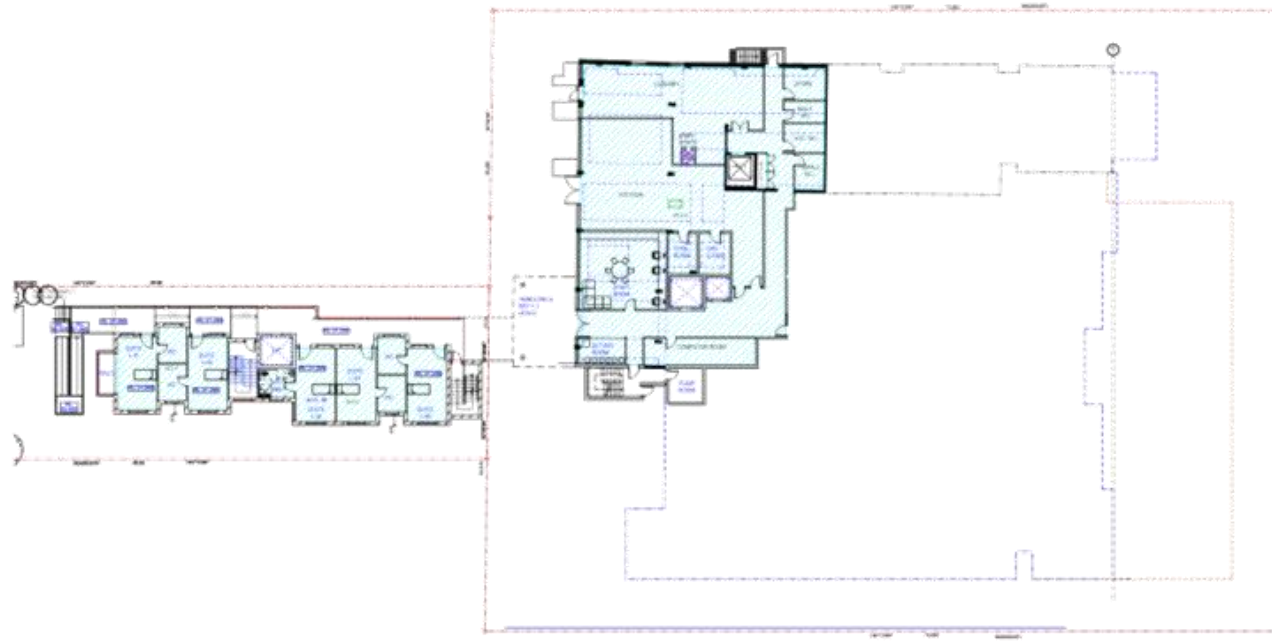
PROJECT NO. DWG NO. ISSUE
15867 DA-11 B

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1 LOWER GROUND FLOOR PLAN



2 GROUND FLOOR PLAN

SITE AREA	5000.09m ²	
FLOOR LEVEL	GFA	FGR
LOWER GROUND FLOOR	626m ²	0.127 : 1
GROUND FLOOR	1862.2m ²	0.372 : 1
FIRST FLOOR	1645.2m ²	0.329 : 1
SECOND FLOOR	666.13m ²	0.132 : 1
TOTAL	4800.7m ²	0.961 : 1



3 FIRST FLOOR PLAN



4 SECOND FLOOR PLAN

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DA2018/041
16 October 2018

CHANGES TO DWG NO. 15-A
1. FLOOR PLANS & GFA FILL AMENDED TO SUIT DESIGN CHANGES
2. CALCULATION TABLE AMENDED TO SUIT DESIGN CHANGES

B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018
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**ALTERATIONS &
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ADDRESS
**81- 85 ALBERT RD & 58
BERESFORD RD STRATHFIELD**

DRAWING
**FLOOR SPACE RATIO
CALCULATION PLAN**

SCALE SHEET SIZE DATE DRAWN
1:300 A1 JULY 2017 MM

GMD
ARCHITECTS
Architect: Gary Whittet
Registration No. 4800
SUITE 1.1 Bureswood Rd
Bureswood NSW 2134
T 3744 6188
F 3744 3582

PROJECT NO. DWG NO. ISSUE
15867 DA-15 B

**CHANGES TO DWG
NO. DA-16A**

1. UPDATED SITE MODEL
BASED ON AMENDED DESIGN

1 10.45m HEIGHT PLAN

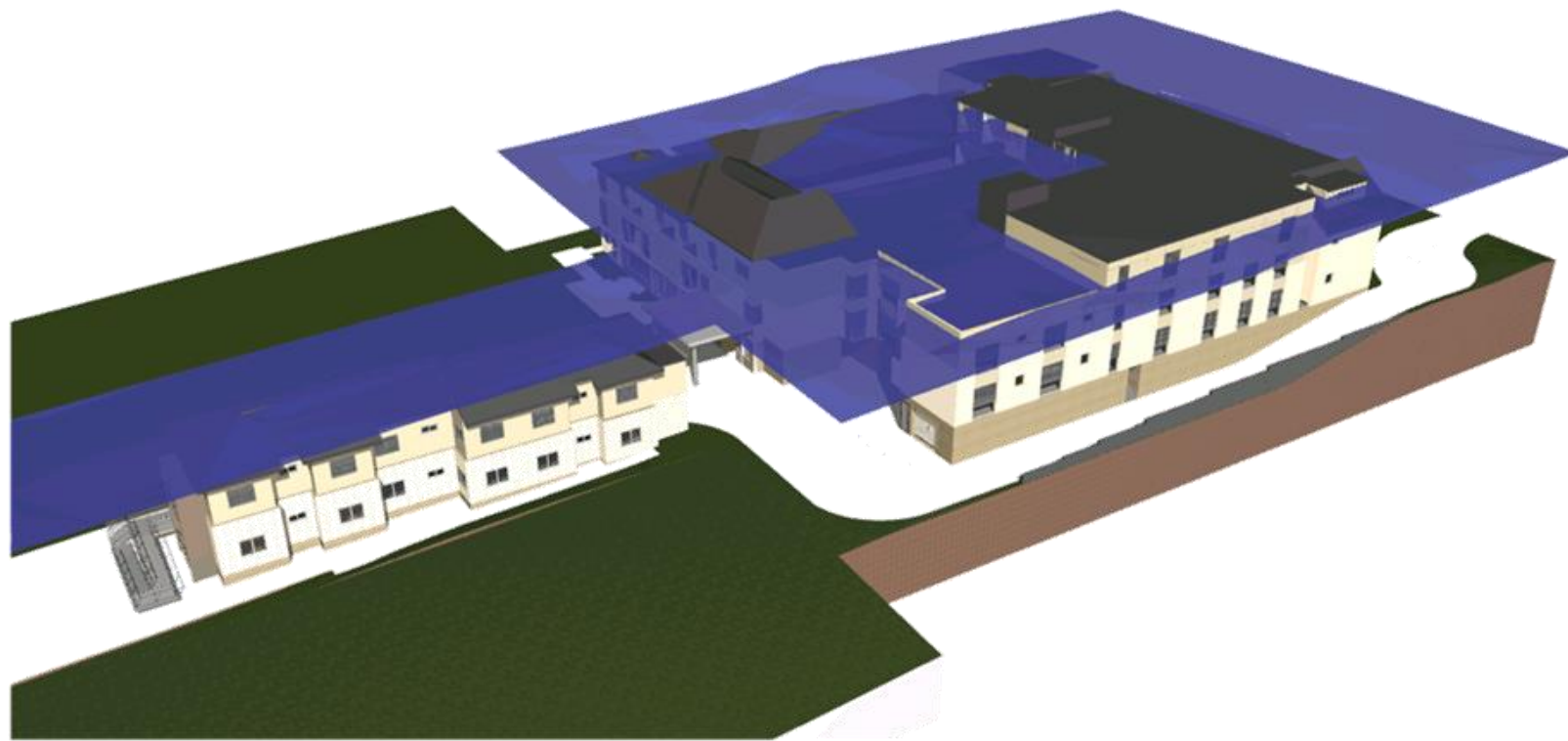


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**DA2018/041
16 October 2018**

2 9.5m HEIGHT PLAN



B. AMENDED DA SUBMISSION 08.10.2018
A. DA SUBMISSION 02.02.2018

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BERESFORD RD
STRATHFIELD**

DRAWING
BUILDING HEIGHT PLAN

SCALE	SHEET SIZE	DATE	DRAWN
	A3	JULY 2017	ABD

GMD
ARCHITECTS
Architect Gary Michael
Registration No. 4900

SUITE 1.1 Buresford Rd
Buresford NSW 2134
T 9744 6186
F 9744 3562



PROJECT NO.	DWG NO.	ISSUE
15867	DA-16	B

TO: Strathfield Local Planning Panel Meeting - 7 March 2019
REPORT: SLPP – Report No. 4
SUBJECT: DA2018/134 - 108 BERESFORD ROAD, STRATHFIELD
LOT 5 DP 7674
DA NO. DA2018/134

SUMMARY

Proposal: Demolition of existing structures and the construction of a child care centre for 85 children with basement level parking for 21 car spaces operating 7am to 6pm Monday to Friday.

Applicant: Pragma Planning

Owner: The Beresford Childcare Pty Ltd

Date of lodgement: 2 October 2018

Notification period: 16 October 2018 to 7 November 2018

Submissions received: 107 individual submissions and 5 petitions

Assessment officer: GH

Estimated cost of works: \$2,796,970

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Inveresk Park across the road from the site is a local heritage item (I178) under SLEP 2012

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: REFUSAL

EXECUTIVE SUMMARY

This application seeks council approval for demolition of existing structures and the construction of a child care centre for 85 children with basement level parking for 21 car spaces, operating 7am to 6pm Monday to Friday.

The application was publicly notified from 16 October 2018 to 7 November 2018 in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005. 107 individual submissions and five (5) petitions including a total of 345 signatories (all objecting to the proposed development) were received as a result.

The most common concerns derived from the submissions and petitions include issues relating to traffic, parking, noise, privacy and bulk/scale. Many submissions were concerned about the scale of the proposal, particularly in terms of the size of the building and numbers of children, in the context of a low density residential area comprising mainly detached housing.

The proposal does not comply with several numerical planning controls including those relating to floor space ratio, side/rear boundary setbacks, front boundary setbacks, car parking and number of storeys. Further, the siting, bulk and scale of the proposal result in unreasonable adverse impacts

**DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)**

on the amenity of the surrounding residential area and streetscape character. Overall, the proposal is considered to be an overdevelopment of the site.

Accordingly, the proposal is recommended for refusal.

BACKGROUND

A brief chronology of the key events in the processing of the development application is as follows:

<u>2 October 2018:</u>	Application submitted to council.
<u>16 October 2018:</u>	Public notification of application commenced.
<u>7 November 2018:</u>	Public notification of application concluded.
<u>12 December 2018:</u>	Council's design review panel (DRP) reviewed application.
<u>19 December 2018:</u>	DRP report and recommendations issued to council.
<u>5 February 2019:</u>	Applicant formally advised that proposal not supported in current form and application should be withdrawn.
<u>7 February 2019:</u>	Applicant formally requested extension of time to respond to issues raised by council.
<u>12 February 2019:</u>	Applicant formally advised that their request for extension of time not agreed with and that application should be withdrawn.

DESCRIPTION OF THE SITE AND LOCALITY

The site is located off the southern side of Beresford Road opposite Inveresk Park. It comprises of a single allotment, legally described as Lot 5 in DP 7674 and commonly known as 108 Beresford Road, Strathfield. It is almost rectangular shaped, having a street frontage of 17.07m, a depth of 59.88m-60.115m and an overall area of 1018m².

The site is at a low point within the surrounding topography, being traversed by a natural drainage line/overland flow path. An easement for drainage of 1.525m in width traverses the rear of the site in a south westerly to north easterly direction. There are a few large trees on the site including individual specimens of Fiddlewood, Lemon Scented Gum and Brush Box trees in the rear yard of the dwelling beyond the in-ground swimming pool. There is a Brush Box tree in the road reserve immediately fronting the site.

The site is occupied by a two (2) storey brick/clad and tile roofed dwelling house, together with a carport between the dwelling and the eastern side boundary and an in-ground swimming within the rear yard of the dwelling. Immediately to the east, west and south of the site are 1-2 storey dwelling houses. Across the road to the north is Inveresk Park. The wider locality is characterised mainly by detached dwelling houses.

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)



Figure 1: Locality plan including subject site (as highlighted)



Figure 2: Aerial photograph of site (highlighted by green marking) and immediate locality

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)



Figure 3: Southerly view of the site (at centre of image) from across the road



Figure 4: South westerly view of Beresford Road adjacent to the site

DA2018/134 - 108 Beresford Road, Strathfield
 Lot 5 DP 7674 (Cont'd)



Figure 5: North easterly view of Beresford Road adjacent to the site

PROPERTY BURDENS AND CONSTRAINTS

The site is at a low point within the surrounding topography, being traversed by a natural drainage line/overland flow path. An easement for drainage of 1.525m in width traverses the rear of the site in a south westerly to north easterly direction.

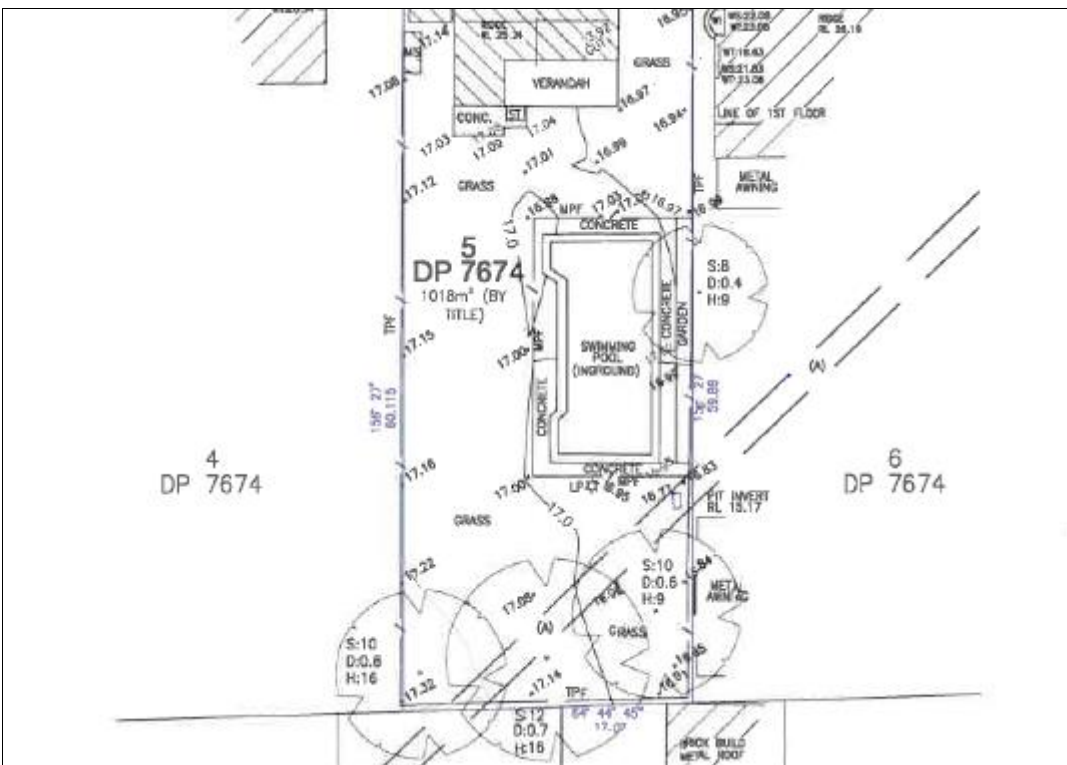


Figure 6: Extract from levels & detail survey showing easement for drainage traversing site

DESCRIPTION OF THE PROPOSED DEVELOPMENT

**DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)**

This application seeks council approval for the demolition of existing structures and construction of a two (2) storey child care centre including basement car parking. The facility is to accommodate up to 85 children at any one time and operate from 7am to 6pm, Mondays to Fridays.

The ground floor level includes a lobby and reception area, director’s office, cot rooms and three (3) separate indoor play areas and associated outdoor play areas for children within the 0-1, 1-2 and 2-3 year age groups. The first floor level includes a staff room, laundry, kitchen and an indoor play area and associated outdoor play area for children within the 3-5 year age group. The car park within the basement accommodates 21 car spaces of which six (6) spaces are to be designated for use by visitors and the remaining 15 spaces are to be designated for use by staff. The basement level also includes bicycle parking facilities and a waste bin storage room.

The new building includes external walls of face brickwork, rendered and painted brickwork and weatherboard cladding and a hip-form tiled roof. The rear outdoor play area at first floor level is enclosed at its side and rear perimeters by a 2.8m high acoustic screen. Due to flood planning constraints, the ground floor level of the building protrudes up to 1.4m above the existing levels of the site.

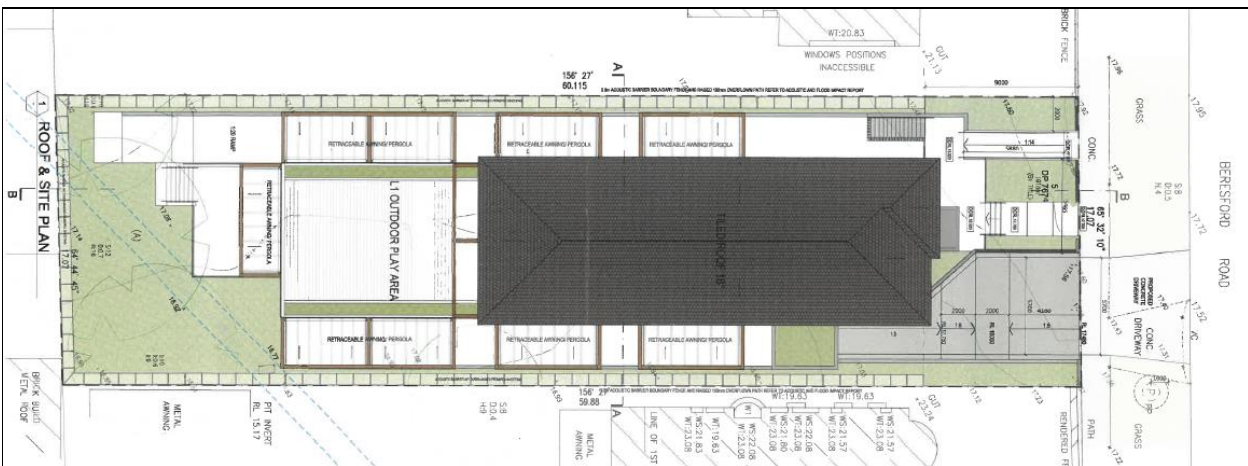


Figure 7: Extract from architectural drawings (Roof & Site Plan)



Figure 8: Extract from architectural drawings (East Elevation)

REFERRALS

INTERNAL REFERRALS

Design Review Panel Comments

The application was referred to council’s design review panel (DRP) at its meeting held on 12 December 2018 for a review of its urban design quality. The report and recommendation of the DRP is reiterated in full as follows:

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)

Building Siting and Setbacks

Although the Panel considers that a childcare centre could be an appropriate use for the site, and the number of child spaces provided may comply with simple area allocations, the proposal is deficient in many respects.

The proposed narrow long building, which extends beyond the rear building alignment of the surrounding context is not an appropriate response to the streetscape and context.

To be successful as an infill development the building should be designed to suit the prevailing suburban character and building pattern, which comprises low scale freestanding dwellings located towards the street frontage with narrower side setbacks and continuous open rear landscaped yards.

The proposal is not supported in its current form and the Panel recommends that the building should be redesigned to incorporate the following:

- 1.1 The Panel notes that Council's Childcare DCP requires 4 metre side setbacks but this is neither appropriate or achievable on a lot width of 17metres, when considering the need to achieve a form that is compatible with the low density residential context.*
- 1.2 Whilst acknowledging the applicant's adherence to the 4 metre side setbacks as per the DCP, the Panel consider that the implications of this setback will result in a poor urban form and unacceptable impacts for the adjacent buildings and the surrounding context. The Panel considers that a reduced side setback of a minimum of 1.5metre would lead to a more successful project. The minimum 1.5 metre setback should also apply to the basement and there should be adequate space to provide deep soil strip along each side of the building that will support screen planting for privacy.*
- 1.3 The front setback to Beresford Road should be consistent with the front setback of the adjacent dwellings.*
- 1.4 The building mass should be sited in the front 50-60% portion of the site with an increased width and reduced depth – generally in alignment with the prevailing rear setback, so that the building does not extend so far into the site.*
- 1.5 Side setbacks are inappropriate for use as outdoor play space due to the proximity to neighbouring dwellings and their side windows, and the adverse amenity impacts that will result (noise andprivacy).*

Play areas should be removed from the side setbacks and placed only at the rear of the building, close to natural ground level, to reflect the surrounding pattern of continuous landscaped rear yards without dominant structures or buildings.
- 1.6 The use of the first floor for both indoor and outdoor playrooms is not supported. The open play area on the first floor at the rear is unacceptable due to noise and privacy incompatibility with the residential setting.*

The Panel considers that all children's areas should be located on the ground floor and the first floor should only be used for ancillary "back of house" uses.
- 1.7 The need to incorporate outdoor play at the rear of the first floor, use side setbacks zones for outdoor play, together with the parking undersupply raises concern that the numbers of children proposed (85) is excessive given the site constraints.*

Basement Car Park

Concern is raised with the design of the basement carpark for several reasons:

- 2.1 The top slab of the carpark projects too far above natural ground and is unsuitable as a play area due to its elevated position relative to the adjacent dwellings. Elevated structures such as the proposed car park roof slab are not typical of the setting and character. The Panel notes the applicant's comments about the need to manage flooding, however a longer ramp*

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)

and transition should be investigated to allow the basement car park to be excavated lower into the ground.

- 2.2 The carpark layout needs review and rationalisation to allow adequate manoeuvring areas. The parallel parking spaces adjacent to the eastern wall, tandem spaces for staff and reference to car stackers in conjunction with tandem spaces are all queried.*
- 2.3 The Panel notes that there is a considerable shortfall of parking which supports the view noted above that the scheme is attempting to accommodate too many children on site.*
- 2.4 Compliance with BCA basement emergency egress requirements should be reviewed.*

Other Matters

- 3.1 The Panel considers that the dominant 2.8 metre acoustic barrier fencing is an undesirable design feature.*

As is clearly evident from the above commentary, the proposal is not supported in its current form and substantial design changes would be required in order to achieve a built form and scale of development that was more in keeping with the locality. The concerns raised by the DRP are concurred with.

Landscaping Comments

Council's Landscape Architect has commented on the proposal as follows:

Concept Plan

The provided landscape plan is a high level concept plan and does not include details such as irrigation, play equipment facilities or design. As per part E of Strathfield Consolidated Development Control Plan a Detailed Landscape Plan is required which includes the location of play equipment and facilities.

1.5m Landscape Strip

The minimum requirement for a 1.5m landscaping strip has not been provided on all boundaries as per Part E of Strathfield's DCP.

Entranceway

It is preferred the two separate pedestrian entrances are amalgamated in order to provide a mutual entrance for all abilities. This is in alignment with inclusive access principles and also enables a greater area of deep soil for the planting of a canopy tree (10+ metres). Pyrus are beautiful and suitable where height restrictions pose an issue, however in opportune situations where the front offset is unimpeded by such restrictions native canopy trees are preferred.

Outdoor Play Areas

The areas to the East and West of the building are not adequately conducive to play due to their location, limited width, and lack of sunlight. These areas would only become less suitable if the minimum landscaping boundary requirements were met. I do not consider these areas Outdoor Play Areas and do not believe they are eligible to be included in the minimum Outdoor Play Area requirements.

Outdoor Play Areas are intended to promote a variety of learning, play and other developmental experiences. Due to the fragmented layout of the proposed Outdoor Play Areas and the sparse level of detail provided I am not of the view that the proposed design meets these requirements.

This may be due to the suitability of the site, the proposed centre does not meet the DCP minimum boundary width of 25m.

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Recommendations

Based on the plans provided, I am not in support of this proposal primarily due inadequate provision and quality of the Outdoor Play Areas provided.

The above concerns are generally concurred with. It is also noted that some of these concerns are shared by council's design review panel.

Environmental Health Comments

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

Food Safety

The proposal contains a plan for a kitchen on the first floor that was assessed for compliance with:

- *Food Act 2003*
- *Food Safety Standards*
- *AS 4674 – Design, construction and fit-out of food premises.*

The kitchen needs to be redesigned to address the following defects:

- *Insufficient size for proposed volume of food production*
- *Inadequate cleaning and sanitising facilities*
- *No designated hand wash basin.*
- *No dry storage facilities*
- *Insufficient cold storage facilities.*

Kitchen design and size

The kitchen is 3.45m x 3.815m it contains two sinks, a stove, bench space and two cold storage devices labelled "F" – it is not stated but these are likely to be a fridge and a freezer.

A key principle in the design of a kitchen is the process flow. That is the flow of food through the kitchen, from the ingredients into the kitchen to storage to preparation to processing, plating and service.

In this regard the proposed size of the kitchen is not suitable for the preparation of meals for 85 children. In particular there is insufficient space for storage, preparation and plating. The size of the kitchen is more important when the need for allergen control is considered, with 1 in 20 children having a food allergy

The proposed size presents opportunity for cross contamination – of both pathogens and allergens – to occur. Finally, kitchens of insufficient size are usually retrofitted in an ad hoc manner to meet production needs, a situation which exacerbates potential for cross contamination.

Inadequate cleaning and sanitising & handwashing

A kitchen of this type should have the following sinks as a minimum:

- *Designated hand wash basin*
- *Double bowl sink for utensil cleaning and sanitising*
- *Double bowl sink for food preparation and sanitising.*

The plan shows two sinks in the kitchen without a designated use. The sinks are located where food preparation is undertaken and would be most suited for that use.

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The plan does not have a designated hand wash basin/s. The hand wash basin/s should be located where it is easily accessible, but where splash from the washing of hands will not contaminate food.

The plans need to identify a double bowl sink for cleaning and sanitising of utensils. This needs to be located in an area where it is not likely to contaminate food. If a dishwasher is used it must be a commercial dishwasher – domestic dishwashers do not normally produce water that is hot enough to sanitise.

Consideration should be given to the location of the cleaning and sanitation area. It should be located at the end of the process flow.

Storage facilities

The business has allocated two cold storage devices. This is likely insufficient and will be supplemented by other devices under operational conditions. Additional cold storage needst o be provided.

The plans do not indicate any dry storage facilities. The plans need to indicate the location of suitably sized dry storage facilities.

Location of Laundry facilities

The location of laundry facilities next to the kitchen is discouraged. Norovirus is a highly infectious viral infection that is spread by aerosols, on food, by food handlers and on soiled linen and surfaces and is persistent in the environment.

The location of the laundry next to the kitchen increases the likelihood the kitchen environment, or food prepared in the kitchen will be contaminated by linen being transported to the laundry.

Relocation of the laundry away from the kitchen is recommended.

Statement of Environmental Effects

The Statement of Environmental Effects and Plan of Management were assessed for compliance with:

- *Strathfield Council Consolidated DCP – Part E Child Care Centres (“the DCP”)*
- *Protection of Environment Operations Act 1997 (“the POEO”)*
- *The National Code for Construction (“the NCC”)*

Appendix C of the SEE contains a Plan of Management.

The proposed development is not anticipated to produce any offensive air or water pollution, and the SEE is satisfactory in regards to air and water pollution.

The following issues were noted in Appendix A of the SEE:

- *Clause 4.2 states “maintained in accordance with the Plan of Management”. The plan of management does not address maintenance of laundry facilities. The maintenance of laundry facilities should include the processing of linen and materials soiled with faecal contamination for the control of viral gastroenteritis.*
- *Clause 4.3 – The plans indicate the toilet facility for 1-2 year olds is a shared facility with 0-1 year olds room. The nappy change facility for the 0-1 year olds is also in the room with the toilet. This facility has one pan. The other toilet facility is accessed via the 2-3 year olds room and has two pans.*

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Considering the 1-2 year olds will be toilet training and more urgent need to access the toilet, it is recommended they have access to the 2-3y/o toilet from within the 1-2y/o indoor play area. This is consistent with the Regulation 109 of the National Regulation with requires convenient access to toilet facilities by children.

- *Clause 4.3 states toilet and hygiene facilities to be “maintained in accordance with the Plan of Management”. The plan of management does not address maintenance of toilet and hygiene facilities. The plan of management for toilet and hygiene facilities should include the decontamination procedures for the control of viral gastroenteritis.*
- *Clause 4.6 - The nappy change facilities to the 2-3 year olds and the facility that is shared by the 0-1y/o & 1-2y/o do not comply with F2.3 (h)(iii)(c)(dd) of the NCC in that an adult changing a child at the nappy change facility will have their back turned to the children in playroom and will not be able to maintain visibility of the play area at all times. All nappy change facilities are to be designed so that the person changing a child at the nappy change facility has visibility of the play area and the children under their care.*
- *Clause 4.6 states nappy change facilities to be “supervised in accordance with the Plan of Management”. The plan of management does not address supervision of nappy change facilities. The plan of management includes procedures for supervision of the nappy change facilities, and procedures for the maintenance and the decontamination procedures for the control of viral gastroenteritis.*
- *Clause 5.5 - I concur with this point. The Cancer Council recommends that there is inconclusive evidence regarding EMR as a cancer risk. Additionally, Sutherland Shire Council has removed the requirement for child care centres to be a minimum of 50m from mobile phone towers based on a lack of scientific evidence to support the requirement.*
- *Clause 5.10.1 - The SEE nor the plans identify where the neighbouring living/bedroom areas are located.*

The location of the outdoor play areas is setback 9m on the western boundary and 16m on the eastern boundary. The play area on the western boundary starts at the setback for the street and extends to 3m from the rear of the property. This will almost certainly be adjacent to any living/bedroom of the neighbouring property. The applicant must demonstrate how the proposal complies with this provision.

- *Clause 5.10.5 - The outdoor play areas on the western boundary and the southern/rear do not have immediate access to a toilet. To use a toilet, a child in the western play area has to walk around the building to the toilet immediately adjacent the eastern play area.*

Noise Emission Assessment

The Noise Emission Assessment (“the NEA”) was reviewed for compliance with:

- *The POEO*
- *Noise Policy for Industry 2017 (“the NPI”)*
- *The DCP*
- *Association of Australasian Acoustical Consultant’s Guideline for Child Care Centre Acoustic Assessment V2 – 2013 (“the AAAC Guide”)*

The following comments on the Noise Emission Assessment are made:

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- 1.2.1 The NEA states staff members arrive at 7:00am while the Plan of Managements states staff arrival at 6:30am. This will have an impact on the noise from vehicle movements in the time frame the NPI considers “night”.
- 2.3.1 Acoustic Dynamics undertook readings on 17 May to 24 May. The following information must be provided in regards to the noise measurement:
 - The NEA does not reference the impact of wind on the readings. The BoM reported Canterbury to have 3 periods where the average wind speed was greater than 5m/sec. Furthermore the maximum wind gust exceeded 5m/s on 7 of the days during the measurement period.
 - The NEA must demonstrate how the wind speed was measured, how the average wind speed was calculated and identify what time periods during the measurement period were discounted due to excessive wind and that this did not have an impact on the validity of the report, in accordance with the NPI.
 - Print outs of the pre and post measurement field calibrations.
- Table 2.1 The intrusiveness criteria for night is listed as 53dB. With an RBL of 38 the maximum project intrusiveness noise levels should be 43dB.
- The NEA does not calculate the amenity criteria. For the day and evening period, the intrusiveness criteria is the appropriate target, however, the amenity criteria for the night period is 38dB and is a more appropriate target than the intrusiveness criteria of 43dB.
- 2.4 The NEA references the AAAC guideline of September 2010. This document was updated in 2013. If the proposal is developed in accordance with this guideline the applicant should demonstrate compliance to the most recent version.
- 2.4.2 The NEA references objectives from the AAAC Guide 2010 for noise emission from off-site road traffic. This criteria is not provided within the current AAAC Guide 2013.
- 4.2.1 The NEA does not identify what the input noise level for the children is. The report must specify what the assumed noise level is and provide a reference justifying the assumption.
- The NEA assumes “All noise sources representing children playing are modelled as point sources.....evenly spaced throughout the outdoor play area. This is not a realistic reflection of children playing in a child care centre. More realistic modelling would clump the children in groups of 2 to 4 and model the noise impact of groups of children. Furthermore, the children will most likely be grouped around any outdoor play equipment representing a louder point source. The applicant should determine where outdoor play equipment is to be located and the NEA should model children clumped around the play equipment.
- 4.2.1 Table 4.2.1 R2 – The calculated maximum noise level is 43 after reduction from noise mitigation measures. I disagree with the NEA statement that this is “acoustically insignificant”. Acoustic mitigation measures must effectively reduce noise to the desired criteria.

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- 4.2.2 Table 4.3 The NEA does not provide assumptions or measurements to verify the figures provided or demonstrate how off site road traffic activity will not produce offensive noise.
- 4.2.4 The commentary does not refer to this application and instead appears to be from a Noise Emission Assessment undertaken by Acoustic Dynamics for a development in at Wiggles and Giggles, 60-64 Advance Street Schofields.

The NEA needs to demonstrate the sleep disturbance criteria for the proposed development meets the requirements of the NPI. This should also include any collection of waste and noise from the operation of garage doors.

Recommendation

Approval cannot be recommended because the application fails to demonstrate the development will not cause an offensive noise.

Heritage Comments

In terms of Inveresk Park (a heritage item of local significance) across the road from the site, council's heritage advisor concludes that the proposal would have minimal impact on its setting and is therefore acceptable on heritage grounds.

Traffic Comments

Council's Traffic Engineer raises concerns over the proposal in terms of its deficient off-street car parking provision when compared against council's requirements. This issue is discussed in more detail later in this report.

Waste Comments

Council's Environmental Projects Officer raises no significant issues with the proposal from a waste management perspective subject to the imposition of suitable conditions of consent.

Engineering Comments

Council's Development Control Engineer raises no significant issues with the proposal from a stormwater management perspective subject to the imposition of suitable conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) The provisions of any environmental planning instrument

The following environmental planning instruments are relevant to the assessment of the proposal:

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Strathfield Local Environmental Plan 2012

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

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This state environmental planning policy aims to facilitate the effective delivery of educational establishments and early education and care facilities across NSW.

Clause 22 of the state policy prescribes that a consent authority must not grant consent to a development for the purpose of a centre-based child care facility, except with the concurrence of the regulatory authority, if:

- The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the *Education and Care Services National Regulations*; or
- The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those regulations.

Clause 107(2) of the Education and Care Services National Regulations prescribes as follows:

The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.

Based on the above requirement, 276.25m² of unencumbered indoor space is required for the number of children proposed. The proposed building includes 278m² of unencumbered indoor space and is thus only marginally compliant. This negligible degree of compliance leaves little room for flexibility in the event of the need for minor design changes.

Clause 108(2) of Education and Care Services National Regulations prescribes as follows:

The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.

Based on the above requirement, 595m² of unencumbered outdoor space is required for the number of children proposed. The proposal includes 598m² of unencumbered outdoor space and is thus only marginally compliant. This negligible degree of compliance leaves little room for flexibility in the event of the need for minor design changes.

Clause 23 of the state policy prescribes as follows:

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

An assessment of the proposal against the relevant matters for consideration as prescribed in Part 3 of the Child Care Planning Guideline is as follows:

Matter for Consideration		Comment
3.1 Site Selection and Location		
C1	<p><i>For proposed developments in or adjacent to a residential zone, consider:</i></p> <ul style="list-style-type: none"> • <i>the acoustic and privacy impacts of the proposed development on the residential properties</i> • <i>the setbacks and siting of buildings within the residential context</i> 	<p>Unsatisfactory – as discussed elsewhere in this report.</p>

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	<ul style="list-style-type: none"> • <i>traffic and parking impacts of the proposal on residential amenity</i> 	
C2	<p><i>When selecting a site, ensure that:</i></p> <ul style="list-style-type: none"> • <i>the location and surrounding uses are compatible with the proposed development or use</i> • <i>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</i> • <i>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</i> • <i>the characteristics of the site are suitable for the scale and type of development proposed having regard to:</i> <ul style="list-style-type: none"> - <i>size of street frontage, lot configuration, dimensions and overall size</i> - <i>number of shared boundaries with residential properties</i> - <i>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</i> • <i>there are suitable drop off and pick up areas, and off and on street parking</i> • <i>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</i> • <i>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</i> 	<p>Unsatisfactory – having regard to the constraints imposed by the flood planning levels of the site and the characteristics of the road carriageway of Beresford Road adjacent to the site including its relatively narrow width, on-street parking restrictions and strong demand for parking.</p>
C3	<p><i>A child care facility should be located:</i></p> <ul style="list-style-type: none"> • <i>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</i> • <i>near or within employment areas, town centres, business centres, shops</i> • <i>with access to public transport including rail, buses, ferries</i> • <i>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like</i> 	<p>Satisfactory – in terms of being adjacent to a park and near schools.</p> <p>Unsatisfactory – in terms of accessibility to a range of transport options other than private vehicle use.</p>
C4	<p><i>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</i></p> <ul style="list-style-type: none"> • <i>proximity to:</i> <ul style="list-style-type: none"> - <i>heavy or hazardous industry, waste transfer depots or landfill sites</i> - <i>LPG tanks or service stations</i> - <i>water cooling and water warming systems</i> - <i>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</i> 	<p>Satisfactory – noting that sources of electromagnetic radiation such as telecommunication facilities are not mentioned.</p>
<p>3.2 Local Character, Streetscape and the Public Domain Interface</p>		

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C5	<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> • <i>contribute to the local area by being designed in character with the locality and existing streetscape</i> • <i>reflect the predominant form of surrounding land uses, particularly in low density residential areas</i> • <i>recognise predominant streetscape qualities, such as building form, scale, materials and colours</i> • <i>include design and architectural treatments that respond to and integrate with the existing streetscape</i> • <i>use landscaping to positively contribute to the streetscape and neighbouring amenity</i> • <i>integrate car parking into the building and site landscaping design in residential areas.</i> 	Unsatisfactory – as discussed elsewhere in this report.
C6	<p><i>Create a threshold with a clear transition between public and private realms, including:</i></p> <ul style="list-style-type: none"> • <i>fencing to ensure safety for children entering and leaving the facility</i> • <i>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</i> • <i>integrating existing and proposed landscaping with fencing.</i> 	Satisfactory.
C9	<p><i>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</i></p>	Satisfactory.
3.3 Building Orientation, Envelope and Design		
C11	<p><i>Orient a development on a site and design the building layout to:</i></p> <ul style="list-style-type: none"> • <i>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</i> <ul style="list-style-type: none"> - <i>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</i> - <i>placing play equipment away from common boundaries with residential properties</i> - <i>locating outdoor play areas away from residential dwellings and other sensitive uses</i> • <i>optimise solar access to internal and external play areas</i> • <i>avoid overshadowing of adjoining residential properties</i> • <i>minimise cut and fill</i> • <i>ensure buildings along the street frontage define the street by facing it.</i> 	Unsatisfactory – as discussed elsewhere in this report.
C12	<p><i>The following matters may be considered to minimise the impacts of the proposal on local character:</i></p> <ul style="list-style-type: none"> • <i>building height should be consistent with other buildings in the locality</i> • <i>building height should respond to the scale and character of the street</i> • <i>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</i> 	Unsatisfactory – as discussed elsewhere in this report.

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	<ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	
C13	<p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>Unsatisfactory – an 8m setback is required in this case, whereas the awning at the front of the building is setback only 7m from the front boundary.</p>
C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>Unsatisfactory – as discussed elsewhere in this report.</p>
C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area 	<p>Satisfactory.</p>
C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Satisfactory.</p>
<p>3.4 Landscaping</p>		
C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be</p>	<p>Unsatisfactory – as discussed elsewhere</p>

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	<p><i>included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</i></p> <ul style="list-style-type: none"> • <i>reflecting and reinforcing the local context</i> • <i>incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</i> 	<p>in this report.</p> <p>The deep soil zone for the proposed screen planting along the side boundaries is only 1m wide and constrained by the acoustic barrier on the boundaries and the adjacent basement and awning structures.</p>
3.5 Visual and Acoustic Privacy		
C21	<p><i>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p> <ul style="list-style-type: none"> • <i>appropriate site and building layout</i> • <i>suitably locating pathways, windows and doors</i> • <i>permanent screening and landscape design</i> 	Satisfactory.
C22	<p><i>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</i></p> <ul style="list-style-type: none"> • <i>appropriate site and building layout</i> • <i>suitable location of pathways, windows and doors</i> • <i>landscape design and screening</i> 	Unsatisfactory – as discussed elsewhere in this report.
C23	<p><i>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</i></p> <ul style="list-style-type: none"> • <i>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</i> • <i>ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</i> 	Acoustic barriers have been provided, but their effectiveness is queried based on the deficiencies identified in the acoustic report submitted.
C24	<p><i>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</i></p> <ul style="list-style-type: none"> • <i>identify an appropriate noise level for a child care facility located in residential and other zones</i> • <i>determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</i> • <i>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</i> 	An acoustic report has been submitted, but is inadequate based on advice from Council's Environmental Health Officer.
3.6 Noise and Air Pollution		
C25	<p><i>Adopt design solutions to minimise the impacts of noise, such as:</i></p> <ul style="list-style-type: none"> • <i>creating physical separation between buildings and the noise source</i> • <i>orienting the facility perpendicular to the noise source and where possible buffered by other uses</i> 	There are no major noise sources within the immediate vicinity of the site.

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	<ul style="list-style-type: none"> • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	
C27	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	Complies
3.7 Hours of Operation		
C29	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	Complies
3.8 Traffic, Parking and Pedestrian Circulation		
C31	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site 	<p>Unsatisfactory – as discussed elsewhere in this report.</p> <p>A reduction in car parking rates is not appropriate in the circumstances, noting the strong demand for use of street parking in the locality.</p>
C33	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</p> <p>The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	A traffic and parking study has been submitted, but fails to acknowledge existing traffic and street parking issues in the locality during peak periods.
C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Unsatisfactory – as discussed elsewhere in this report.

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C36	<p><i>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</i></p> <ul style="list-style-type: none"> • <i>separate pedestrian access from the car park to the facility</i> • <i>defined pedestrian crossings included within large car parking areas</i> • <i>separate pedestrian and vehicle entries from the street for parents, children and visitors</i> • <i>pedestrian paths that enable two prams to pass each other</i> • <i>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</i> • <i>vehicles can enter and leave the site in a forward direction</i> 	Satisfactory – except that no delivery bay has been provided.
C38	<p><i>Car parking design should:</i></p> <ul style="list-style-type: none"> • <i>include a child safe fence to separate car parking areas from the building entrance and play areas</i> • <i>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</i> • <i>include wheelchair and pram accessible parking</i> 	Satisfactory.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 requires council to consider whether the site is suitable in its current state or following the completion of remediation works if required, for the purposes for which development consent is being sought.

The statement of environmental effects accompanying the application concludes that land contamination is not considered to be likely, given the historical use of the site for residential purposes as visible from a 1943 aerial photograph of the site and locality. It also concludes that further investigation and reporting under SEPP 55 is not considered necessary.

Based on the provisions of SEPP 55 and contrary to the above opinion, a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines is required in this instance, given that the application involves a change of use from residential to child care purposes and there is incomplete knowledge as to whether a potentially contaminating land use has been carried out on the site, especially prior to 1943.

The above requirement is reinforced by the national regulations relating to educational and care services (referring to the need for a soil assessment to be undertaken).

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

This state environmental planning policy replaces the recently repealed provisions of clause 5.9 of Strathfield Local Environmental Plan 2012 relating to the preservation of trees and vegetation. The intent of this state policy is consistent with the objectives of the repealed local provisions, whereby the primary aims and objectives are related to the protection of the biodiversity values of trees and other vegetation.

There are a few trees on the site including individual specimens of Fiddlewood, Lemon Scented Gum and Brush Box trees, all of which are located in the rear yard of the existing dwelling and beyond the existing in-ground swimming pool. These trees make a significant contribution to the local tree canopy and are of amenity, ecological and aesthetic value.

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The arborist report submitted with the application recommends the retention of these trees, noting that they have good vitality and a medium-rated useful life expectancy. However, the landscape plan submitted indicates that the Fiddlewood Tree is to be removed. These trees are also at risk of being compromised and/or removed due to proposed stormwater drainage and landscaping works adjacent to the rear boundary of the site, including the proposed on-site detention tank, stormwater pipelines and works associated with the accessible walkway. These works conflict significantly with the tree protection zones of these trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

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

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	No
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	No
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrates land use and transport planning, encourages public transport use, and reduces the traffic and environmental impacts of private vehicle use</i>	No
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comment:

As discussed elsewhere in this report, the proposal does not reflect the existing character of the surrounding locality in terms of its siting, bulk and scale and hence fails to achieve a high quality urban form. The proposal is also located such that it does not encourage use of public transport, but rather will be heavily reliant upon private vehicle use.

Permissibility

The proposed development may be characterised as a 'centre-based child care facility' meaning in part "a building or place used for the education and care of children that provides ... long day care..."

The subject site is zoned R2 Low Density Residential under Strathfield Local Environmental Plan 2012. Development for the purpose of a 'centre-based child care facility' is permissible with consent in the low density residential zone. Accordingly, the current proposal is permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential zone is as follows.

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density</i>	N/A

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residential environment.

- | | |
|---|-----|
| ➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents | Yes |
| ➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas | N/A |

Part 4: Principal development standards

The relevant provisions within this part are addressed as follows.

Height of building

Cl.	Standard	Required	Proposed	Complies
4.3	Height of building	9.5m (max)	9.5m	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	N/A
(c)	To achieve a diversity of small and large development options.	N/A

Exceptions to floor space ratio (Zone R2)

Cl.	Standard	Required	Proposed	Complies
4.4C	Floor space ratio	0.5:1 (509m ²)	0.585:1 (595.6m ²)	No

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	N/A
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	N/A
(c)	To minimise the impact of new development on the amenity of adjoining properties	No
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: <ol style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development 	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Comment:

The applicant indicates that the proposal has a floor space ratio (FSR) of 0.473:1. However, it appears that the calculation of this FSR has not included the outdoor play area at first floor level. The outer perimeters of this play area include 2.8m high acoustic barriers incorporating Perspex sheeting. This area (being enclosed by outer walls of more than 1.4m in height) must be included as 'gross floor area' for the purposes of SLEP 2012. As a result, the proposal has an FSR of approximately 0.585:1. This enclosed area contributes significantly to the visual bulk of the building, thus to the detriment of the amenity of adjoining residential properties and more particularly the amenity of the rear yards of those properties.

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Part 5: Miscellaneous Provisions

The relevant provisions within this part are addressed as follows.

5.10 Heritage Conservation

As mentioned earlier in this report, the park across the road from the site is identified as a heritage item of local significance. No issues have been raised by council's heritage advisor in terms of the proposal's impact on the heritage significance and setting of the park. It is also noted that the proposed building does not obscure views of the park from surrounding streets.

Part 6: Local Provisions

The relevant provisions within this part are addressed as follows.

6.1 Acid sulfate soils

The proposal involves excavation works on land designated as class 5 acid sulfate soils. Notwithstanding, development consent is not required for the carrying out of these works pursuant to this clause as the works are not within 500m of adjacent class 1, 2, 3 or 4 acid sulfate soils.

6.2 Earthworks

The proposed ancillary earthworks will not result in any adverse environmental impacts in terms of the matters for consideration under this clause.

6.3 Flood planning

The site is located at or below the flood planning level. No issues have been raised by council's development control engineer in terms of the matters for consideration under this clause. In particular, no issue is raised in terms of unacceptable risks to life and property associated with the proposed use of the land.

6.4 Essential services

Essential services including water, electricity, sewage and stormwater drainage services are available to the site.

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 proposal against the relevant provisions relating to child care centres as prescribed in Part E of SCDCP 2005 (excluding those provisions that are overridden by the Educational Establishments and Child Care Facilities SEPP) is as follows.

Control	Required	Proposed	Compliance
Side Boundary Setbacks	4m (min)	1m to basement	No – see below
		1m to awnings	No – see below

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Control	Required	Proposed	Compliance
		4m to main walls	Yes
Rear Boundary Setback	4m (min)	8m to basement 8m to rear deck 12.8m to main wall	Yes Yes Yes
Car parking	1 space/employee = 15 spaces 1 space/8 children = 11 spaces Total = 26 spaces	21 spaces	No - see below
Height of Building	2 storeys (max)	3 storeys	No – see below

Side Boundary Setbacks

The basement walls and the series of awnings located over the outdoor play areas that sit on top of the basement podium on the eastern and western sides of the building are setback only 1m from the side boundaries, as opposed to a minimum 4m setback requirement. As a result, opportunities for deep soil planting including substantive screen planting along the side boundaries are very limited. The basement walls also protrude up to 1.4m above ground level, thus exacerbating the bulk and scale of the built form, as well as visual and aural privacy impacts from the use of the outdoor play areas.

Flexibility in the application of the side boundary setback control is not appropriate in this case. The proposed setbacks do not satisfy the relevant objectives of the control which seek to ensure that the relationship between a child care centre and adjoining land uses is favourable in terms of noise impacts.

Car Parking

The proposal is deficient in off-street car parking for visitors in that only six (6) car spaces are provided, as opposed to a requirement for 11 car spaces. It is also noted from the design of the car park that the visitor car spaces and adjacent access aisle are of minimal dimensions and thus not optimal in terms of ease of access and convenience of use. The 15 staff car spaces are also not easily accessible and convenient to use, noting that the majority of these spaces are in the form of car stackers and/or stacked parking. Further, the parallel parking arrangement of the two (2) staff car spaces adjacent to the eastern wall of the basement together with their location opposite visitor car spaces is not an optimal parking arrangement.

Given the above circumstances and the strong demand for street parking in the locality and constraints imposed by the relatively narrow road carriageway of Beresford Road adjacent to the site, flexibility in the application of the car parking requirements is not appropriate in this case.

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Building Height

The proposed building is three (3) storeys in height above natural ground level, as opposed to a prescribed maximum of two (2) storeys in height above natural ground level. In this regard, the space within the basement constitutes a storey and protrudes more than 1m above the ground level for the most part. The siting of the basement roof/podium well above the ground levels is driven largely by the need to comply with flood planning levels. As a result, the bulk and scale of the built form are exacerbated along with its privacy and overshadowing impacts, particularly towards the rear of the site where the ground level generally falls away.

Flexibility in the application of the building height control is not appropriate in this case. The proposed three (3) storey scale of the building does not satisfy the relevant objectives of the control which seek to ensure that the height of a child care centre relates to site conditions, matches the scale of the streetscape and minimises any adverse impacts on adjoining properties such as overshadowing and overlooking.

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

Not applicable.

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

The requirements of Australian Standard 'AS 2601-1991: *The Demolition of Structures*' are of relevance to the application as the proposal includes demolition of existing structures. These requirements may be readily addressed by the imposition of suitable conditions of consent in the event of approval of the proposal.

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

The proposed built form has not been sited and configured in a manner that responds appropriately to its surrounding streetscape and context. The narrow, elongated form of the building and its rearwards extent well beyond the rear building alignments of adjacent dwellings either side is significantly at odds with the established streetscape character and pattern of built forms in the immediate vicinity. The surrounding area is characterised by dwellings located towards the street frontages and with narrower side boundary setbacks and continuous open rear landscaped yards.

The substantial rear terrace at first floor level comprising the outdoor play area is uncharacteristic of the surrounding low density residential setting and will result in unreasonable visual and aural privacy impacts upon adjoining residential properties. Further, the enclosure of this outdoor play area by way of a 2.8m high glazed wall contributes significantly to the visual bulk of the building. More built form such as shade structures and child play equipment is likely within this space in the future, given that it is substantially exposed to the elements (particularly direct sunlight) and is lacking facilities of interest to children. These additional structures will further exacerbate the bulk and scale of the proposal.

The considerable elevation of the proposed basement structure above the ground level, together with the siting of the ground floor level outdoor play areas on the roof slab of the basement adjacent to the side boundaries of the site, will result in unreasonable visual and aural privacy impacts upon adjoining residential properties and the existing dwellings on those properties. These privacy concerns are further compounded by the considerable rearwards extent of the basement structure. Basement podiums such as that proposed are not characteristic of the surrounding low density residential setting.

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The proposed setbacks of the basement level relative to the side boundaries are inadequate in that they do not allow for sufficient opportunities for deep soil planting (including screen planting) to enhance the visual privacy and amenity of adjoining residential properties either side. Further, the 2.8m high acoustic barrier fencing along the side and rear boundaries is visually intrusive and not in keeping with the character of low density residential environments.

The quality of the outdoor play areas located between the proposed building and respective side boundaries is inadequate and not conducive to a variety of child play experiences, due to their constrained width and limited access to sunlight. The outdoor play areas are also fragmented throughout the site, rather than consolidated into larger, more useable spaces, such that their ability to promote a variety of learning, play and other developmental experiences is hampered.

The proposed treatment of the front setback is not in keeping with the prevailing streetscape character, whereby dwellings are setback behind leafy front yards with minimal driveways and pathways. The setback area is dominated by hard paved areas associated with a double-width driveway and two (2) pedestrian pathways. As a result, the garden beds within this setback area are fragmented such that substantive tree canopy planting to complement and soften the scale of the built form cannot be readily accommodated.

The noise emission assessment submitted with the application does not demonstrate that the proposed child care centre will not cause an 'offensive noise' having regard to the Protection of the Environment Operations Act and relevant noise criteria. Several deficiencies in the noise emission assessment have been identified by council officers. Concerns are also raised over the design of the centre, particularly with respect to matters relating to public health and the provision of toilet, nappy changing and laundry facilities.

The proposed building results in unreasonable overshadowing impacts on the rear yards of the adjoining residential properties immediately to the east and west of the site, as a consequence of its elongated built form and basement level protruding well above ground level.

The traffic and parking impact assessment submitted the application contains several anomalies. It makes reference to the site being currently occupied by a single storey residence and the proposed development including the construction of a single storey child care centre. More significantly, it refers to Beresford Road near the site as being a generally straight and level cul-de-sac of some 10.5m wide. This road is approximately 8m wide (from kerb to kerb) immediately adjacent to the site and for its entire length from Dickson Street to Rochester Street. The calculation of car parking requirements under council's controls also appears to be inaccurate. The report identifies a deficiency of three (3) visitor car spaces, whereas application of the controls would suggest a deficiency of five (5) visitor car spaces. The basis for concluding that there is ample on-street parking capacity in surrounding streets within 100m of the site is not supported by any data, but merely relies upon on-site observations, the dates of which are unknown.

The proposal is likely to result in increased traffic and kerbside parking congestion in the road carriageway immediately adjacent to the site and the adjoining residential properties immediately to the east and west.

The basement car parking area does not provide for adequate, safe and convenient car parking for visitors or staff, having regard to its deficiencies in terms of the number of car spaces and its layout using minimal dimensions for both car spaces and manoeuvring areas. The minimal dimensions used in the design of the access aisle and visitor car spaces means that the car park will be not be optimal in terms of convenience of access and ease of use for parents seeking to drop-off and pick-up children in attendance. The staff parking arrangements comprising of mostly stacked parking and/or car stackers is also not particularly convenient for access and use. Given these deficiencies, it is likely that some staff and parents will use the adjacent road and other streets in the vicinity for parking.

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Beresford Road adjacent to the site is only 8m in width (from kerb to kerb) and therefore is unable to safely accommodate two (2) way movements together with kerbside parking either side. Further, the northern side of Beresford Road adjacent to Inveresk Park has no parking restrictions from 8am to 5pm on Mondays to Fridays. During the early morning period prior to the parking restrictions coming into force, the road carriageway adjacent to the site will be reduced to one way movement if cars associated with the child care centre are parked either side of the road. Coupled with the existing street parking demands and traffic movements generated by local schools and the nearby university, there is likely to be an exacerbation of congestion issues in the street and more particularly in the vicinity of the entry/exit driveway of the centre.

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

The site is not suitable for the development, particularly at the scale proposed, having regard to the constraints imposed by the flood planning levels of the site and the characteristics of the road carriageway of Beresford Road adjacent to the site including its relatively narrow width, on-street parking restrictions and strong demand for parking.

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

The application was publicly notified from 16 October 2018 to 7 November 2018 in accordance with the provisions of Part L of the Strathfield Consolidated Development Control Plan 2005. 107 individual submissions and five (5) petitions including a total of 345 signatories (all objecting to the proposed development) were received as a result.

For the purpose of completeness and to demonstrate that all of the submissions and petitions have been reviewed, the full range of issues canvassed in the submissions and petitions are detailed as follows. The issues raised are concurred with for the most part. Those key issues of particular relevance to the merits of the proposal (such as traffic, parking, noise, privacy and bulk/scale) are addressed elsewhere in this report.

Traffic & Parking

- *Beresford Road is a narrow street and always has traffic jams during the peak hours*
- *Children will be endangered due to busy traffic in the area*
- *This street is very narrow; always has traffic jams*
- *Will increase the traffic accident rates*
- *Front street is narrow*
- *Not enough parking (around area over 10,000 students)*
- *There is no "drop off" and "pick up" bay. The block is only 17m width and Beresford Road is only 8m wide.*
- *No parking due to students from ACU*
- *Heavy traffic around the area*
- *Blocking of driveways while parents queue to wait for street parking to become available*
- *Safety and traffic hazards to children, parents, pedestrians and motorists*
- *Increased difficulties for nearby residents in getting in and out of their driveways during peak periods as a result of extra traffic*
- *Increased traffic will affect pedestrian safety crossing streets*
- *Increased potential for traffic accidents*
- *Traffic congestion especially during AM and PM peak periods*
- *Increased traffic congestion in surrounding streets*
- *Increased traffic congestion during construction*
- *Increased dangers to pedestrians crossing roads to get to university and school*
- *Safety concerns of lack of visibility due to narrow carriageway width*
- *Deliveries by trucks, vans, garbage trucks not suited to the narrowness of the street thus posing safety risks*

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- Increased risks to the safety of children using local parks including Inveresk Park due to the extra traffic
- Volume of delivery vehicles throughout the day
- Commercial waste collection vehicles will have difficulty accessing the site after business hours due to parking on both sides of road leaving little clearance for trucks
- Road unsafe for the drop-off and pick-up of children
- Narrow carriageway of road is inadequate to accommodate increased traffic and parking generated by proposal
- Garbage trucks blocking street
- Increased risks to pedestrians (especially elderly and children) using footpath in front of site due to significantly increased traffic movements in and out of the site
- The assumptions on traffic and car parking impacts are not substantiated by evidence
- Entry/exit is a single lane and traffic will queue onto road waiting for entry, potentially blocking the road
- Surrounding streets already get parked out with students from Australian Catholic University
- Narrow driveway crossing means parents will queue while waiting to get into the basement car park or otherwise will park in adjacent driveways and surrounding streets
- Surrounding streets cannot support increased traffic and parking
- Parking restrictions are in place on Beresford Road adjacent to the site
- The traffic report submitted with the application has inaccuracies and is strongly biased
- Beresford Road is too narrow to accommodate 2 vehicles passing one another and the proposal will create further problems due to parent parking, drop-offs and pick-ups
- Potential for increased traffic accidents and safety risks
- No safe drop-off/pick-up area (such as looped driveway) provided on site
- Proposed parking and access arrangements for drop-off and pick-up will result in pedestrian and vehicle conflicts
- Inadequate off-street car parking
- No provision for delivery vehicle parking
- Stacked and tandem parking are not optimal parking arrangements
- Manoeuvring areas in basement inadequate for safe and convenient access to car spaces by visitors
- Danger to children in basement car park due to multiple pick-ups and drop-offs
- Lack of adequate, convenient and safe parking for staff and parents
- Driveway width inadequate for 2 vehicles to pass one another
- Lack of on-site parking encouraging dangerous incidents with children drop-offs and pick-ups
- Impact on bus and waste collection vehicle movements
- Driveways will be blocked continuously by parents rushing to drop off/pick up children
- Swept path diagrams demonstrating that vehicles can enter and exit the site in an acceptable manner have not been provided
- Beresford Road adjacent to the site is too narrow to accommodate on-street parking and 2 way movement
- Street parking congestion
- Inadequate parking both on the site and surrounding streets
- Pick-up/drop-off in Beresford Road resulting in queuing and blocking of driveways
- Unsafe street for a child care centre due to existing significant traffic and congestion
- Narrowness of road fronting the site
- No pedestrian safety measures are proposed to ensure the safe movement of children and parents to and from vehicles
- Delivery vehicle movements
- Adverse effects on pedestrian safety of school children, students and elderly

Noise

- Excessive noise during children's play time
- If 108 Beresford Road becomes a child care centre has 85 position for kids may occurs big noise pollution

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- *Noise pollution problem will increase*
- *Noise affecting shift workers sleep during day time*
- *Noise from parents drop-off and pick-up along the road affecting adjacent residents*
- *Noise from children, parents, cars and air conditioners*
- *Increased noise during construction*
- *Acoustic barriers on boundaries will not be effective as the child care centre is significantly elevated*
- *Acoustic report biased*
- *Noise from children, traffic, staff arriving early*
- *No noise management plan submitted*
- *Noise from children playing outside*
- *Noise pollution*

Lack of Demand

- *The majority residents in this surrounding area are elder age people, it is no demand to build up a child care centre in this area*
- *No need for local residents (surrounding house owners are over 50 years)*
- *We are running family day care next to 110 Beresford Road; All our kids are from other suburbs*
- *The centres that are already in the area are not at full capacity*
- *Already ample child care places across Strathfield and Burwood areas*
- *Child care services are not in demand by local residents*
- *There is no need for another child care centre, as there is no demand for child places*

Land Use Incompatibility

- *108 Beresford Rd is not suitable for commercial use due to the surrounding area is a pure residential area*
- *R2 zone is generally for low density residential purposes*
- *Oversized commercial use in residential area*
- *Incompatible with residential uses*
- *Commercial use in a residential area not appropriate*

Privacy

- *Loss of privacy to residents*
- *Loss of privacy due to first floor outdoor play area*
- *Outdoor play areas are located adjacent to living/bed room windows of adjacent dwellings either side – no privacy buffer zone provided*
- *Loss of privacy to neighbouring rear yards from use of first floor outdoor and indoor play areas*
- *Loss of privacy*

Overshadowing

- *Overshadowing impact*
- *Acoustic barriers on boundaries will cause overshadowing*
- *Excessive overshadowing*

Neighbourhood Amenity

- *Decreased local residents' lifestyle*
- *Local residents want their safety and peace*
- *Destroy the whole community balance*
- *Impact on residential amenity*

Siting, Bulk & Scale

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- *This block of land only 17m width; "not fit" for such big child care centre*
- *The block is does not "fit in" such big child care centre.*
- *Excessive bulk and scale*
- *Visually intrusive in terms of size, bulk, height and site cover*
- *2 storey and basement will be out of character with surrounding 1-2 storey homes*
- *Basement footprint and height out of character with streetscape*
- *Should not exceed 1 storey as recommended by DCP*
- *Excessive site cover, floor space and building bulk*
- *Out of character*
- *Inconsistent with the built form in the locality*
- *Bulk and height out of character*

Overdevelopment

- *Overdevelopment with regard to excessive number of children proposed*
- *Overdevelopment/too large*
- *Overdevelopment/too dense*
- *Too many children*

Financial Impacts

- *Impact on property values and rental capacity*
- *Difficulty in reselling houses nearby*
- *Surrounding homes will face resale problems*
- *Loss of property values*

Proximity to EMR source

- *Located within 300m of an EMR source (telecommunications facility) thus contrary to DCP and possible adverse health effects on children*
- *Proposal within 300m of EMR source (telecommunications facility) exposing children to potential health hazards*
- *Non-compliant with the 300m proximity to EMR source requirement in DCP*

Impacts from Noise Barriers

- *Acoustic barriers along boundaries will create a sense of enclosure contrary to open feel of backyards*
- *Screens around first floor outdoor play area will prevent cross ventilation thereby increasing heat exposure risks to children using the area during the summer months*
- *Acoustic fencing out of character and visually intrusive*
- *Higher fence not in keeping with residential area*
- *Acoustic fencing on boundaries excessive in height against council's controls*
- *Visual intrusiveness of noise barriers*
- *Noise from outdoor play areas adjacent to side boundaries*
- *Inadequate landscaping to screen acoustic barriers*

Hours of Operation

- *Hours of operation not suited to a residential area*
- *Staff movements are likely to occur earlier and later than business hours*
- *Hours of operation not compatible with residential area*

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Inadequacies/Inaccuracies

- *Insufficient information submitted to enable a proper assessment of proposal*
- *No soil assessment has been submitted*
- *The acoustic report submitted with the application has deficiencies and is strongly biased*
- *No acid sulfate soils management plan has been submitted*
- *Operational Management Plan submitted is not adequate*
- *No hazardous materials survey has been submitted*

Non-compliances

- *Non-compliances with DCP provisions for child care centres and associated SEPP*
- *Exceeds 2 storeys above ground level*
- *Contrary to objects and intent of state and local planning controls*
- *Non-compliant with council's stormwater drainage requirements*
- *Contrary to LEP and DCP*
- *Non-compliant with child care centre requirements of DCP*
- *Non-compliant with Child Care Centre SEPP and associated guideline*
- *Excessive number of children proposed compared to DCP limit*
- *Site width non-compliance compared to DCP*
- *Non-compliant with the national regulations*

Waste

- *Waste collection services with bins taking up the entire frontage*
- *Odour from garbage bins and bins with nappies*
- *Public health risk from smelly rubbish bins being placed on verge for collection*
- *Increased rubbish*

Outdoor Play Space

- *Lacking in outdoor play space*
- *Lack of play space on-site will mean that the park across the road will be utilised as a playground by default*
- *Lack of outdoor play areas due to extensive building footprint*

Other

- *Outdoor play areas are not north facing as recommended by DCP*
- *Stormwater and flood management plans have failed to allow for overland flow in 1% AEP stormwater event. The basement floor does not allow for overland flow due to its size*
- *Inadequate front setback due to stairs/ramp access encroachments within 9m setback line*
- *A large child care centre is not appropriate in the vicinity of heritage listed parks*
- *Inadequate sewage and drainage arrangements*
- *Proposal will adversely affect the visual amenity of the streetscape around Inveresk Park*
- *Increased pollution levels*
- *Loss of remnant trees and vegetation on site*
- *Traffic pollution*
- *Excessive excavation*
- *Does not respect and enhance local character*
- *Does not meet the local character test*
- *Proposal is not sufficiently separated from busy roads to avoid adverse noise and air quality effects on children*

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- *Not within walking distance of public transport*
- *Not adjacent to other complementary facilities, like a community centre*
- *Not located close to public transport/major community facilities*
- *Impact on streetscape*
- *The park will be overcrowded from use by children from the child care centre*
- *Shares boundaries with too many residential properties*
- *Would be better suited to a corner block or double width block*
- *Size of centre better suited to a commercial area*
- *Car pollution*
- *Lack of public transport in close proximity*
- *Contrary to the public interest*
- *Increased fire risk due to high occupancy level*
- *Undesirable precedent would be set if it is approved*
- *Aesthetics not in keeping with adjacent homes*
- *Excessive site coverage*
- *Basement excessive in size*
- *If 108 Beresford Road can be used for commercial, many strangers will come in the surrounding residential area may occur potential problems*

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is considered to be contrary to the public interest.

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

In the case of the subject application, Section 7.12 contributions would ordinarily be applicable. As the proposal is recommended for refusal, these contributions have not been calculated.

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* including the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated Child Care Planning Guideline and the issues raised in the public submissions.

The application is considered to be unsatisfactory for the numerous reasons as discussed in this report and is therefore recommended for refusal.

PEER REVIEW

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

RECOMMENDATION

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)

That Development Application No. 2018/134 for demolition of existing structures and the construction of a child care centre for 85 children with basement level parking for 21 car spaces operating 7am to 6pm Monday to Friday at 108 Beresford Road, Strathfield be **REFUSED**, for the following reasons:

1. The proposed built form has not been sited and configured in a manner that responds appropriately to its surrounding streetscape and context, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

In this regard, the narrow, elongated form of the building and its rearwards extent well beyond the rear building alignments of adjacent dwellings either side is significantly at odds with the established streetscape character and pattern of built forms in the immediate vicinity. The surrounding area is characterised by dwellings located towards the street frontages and with narrower side boundary setbacks and continuous open rear landscaped yards.

(Sections 4.15(1)(a)(i),(b)&(d) of the Environmental Planning and Assessment Act 1979)

2. The proposal exceeds the maximum 0.5:1 floor space ratio (FSR) that applies to the site pursuant to Clause 4.4C of Strathfield Local Environmental Plan 2012 (SLEP 2012).

In this regard, the first floor outdoor play area (being enclosed by outer walls more than 1.4m in height) must be included as 'gross floor area' for the purposes of SLEP 2012. As a result, the proposal has an FSR of approximately 0.585:1. This enclosed area contributes significantly to the visual bulk of the building, thus to the detriment of the amenity of adjoining residential properties and more particularly the rear yards of those properties.

(Sections 4.15(1)(a)(i),(b)&(d) of the Environmental Planning and Assessment Act 1979)

3. The proposed indoor and outdoor play areas at first floor level are uncharacteristic of the surrounding low density residential setting and will result in unreasonable visual and aural privacy impacts upon adjoining residential properties, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

Further, the enclosure of this outdoor play area by way of a 2.8m high glazed wall contributes significantly to the visual bulk of the building

(Sections 4.15(1)(a)(i),(b)&(d) of the Environmental Planning and Assessment Act 1979)

4. The considerable elevation of the proposed basement structure above the ground level, together with the siting of the ground floor level outdoor play areas on the roof slab of the basement adjacent to the side boundaries of the site, will result in unreasonable visual and aural privacy impacts upon adjoining residential properties and the existing dwellings on those properties, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

These privacy concerns are further compounded by the considerable rearwards extent of the basement structure. Basement podiums such as that proposed are not characteristic of the surrounding low density residential setting.

(Sections 4.15(1)(a)(i),(b)&(d) of the Environmental Planning and Assessment Act 1979)

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)

5. The proposed setbacks of the basement level relative to the side boundaries of the site are inadequate in that they do not allow for sufficient opportunities for deep soil planting (including screen planting) to enhance the visual privacy and amenity of adjoining residential properties either side, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

Further, the 2.8m high acoustic barrier fencing along the side and rear boundaries is visually intrusive and not in keeping with the character of low density residential environments.

(Sections 4.15(1)(a)(i),(b)&(d) of the Environmental Planning and Assessment Act 1979)

6. The front boundary setbacks of the proposed building are inadequate, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

The relevant guideline prescribes an averaging of the front boundary setbacks of the closest buildings either side, thereby resulting in an 8m setback in this case. The awning at the front of the building is setback only 7m from the front boundary.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

7. The proposal does not include sufficient off-street car spaces in accordance with the provisions of Part E of Strathfield Consolidated Development Control Plan 2005.

In this regard, only six (6) car spaces are provided for visitors, whereas 11 car spaces should be provided. Further, the design of the car park within the basement is not optimal in terms of ease of access and convenience, with a major proportion of the car spaces being accommodated in car stackers or designed in a stacked arrangement. Concerns are also raised over the adequacy of the manoeuvring areas adjacent to the parallel car spaces, tandem car spaces and car stackers.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)

8. The quality of the outdoor play areas located between the proposed building and respective side boundaries is inadequate and not conducive to a variety of child play experiences, due to their constrained width and limited access to sunlight, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

The outdoor play areas are also fragmented throughout the site, rather than consolidated into larger, more useable spaces, such that their ability to promote a variety of learning, play and other developmental experiences is hampered.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

9. The proposed treatment of the front setback is not in keeping with the prevailing streetscape character whereby dwellings are setback behind leafy front yards with minimal driveways and pathways, having regard to the design quality principles and matters for consideration as prescribed in the Child Care Planning Guideline: Delivering Quality Child Care for NSW, August 2017.

The setback area is dominated by hard paved areas associated with a double-width driveway and two (2) pedestrian pathways. As a result, the garden beds within this setback area are fragmented such that substantive tree canopy planting to complement and soften the scale of

DA2018/134 - 108 Beresford Road, Strathfield
Lot 5 DP 7674 (Cont'd)

the built form cannot be readily accommodated.

(Sections 4.15(1)(a)(i)&(b) of the Environmental Planning and Assessment Act 1979)

10. The noise emission assessment submitted with the application does not demonstrate that the proposed child care centre will not cause an 'offensive noise' having regard to the Protection of the Environment Operations Act and relevant noise criteria.

(Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979)

11. A report specifying the findings of a preliminary investigation of the site in accordance with State Environmental Planning Policy No. 55 - Remediation of Land and the related contaminated land planning guidelines has not been submitted, despite the sensitive nature of the use proposed and incomplete history of prior uses of the site.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

12. The proposal is considered to be an overdevelopment of the site having regard to the inadequate number of off-street car parking spaces provided and the suboptimum design of the off-street car parking area and necessity to accommodate outdoor play areas within the side boundary setbacks of the building and at first floor level.

(Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979).

13. The site is not suitable for the development having regard to the constraints imposed by the flood planning levels of the site and the characteristics of the road carriageway of Beresford Road adjacent to the site including its relatively narrow width, on-street parking restrictions and strong demand for parking.

(Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979)

14. The proposed development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979)

ATTACHMENTS

1. [↓](#) Architectural Plans



1 STREETScape ELEVATION

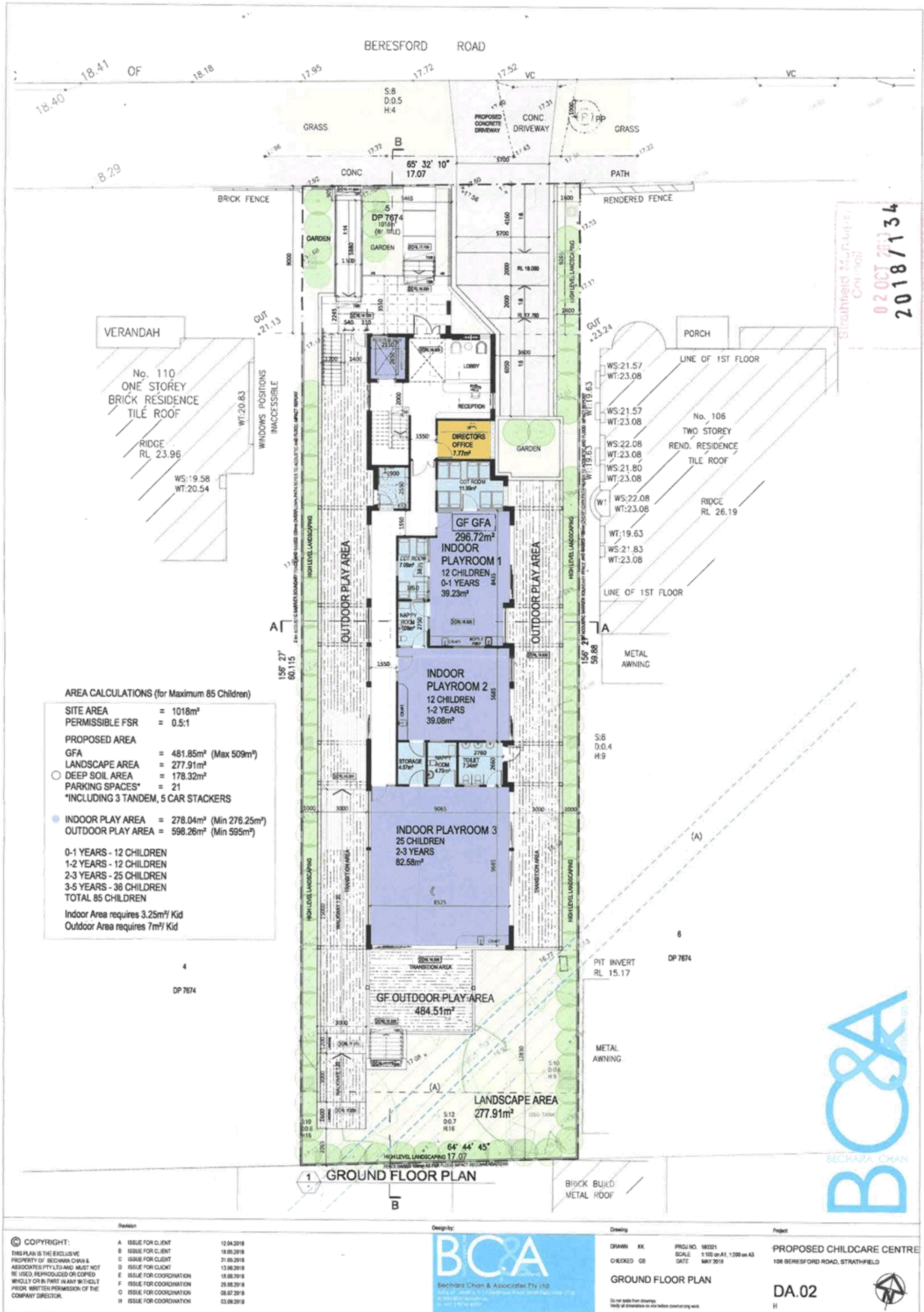


2 SITE ANALYSIS PLAN



3 LOCATION PLAN

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AREA CALCULATIONS (for Maximum 85 Children)

SITE AREA	= 1018m ²
PERMISSIBLE FSR	= 0.5:1
PROPOSED AREA	
GFA	= 481.85m ² (Max 509m ²)
LANDSCAPE AREA	= 277.91m ²
DEEP SOIL AREA	= 178.32m ²
PARKING SPACES*	= 21
*INCLUDING 3 TANDEM, 5 CAR STACKERS	
INDOOR PLAY AREA	= 278.04m ² (Min 276.25m ²)
OUTDOOR PLAY AREA	= 598.26m ² (Min 595m ²)
0-1 YEARS - 12 CHILDREN	
1-2 YEARS - 12 CHILDREN	
2-3 YEARS - 25 CHILDREN	
3-5 YEARS - 36 CHILDREN	
TOTAL 85 CHILDREN	
Indoor Area requires 3.25m ² / Kid	
Outdoor Area requires 7m ² / Kid	

Strathfield Municipal Council
 02 OCT 2018
 2018/134

BC&A

BECHARA CHAN

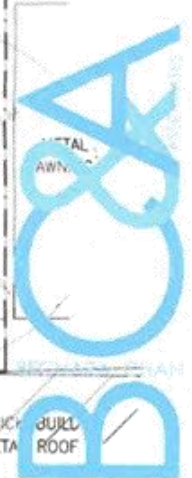
<p>Revision</p> <table border="1"> <tr><td>A</td><td>ISSUE FOR CLIENT</td><td>12.04.2018</td></tr> <tr><td>B</td><td>ISSUE FOR CLIENT</td><td>18.05.2018</td></tr> <tr><td>C</td><td>ISSUE FOR CLIENT</td><td>31.05.2018</td></tr> <tr><td>D</td><td>ISSUE FOR CLIENT</td><td>13.06.2018</td></tr> <tr><td>E</td><td>ISSUE FOR COORDINATION</td><td>18.06.2018</td></tr> <tr><td>F</td><td>ISSUE FOR COORDINATION</td><td>28.06.2018</td></tr> <tr><td>G</td><td>ISSUE FOR COORDINATION</td><td>06.07.2018</td></tr> <tr><td>H</td><td>ISSUE FOR COORDINATION</td><td>03.08.2018</td></tr> </table>	A	ISSUE FOR CLIENT	12.04.2018	B	ISSUE FOR CLIENT	18.05.2018	C	ISSUE FOR CLIENT	31.05.2018	D	ISSUE FOR CLIENT	13.06.2018	E	ISSUE FOR COORDINATION	18.06.2018	F	ISSUE FOR COORDINATION	28.06.2018	G	ISSUE FOR COORDINATION	06.07.2018	H	ISSUE FOR COORDINATION	03.08.2018	<p>Design by:</p> <p>Bechara Chan & Associates Pty Ltd 12/11-12/13 (Level 1 & 2) Strathfield Municipal Council 108 BERESFORD ROAD, STRATHFIELD NSW 1585</p>	<p>Drawing</p> <table border="1"> <tr><td>DRAWN</td><td>KK</td><td>PROJ NO.</td><td>180321</td></tr> <tr><td>CHECKED</td><td>GB</td><td>SCALE</td><td>1:100 on A1, 1:200 on A3</td></tr> <tr><td></td><td></td><td>DATE</td><td>MAY 2018</td></tr> </table> <p>Project</p> <p>PROPOSED CHILDCARE CENTRE 108 BERESFORD ROAD, STRATHFIELD</p> <p>GROUND FLOOR PLAN</p> <p>DA.02</p> <p>H</p>	DRAWN	KK	PROJ NO.	180321	CHECKED	GB	SCALE	1:100 on A1, 1:200 on A3			DATE	MAY 2018
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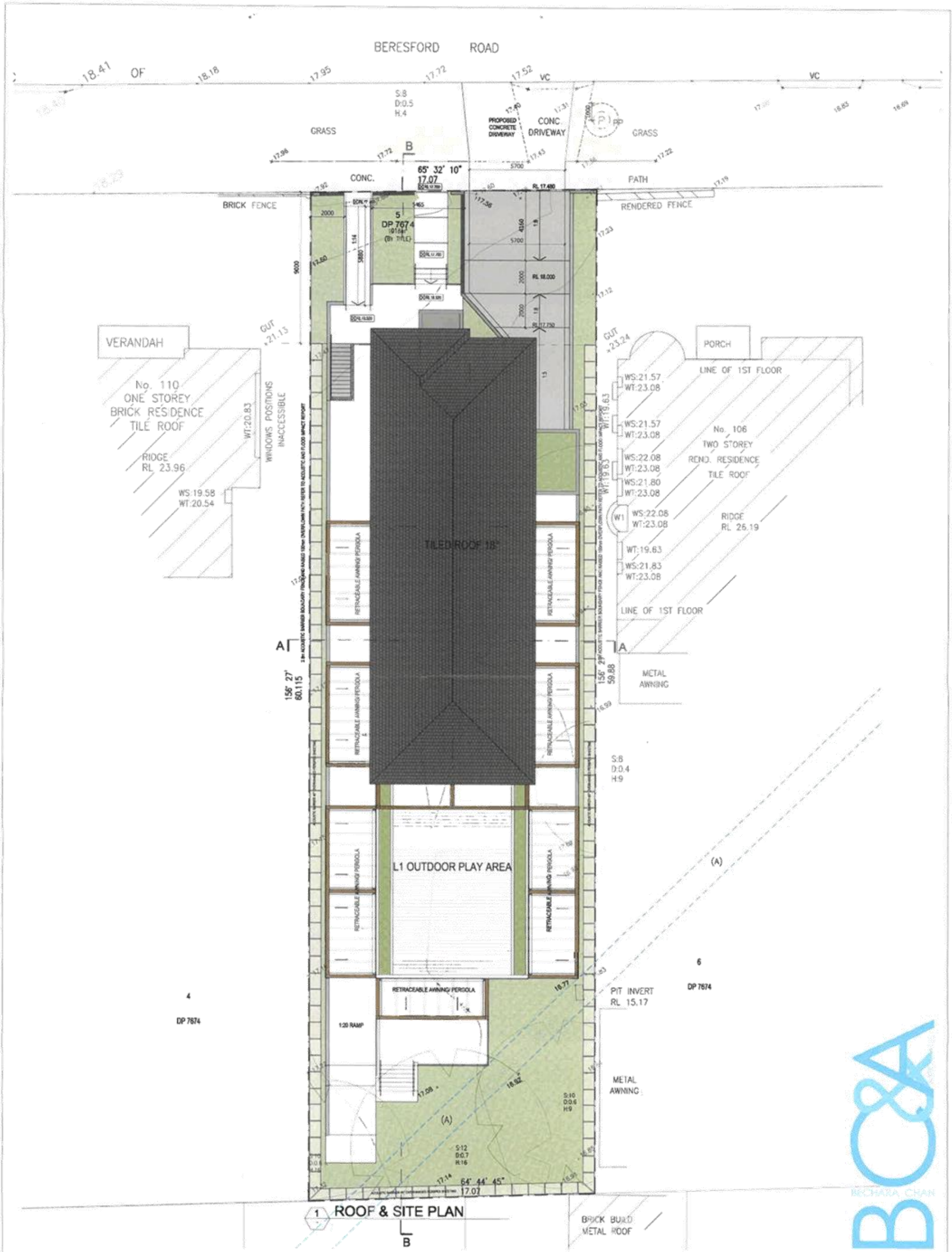
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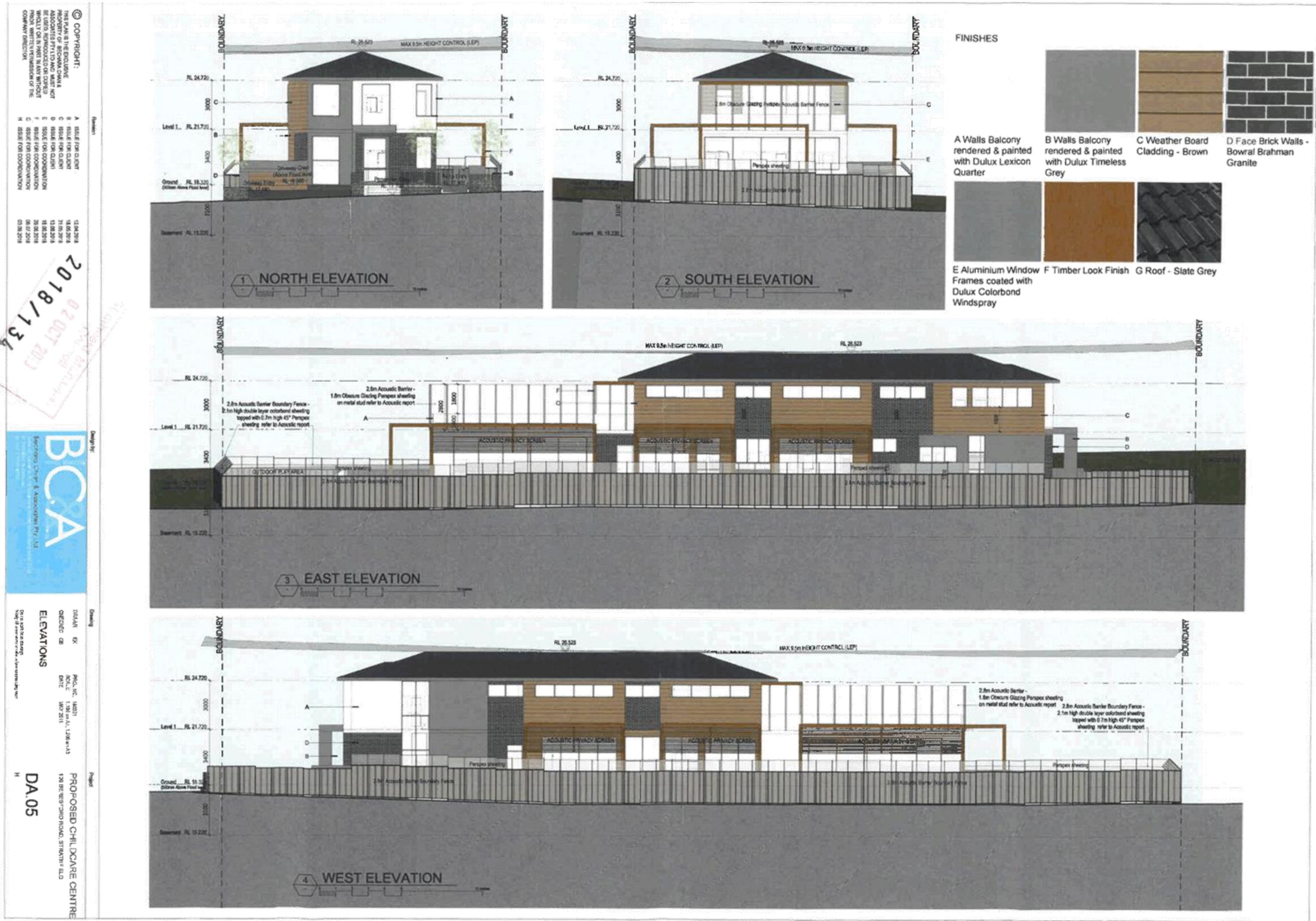


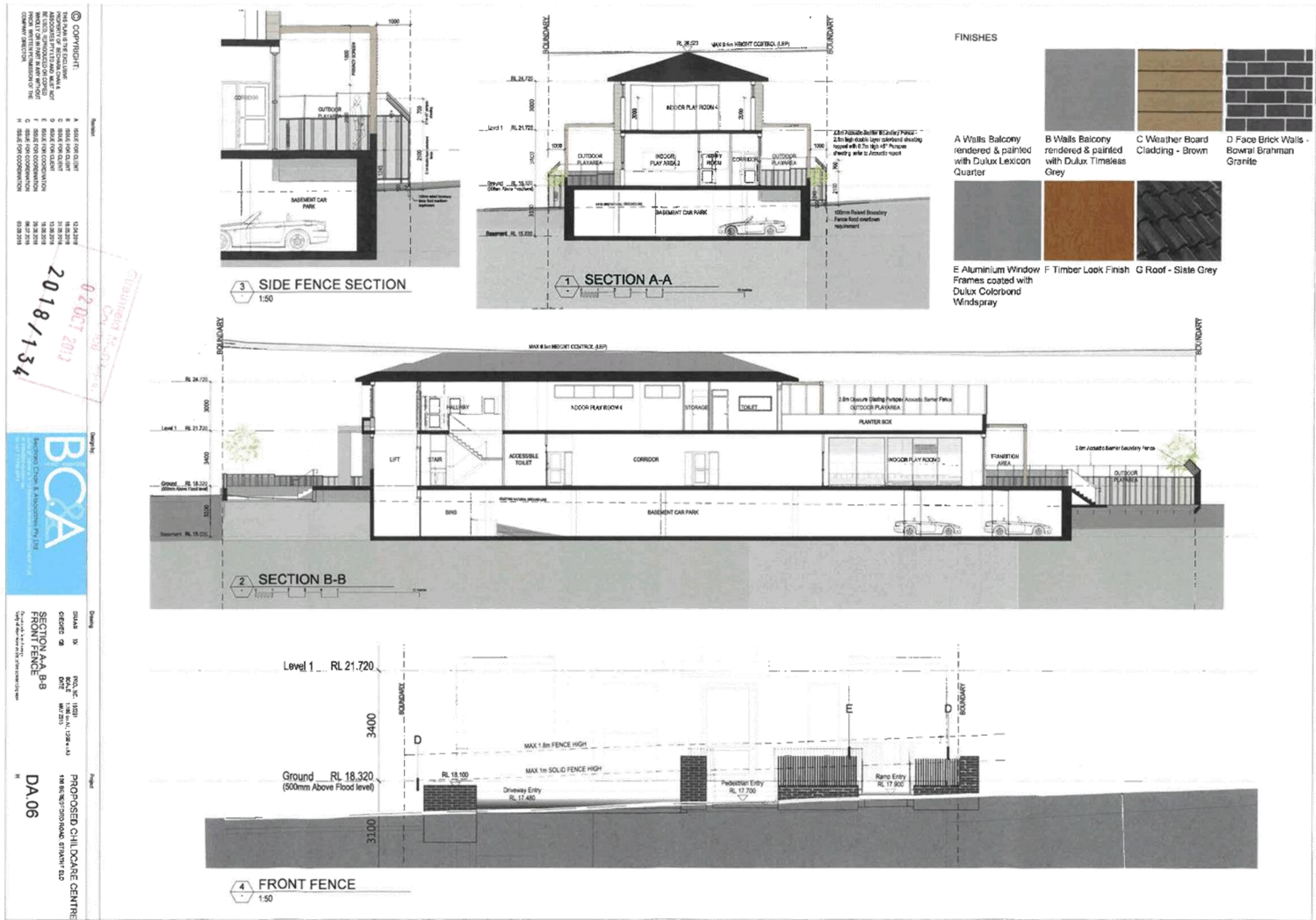
2 OCT 2018
2018/134

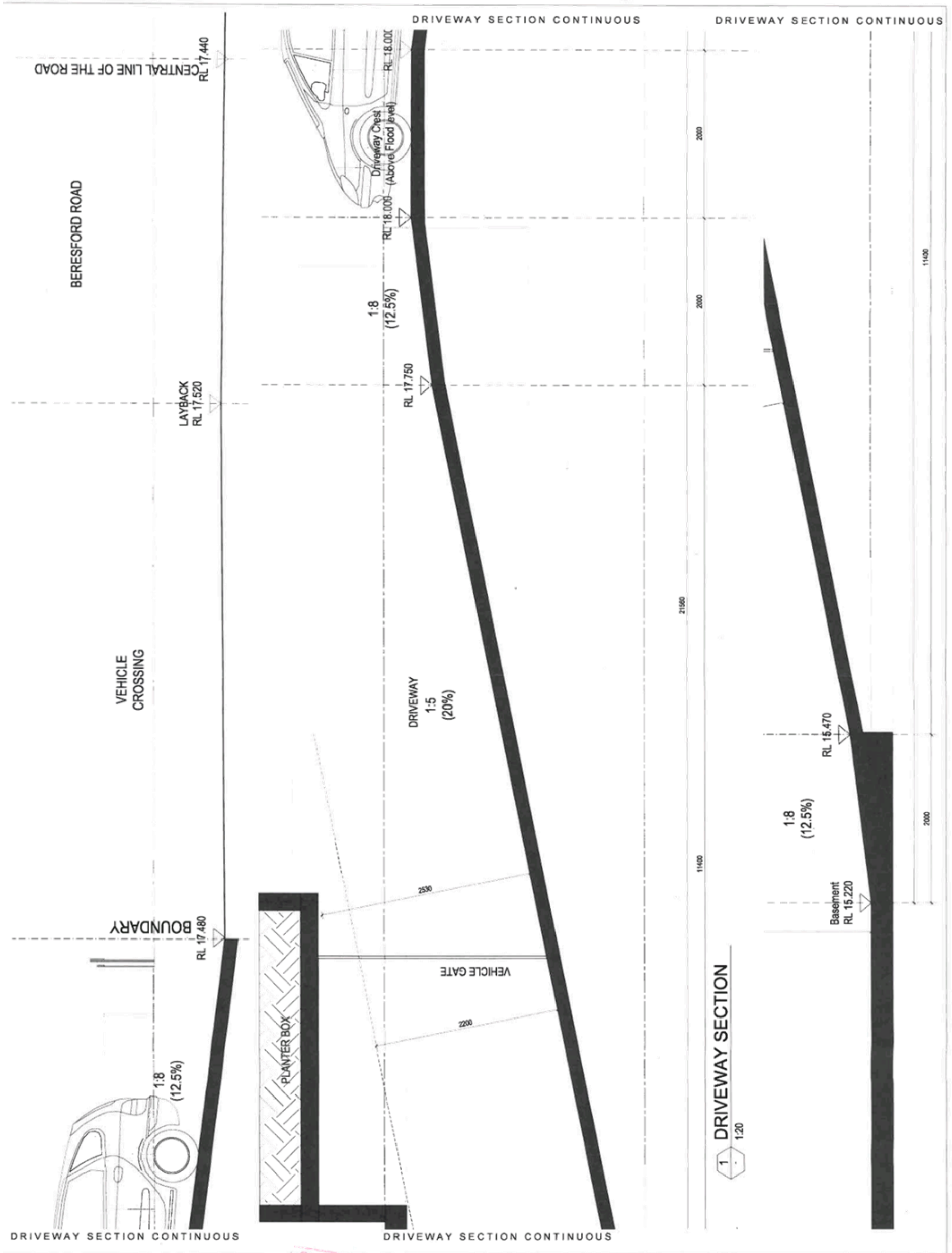




Revision	Design by:	Drawing	Project
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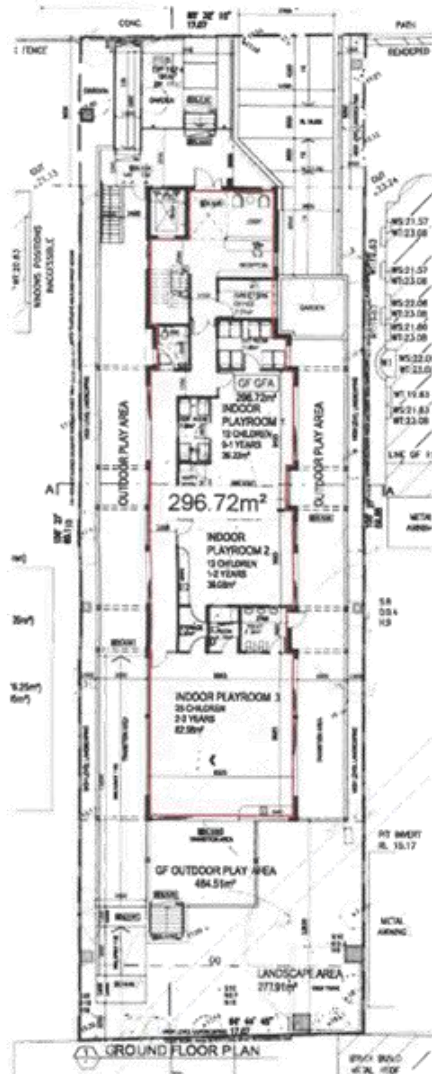




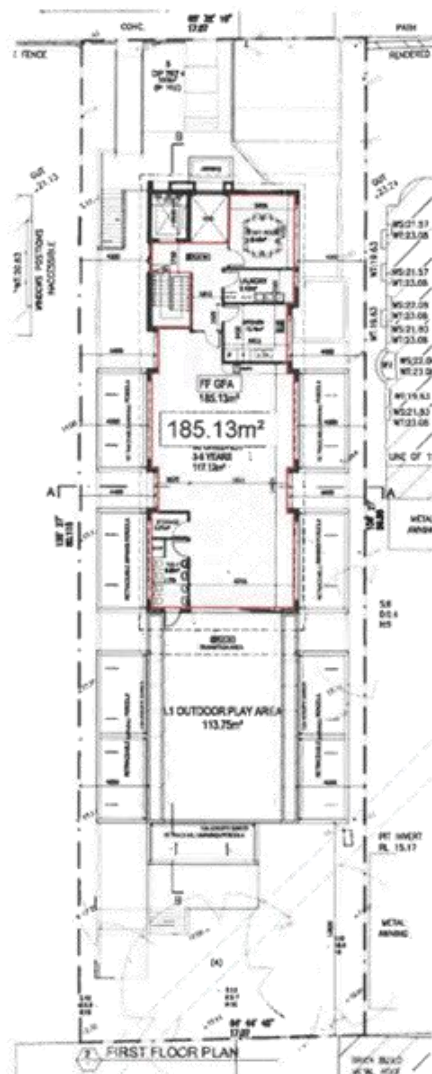


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Strathfield Municipal Council
02 OCT 2018
2018/134



GROUND FLOOR GFA = 296.72m²



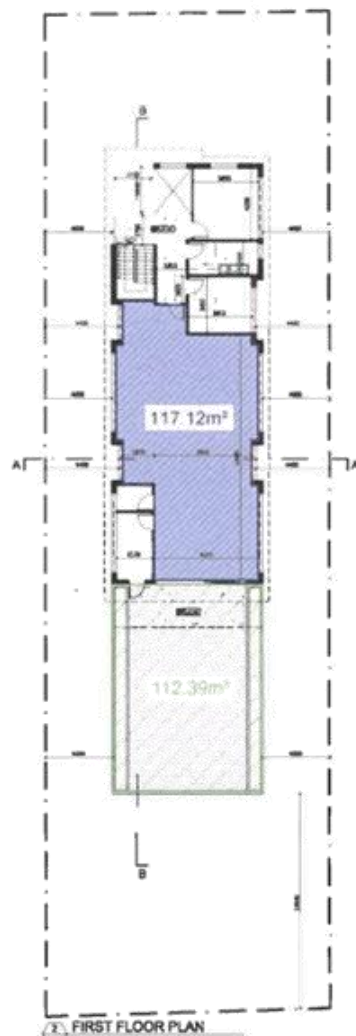
FIRST FLOOR GFA = 185.13m²

AREA CALCULATIONS (for Maximum 85 Children)

SITE AREA	= 1018m ²
PERMISSIBLE FSR	= 0.5:1
PROPOSED AREA	
GFA	= 481.85m ² (Max 509m ²)
LANDSCAPE AREA	= 277.91m ²
DEEP SOIL AREA	= 178.32m ²
PARKING SPACES*	= 21
*INCLUDING 3 TANDEM, 5 CAR STACKERS	
INDOOR PLAY AREA	= 278.04m ² (Min 276.25m ²)
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0-1 YEARS - 12 CHILDREN	
1-2 YEARS - 12 CHILDREN	
2-3 YEARS - 25 CHILDREN	
3-5 YEARS - 36 CHILDREN	
TOTAL 85 CHILDREN	
Indoor Area requires 3.25m ² / Kid	
Outdoor Area requires 7m ² / Kid	



GF OUTDOOR PLAY AREA = 484.51m²
GF INDOOR PLAYROOM = 169.89m²



FF OUTDOOR PLAY AREA = 112.39m²
FF INDOOR PLAYROOM = 117.12m²



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Revision		
A	ISSUE FOR CLIENT	12.04.2018
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G	ISSUE FOR COORDINATION	06.07.2018
H	ISSUE FOR COORDINATION	03.08.2018

Strathfield Municipal Council
12 OCT 2018
2018/134

Design by

Bechara Chan & Associates Pty Ltd
106 BERSFORD ROAD, STRATHFIELD NSW 2159
T 9151 1134 F 9151 1135

Drawing

DRAWN: KK
CHECKED: GB

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DATE: MAY 2018

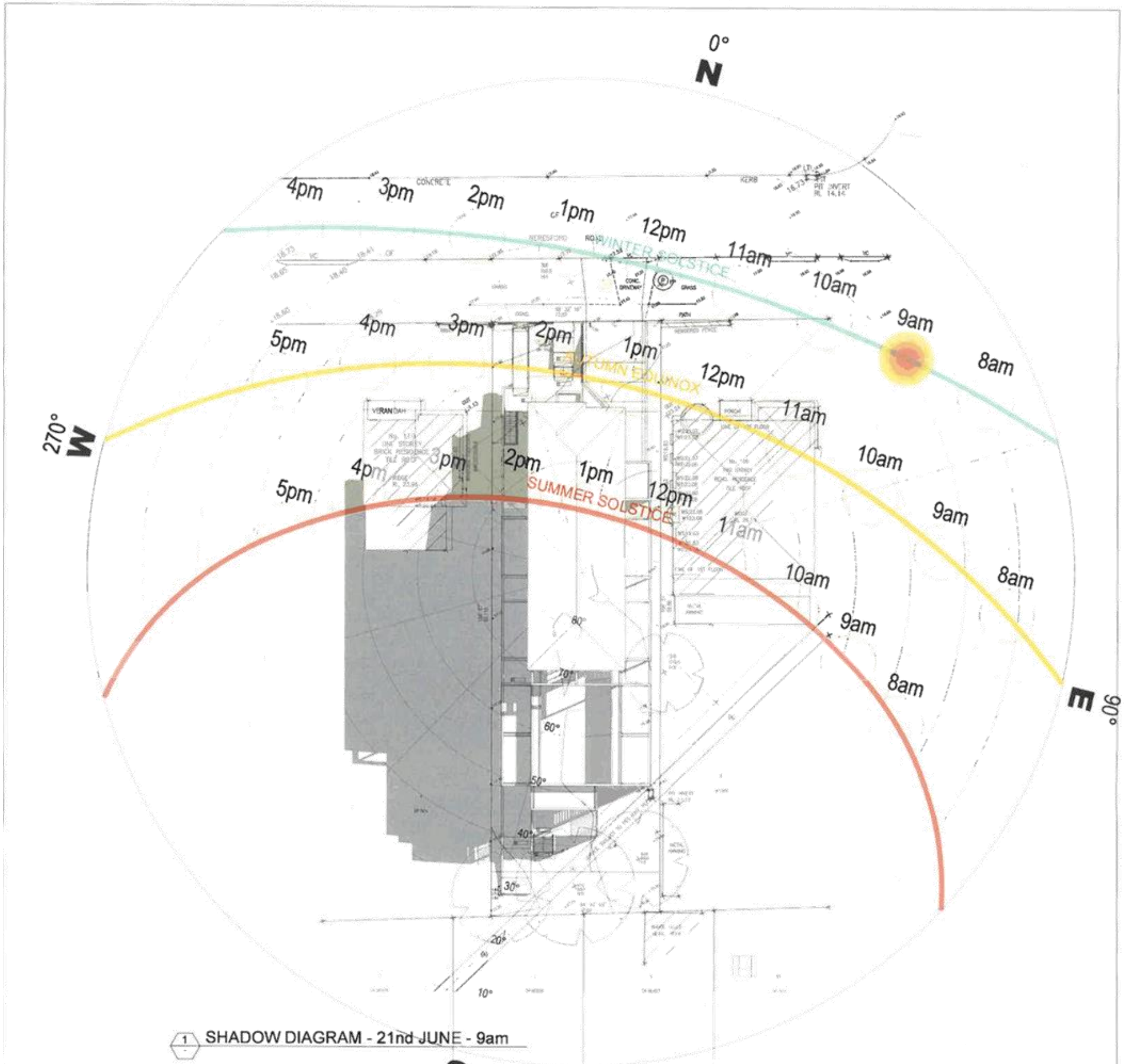
AREA CALCULATION

Do not scale from drawings
Verify all dimensions on site before commencing work

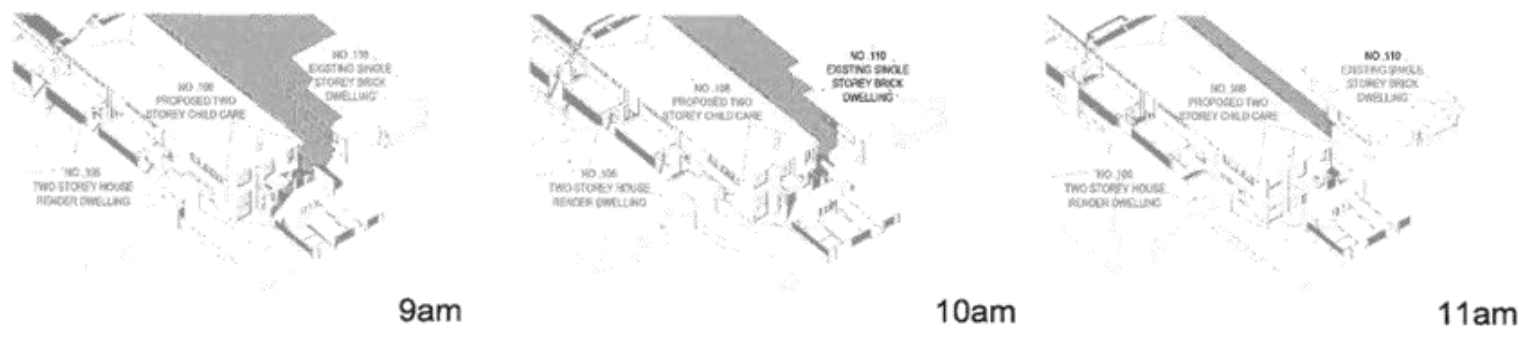
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PROPOSED CHILDCARE CENTRE
106 BERSFORD ROAD, STRATHFIELD

DA.08
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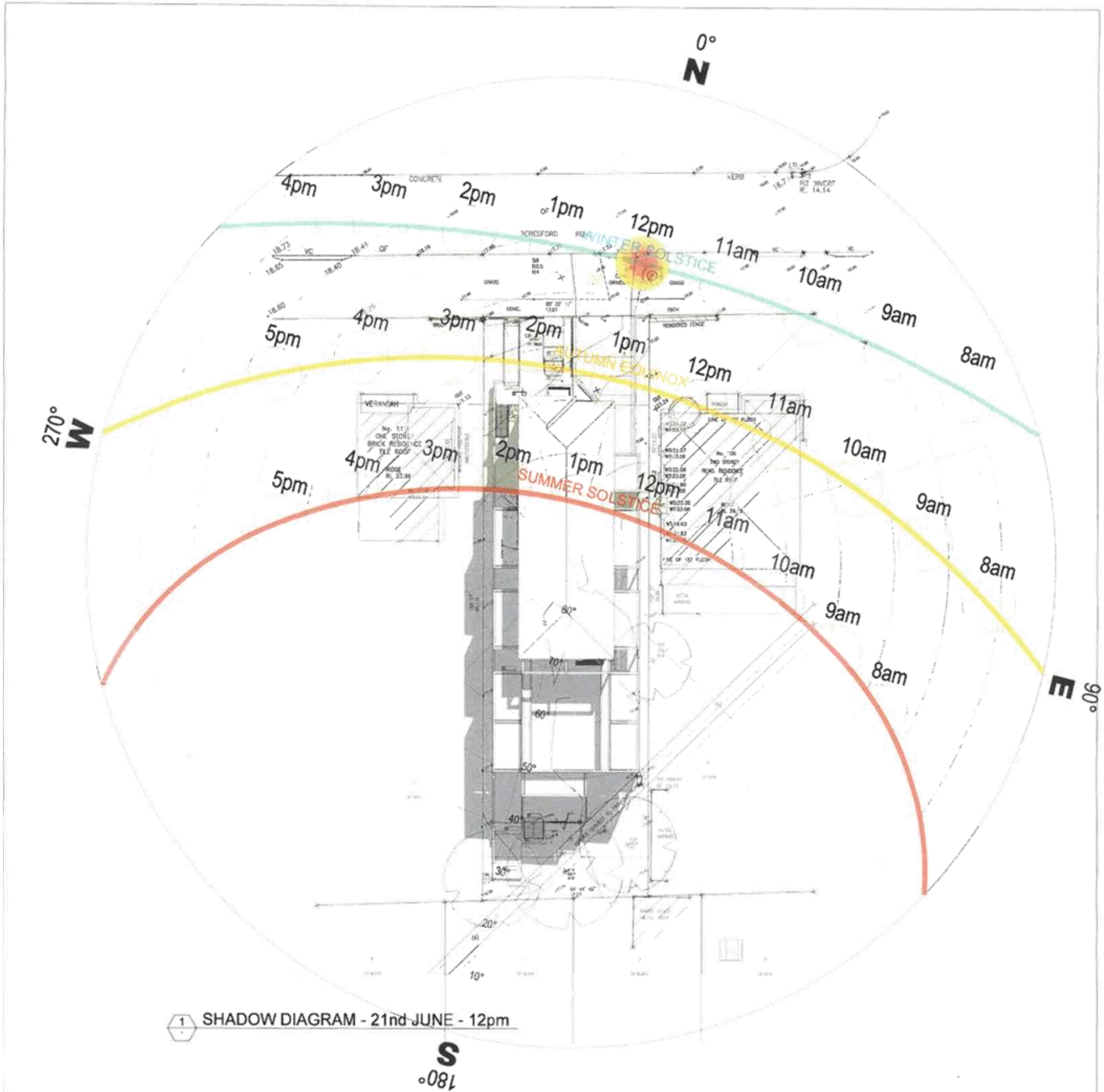
1 SHADOW DIAGRAM - 21nd JUNE - 9am



2 3D SHADOW OVERCASTING - NO.110 - 21nd JUNE - 9-11am



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<p>2018/134</p>	<p>Stamp: Strathfield Municipal Council 13 OCT 2018</p>	<p>PROJ. NO: 180701 SCALE: 1:200 on A1, 1:400 on A3 DATE: MAY 2018</p>	<p>DA.09</p>	<p>North arrow symbol</p>



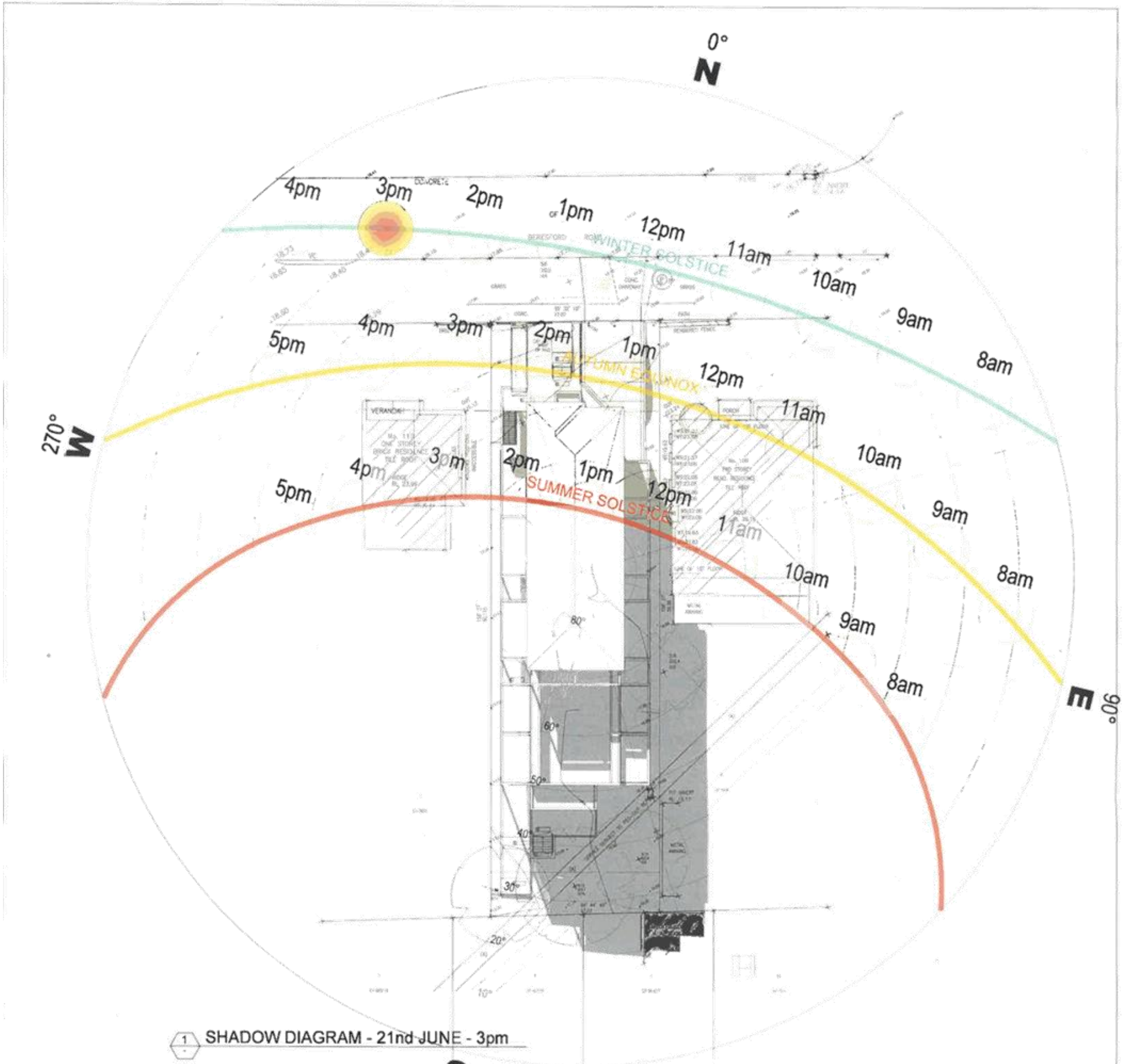
1 SHADOW DIAGRAM - 21st JUNE - 12pm



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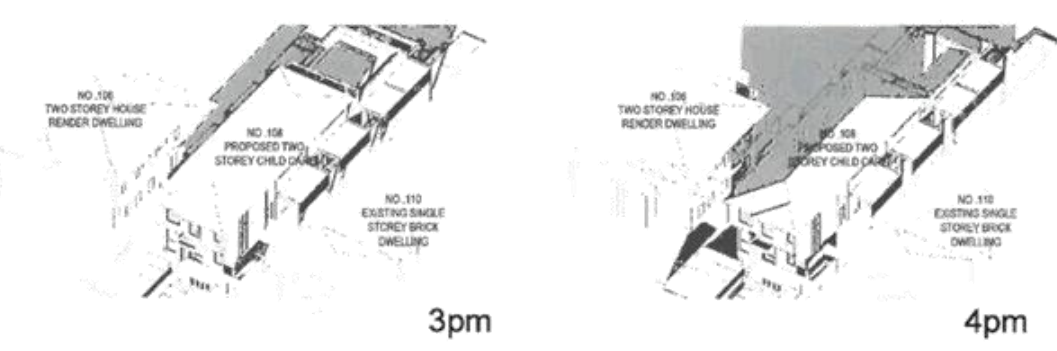
6 OCT 2018
2018/134





1 SHADOW DIAGRAM - 21nd JUNE - 3pm

S 180°

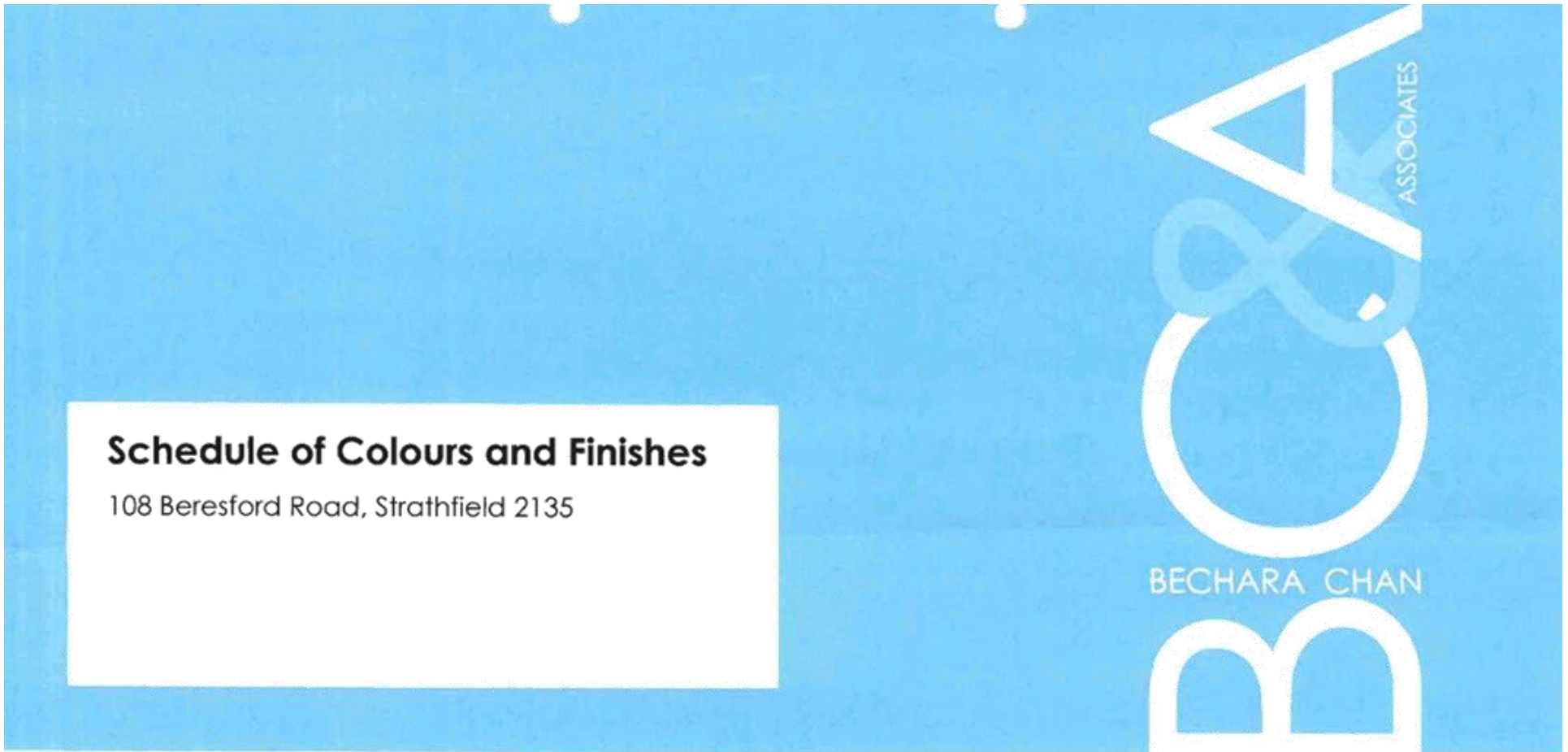


2 3D SHADOW OVERCASTING - NO.106 - 21nd JUNE - 9-11am



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2018/134



- **A** Exterior walls rendered & painted with Dulux Lexicon Quarter

- **E** Aluminium Window Frames coated with Dulux Colorbond Windspray

- **B** Exterior walls & Fence Wall rendered & painted with Dulux Timeless Grey

- **F** Timber Look Finish



- **C** Weather Board Cladding - Brown

- **G** Roof - Slate Grey



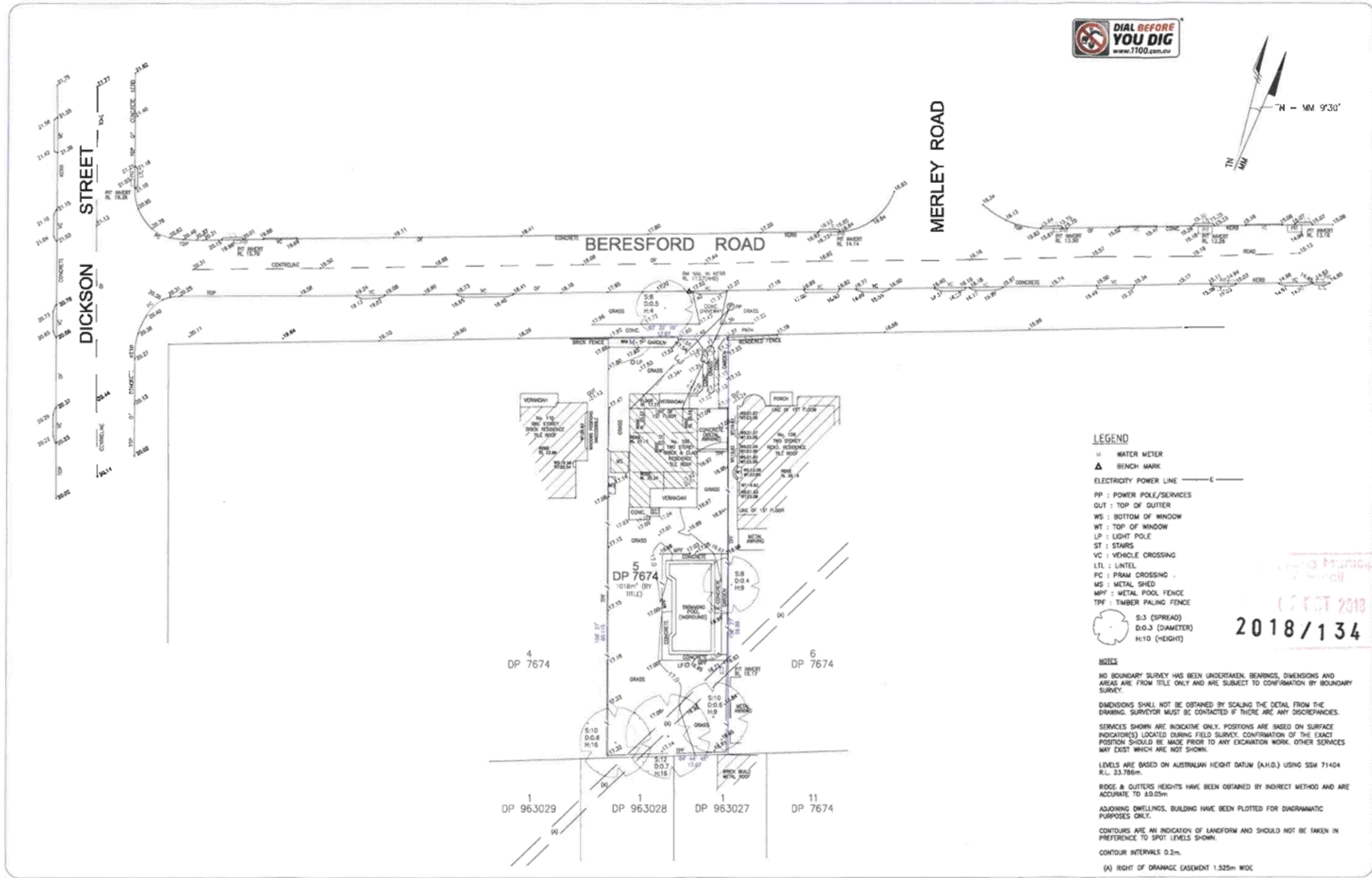
- **D** Face Brick Walls - Bowral Brahman Granite



** All finishes can be changed to similar look

Strathfield Municipal Council
 02 OCT 2018
 2018/134

Suite 6F, Level 6, 9-13 Redmyre Road Strathfield NSW 2135 Ph/Fax 9746 6993 info@bc-a.com.au
 ABN 88 288 149 971



<p>PROPERTY SURVEYS</p> <p>ABN 37 145 495 825</p>		<p>SCALE: 1 : 250 @ A1</p> <p>LOCAL GOV'T AREA: STRATHFIELD</p> <p>DATE OF SURVEY: 28.03.18</p> <p>HEIGHT ORIGIN: AHD</p> <p>HUY THAI - REGISTERED SURVEYOR</p>	<p>SURVEY: A.E.</p> <p>LEVEL IN: DESIGNED</p> <p>DATE OF SURVEY: 28.03.18</p> <p>CHECKED: A.E.</p> <p>APPROVED: H.T.</p>	<p>CLIENT: MARK BOUTROS</p>	<p>PROJECT TITLE: 108 BERESFORD ROAD, STRATHFIELD</p> <p>DRAWING TITLE: PLAN SHOWING LEVELS & DETAIL OVER LOT 5 IN DP 7674</p>	<p>CAD REF: C:\180314.dwg</p> <p>DRAWING NO: 180314/001</p> <p>SHEET 1 of 1</p> <p>JOB NAME: BERESFORD</p> <p>REV: A</p>
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