

Minutes

Of the meeting of the:

Strathfield Local Planning Panel Meeting

Held on:

Thursday, 7 March 2019

Commencing at 10:00am at Town Hall (Supper Room),
65 Homebush Road, Strathfield

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SLPP AGENDA ITEMS

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 DA2018/176 - 12-14 Elwin Street, Strathfield
 Lot 1 DP 3245694

(Number of Speakers: 0) (Not including the applicant)

SLPP - Report No. 2
 DA2018/163 - 23-25 Churchill Avenue, Strathfield
 SP 9630722

(Number of Speakers: 0) (Not including the applicant)

SLPP - Report No. 3
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(Number of Speakers: 4) (Not including the applicant)

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(Number of Speakers: 5) (Not including the applicant)

The Chair tabled the pecuniary Interest disclosures of Panel Members.

The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 7 March 2019.
The meeting commenced at 10:00am and closed at 2:25pm.

The Public Meeting commenced at 10:00am and closed at 11:40am.

The Panel Members conducted site inspections for the purpose of considering items included on the Agenda-

Site inspection time commenced: 8:35am

Site inspection time concluded: 9:53am

PRESENT

Jan Murrell – Chair
Graham Atkins- Expert
Eric Armstrong- Expert
David Starr- Community

ALSO PRESENT

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services
Kandace Lindeberg, Manager, Development Assessment
Gregory Hansell, Senior Development Assessment Planner
Edwina Ross, Development Assessment Planner
Lily Parker, Administration Assistant

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

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

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 Manager of Development of Assessment for approval;

A. FIRST FLOOR CONFIGURATION

The area showing bedroom 4 on the plans is to be deleted to provide a single storey element adjacent to the neighbour at number 10.

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 adjoining site.)

B. FENESTRATION TO STREET

Fenestration is to be provided within the northern wall in the area of the walk in robe and facilities at the first floor.

(Reason: To provide an appropriate presentation to the streetscape.)

C. REAR FIRST FLOOR BALCONIES

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. Condition deleted.

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 & Associates Pty Ltd	Revision B, 21.01.19	6 February 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
Arboricultural Impact Assessment and Tree Management Plan	Horticultural Management Services	Issue A, 31 January 2019	6 February 2019

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

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

determination of Council.)

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 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
- 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.

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 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 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 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:

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

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

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

Note: A copy of Strathfield Council's Section 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)**

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 commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of

- a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

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 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)

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, 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 construction monitoring.

(Reason: Structural safety.)

RESOLUTION

The panel has considered the officer's report and recommendation and has determined the

application be granted a **DEFERRED COMMENCEMENT APPROVAL** with the amendments to Conditions shown above. The operational conditions are as shown in the officer's report.

REASONS:

The panel is satisfied with the development with the conditions will sit appropriately in the streetscape and will not adversely impact on adjoining neighbours.

FOR: Jan Murrell, Graham Atkins, Eric Armstrong, David Starr

AGAINST: NIL

**** End Minutes - Report No. 1****

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

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, 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*).

RESOLUTION

The panel endorses the Council officer's recommendation to **REFUSE** the application for alterations and additions to existing mixed use building to construct 2 x 3 bedroom units by the removal of rooftop terrace common open space area.

REASONS:

The Council officer's reasons for refusal are adopted by the Panel. The Panel has had

regard to the original assessment report for the subject site wherein it is noted that communal open space for the residents was to be provided for the entire rooftop which also included a landscaped setting with BBQ and fixed seating provided. This is an important amenity for the residents of the building and must be maintained.

FOR: Jan Murrell, Graham Atkins, Eric Armstrong, David Starr

AGAINST: NIL

**** End Minutes - Report No. 2****

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

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.
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
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.

RESOLUTION

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

This will allow the applicant the opportunity to consider matters raised in Council Officer's report including an assessment under SEPP 1 and a written objection to vary the height standard. Any further documentation: including the SEPP 1; site amalgamation; plan of management, including site deliveries and waste management is to be submitted by the 25 March 2019 for the Council Officer's assessment. The applicant may wish to amend the plans in the light of submissions made

to resolve community concerns, including side boundary fencing, laundry impacts, existing mechanical plant, landscaping and material finishes and colours.

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

REASONS:

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

FOR: Jan Murrell, Graham Atkins, Eric Armstrong, David Starr

AGAINST: NIL

**** End Minutes - Report No. 3****

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

RECOMMENDATION

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)

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 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)

RESOLUTION

The panel endorses the officer's report and recommendation and the development application for an 85 place centre on the subject site is **REFUSED**.

REASONS:

The panel considers that the subject site is not suitable for the proposed development given the constraints, its context and its impact on the surrounding residents. The proposal is an overdevelopment of the site.

FOR: Jan Murrell, Graham Atkins, Eric Armstrong, David Starr

AGAINST: NIL

**** End Minutes - Report No. 4****