

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, 1 April 2021

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.

TABLE OF CONTENTS

Item Page No.

SLPP AGENDA ITEMS

SLPP - Report No. 10

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 4357963

SLPP - Report No. 11

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523.....34

SLPP - Report No. 12

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 55674364

TO: Strathfield Local Planning Panel Meeting - 1 April 2021
REPORT: SLPP – Report No. 10
SUBJECT: DA 2020/162 - 14 ROCHESTER STREET, HOMEBUSH - LOT F DP 435796
DA NO. DA2020/162

SUMMARY

Proposal: Demolition of existing structures and construction of a three (3) storey boarding house containing 35 boarding rooms (including managers room) over 2 levels of basement car parking for 18 cars, 7 motorcycles and 7 bicycles.

Applicant: Nazih Touma – B& L Touma Pty Ltd
Owner: B& L Touma Pty Ltd & CN Rochester Pty Ltd
Date of lodgement: 29/09/2020
Notification period: 8/10/20 to 30/10/20
Submissions received: 23
Assessment officer: PF
Estimated cost of works: \$5,201,283
Zoning: R3 Medium Density Residential - SLEP 2012
Heritage: Not a heritage item or located within a heritage conservation area (HCA). Site located in the vicinity of listed items and two heritage conservation areas.

Flood affected: No
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: **REFUSAL**

EXECUTIVE SUMMARY

1. The subject development application has been lodged pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)* and is intended to operate as a commercial boarding house.
2. Development consent is sought for demolition of the existing structures and construction of three (3) storey boarding house containing 35 boarding rooms (including managers room) over 2 levels of basement car parking for 18 cars, 7 motorcycles and 7 bicycles.
3. The subject site is long (*61m depth*) and narrow (*12.23 width*) and has an east to west orientation. The proposed 3-storey building envelope extends deep into the block and provides minimal side setbacks and articulation of the side elevations. Excavation for the two basement levels is proposed to the side boundaries precluding the provision of deep soil planting and canopy tree coverage.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

4. The standards for which a boarding house cannot be refused under the ARHSEPP are generally satisfied (*excluding front setback treatment*). However, the proposed development is considered to be incompatible with the *character of the local area*, contrary to *Clause 30A* of the ARH SEPP.
5. The proposal would result in unacceptable overshadowing of the adjoining property to the south and raises privacy amenity concerns to adjacent development. The design of the boarding house with small high-level windows along the side elevations and long (*unventilated and dark*) central corridors would severely limit access to natural light and ventilation for residents, resulting in poor residential amenity.
6. The proposal involves excessive tree removal, insufficient replacement tree planting, and inadequate deep soil provision. The widened driveway and retaining wall structures would result in an unacceptable encroachment of the *Tree Protection Zone (TPZ)* of an existing street tree of high landscape/streetscape value and is not supported by Council's Landscaping Officer.
7. The proposed development is considered to have an unacceptable impact on the significance of listed items and heritage conservation areas in the vicinity and is not supported on heritage grounds. The development presents as a dark brick box with little articulation and built to the width of the suburban lot, three levels of mock Federation style roofs, and various arrangements of different types of modern window styles and verandah openings awkwardly positioned on the façade. The resulting effect is that the development, rather than blend into the streetscape, is likely to appear as an intrusive overdevelopment of the site dominated by roofs, bricks, and odd assortment of windows.
8. The height, form and massing of the development is contextually inappropriate and would not maintain an appropriate scale to adjacent low density residential development to the south.
9. Following notification of the application, 23 submissions were received. The main concerns raised relate to the built form of the proposed boarding house, impact on the *Abbotsford Road Heritage Conservation Area*, and traffic and parking impacts.
10. The application was considered by the *Design Review Panel* at its meeting on 18 November 2020. The Panel did not support the proposal citing overdevelopment of the site, inconsistency with the local character of the area, poor residential amenity, and site unsuitability (*lot width, prevailing subdivision pattern*) as the key reasons.
11. Due to the unsuitability of the site to accommodate the proposal and extent of redesign required to address the concerns of Council and the *Design Review Panel*, the application has been assessed in its current form.
12. The application is recommended for **REFUSAL**.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

BACKGROUND**Design Review Panel**

The application was considered by the *Design Review Panel* at its 18 November 2020 meeting. The Panel did not support the proposal for the following key reasons:

- **Overdevelopment of the site** (*Bonus FSR under ARHSEPP utilised*).
- **Building height, massing, and scale** incompatible with the built and landscape context of surrounding development.
- **Poor amenity** for residents. Long corridors (*Approx. 25m*) poorly lit and unventilated. BCA fire separation requirements not considered and potential impact on light/ventilation amenity. AC plant not indicated on plans (*Insufficient space on balconies for separate units*). No Acoustic Report submitted.
- **Privacy impacts** to neighbouring properties due to reliance on side boundaries for air, light, and outlook. Proposed highlight windows inadequate.
- **Overshadowing impacts** on the adjoining property to the south due to the elongated building envelope and long-narrow site oriented east to west.
- **Incompatibility with context and character of local area** (*cl.30A of ARH SEPP*) despite *R3 Medium Density Zoning*.
- **Narrow site unsuitable**. Amalgamation with one of the adjoining sites required (*8-10 Rochester Street amalgamated to accommodate 2-storey apartment building*). Inconsistency with prevailing subdivision pattern.
- **Setbacks inappropriate** (*1.5m to side boundaries, minimal rear setback*). Basement levels extended to side boundaries to satisfy required parking precludes any deep soil provision in side setback areas (*Narrow site unsuitable*).

The Panel offered the following alternative design options as a starting point for future redesign:

- **Significant redesign and reduced yield** required to achieve a boarding house on a single lot. Consideration given to splitting the proposed building into two smaller buildings separated by a central courtyard to maximise outlook, sunlight, and ventilation. Setbacks would still be minimal (*1.5m*), but parking requirement would be reduced.

Requests for additional information

Nil.

DESCRIPTION OF THE SITE AND LOCALITY**Physical description**

- Legal description: Lot 4, DP 435796.
- Lot depth of 60.96m and width of 12.23m.
- Rectangular shaped allotment with east/west orientation.
- Fall from rear to front of approximately 1.75m.
- Number of canopy trees around the rear perimeter (refer Survey Plan) and canopy tree within the front setback.

Existing structures

- Single storey brick cottage with pitched and tiled roof.
- Driveway adjacent the northern side boundary and landscaped rear garden. No car parking structures.

Burdens and constraints

- None.

Surrounding development

- **North:** R3 zoned land. The adjoining property to the north at 12 Rochester Street is

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

developed with a single storey cottage. 8-10 Rochester Street has been amalgamated and is developed with a two-storey residential flat building.

- **South:** Low-density residential development. A medical centre adjoins the site to the immediate south. Heritage listed Federation houses are located in the vicinity at 33 & 35 Abbotsford Road and Abbotsford Road Heritage Conservation Area (HCA) to the south and south-east. To the north-east, the site adjoins the rear boundary of 28 Burlington Road (*Undeveloped but a boarding house is approved on this site*).
- **East:** Rear of medium density residential development with frontage to Burlington Road, and rear of low-density residential development fronting Abbotsford Road.
- **West:** Low density residential development characterised by single-storey dwellings and located within the western section of the Abbotsford Road HCA. To the north-west, existing single-storey dwellings (*51, 53 & 55 Rochester Street*) are located on land zoned for medium density residential development. Further to the north-west is Homebush Shopping Village retail conservation area.

A locality plan is provided at **Figures 1 & 2**.

Photographs of the subject site and surrounding development are provided at **Figures 3 to 12**.



Figure 1. Locality plan (Source: IntraMaps, Strathfield Council).

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 2. Aerial locality plan (Source: IntraMaps, Strathfield Council).



Figure 3. Low-scale residential development opposite the site.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 4. Subject dwelling (centre). Street tree proposed to be retained.



Figure 5. Adjoining development to the north (14 Rochester Street) zoned R3 medium density residential, and subject site.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 6. Adjoining development (medical centre) to the south on R2 low density residential zoned land.



Figure 7. Northern elevation of adjoining dental surgery to the south (16 Rochester Street) on R2 low-density residential zoned land. At-grade car parking to the surgery is located at the rear.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 8. At-grade car parking to the rear of 16 Rochester Street.



Figure 9. Rear yard of the subject site (western section).

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 10. Rear yard of the subject site, which extends beyond the neighbouring allotments at 14 and 16 Rochester Street. The eastern most section shares the rear boundary with 28 Burlington Road and 29 Abbotsford Road.



Figure 11. Amalgamated site at 8-10 Rochester Street which is developed with a 2-strorey residential flat building.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 12. 28 Burlington Street to the north-east of the site, whose rear adjoins the eastern end of the subject site's rear. A boarding house (DA2016/155) was approved on this site.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for demolition of existing structures and construction of a 3-story boarding house comprised of the following:

- 35 rooms (including managers room) comprised of 6 x double rooms (Rooms 01, 02, 03, 1, 13 & 15) and 29 single rooms with potential occupancy of 41 boarders (including the on-site manager).
- Separate kitchenette and bathroom facilities to each boarding room.
- Manager's unit with private courtyard
- Communal living room and communal open space at ground level
- Two levels of basement car parking for 18 cars, 7 motorcycles, and 7 bicycles.
- Waste and recycling room at basement level 1.
- Communal laundry at basement level 2.
- Removal of 15 trees on the site (T2-T13 & T17), retain 3 trees and provide 4 replacement trees.
- Landscaping works.

A full set of architectural plans and landscape plan is attached to this Report.

REFERRALS

Referral Body	Comments:
Engineering	Satisfactory subject to conditions. Key comments: <ul style="list-style-type: none"> - It is proposed to drain all stormwater through the required <i>On-site Stormwater Detention</i> (OSD) system to the street drainage system. - Concept stormwater management plan is feasible. - No comments provided regarding the submitted
Traffic	Satisfactory subject to conditions. Key comments: <ul style="list-style-type: none"> - On-site parking provision is satisfactory based on ARH SEPP parking requirements. - Net traffic generation increase is marginal. - Traffic signal system to minimise queuing (<i>Conditioned</i>). - Positive covenant for mechanical parking installation conditioned.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

	- Parking allocation conditioned.
Environmental Health	Satisfactory subject to conditions. Key comments: <ul style="list-style-type: none"> - Plan of management submitted. Conditions recommended to prohibit amplified music outside of specified hours. - Acoustic Report submitted. Details of noise impacts from mechanical plant/car park exhaust system to be addressed in Acoustic Report (<i>Conditioned - Prior to CC</i>). - AC plant, exhaust system for the car park to be detailed on plans (<i>Conditioned - Prior to CC</i>). - Preliminary Acid Sulfate Soil Assessment to be submitted to Council (<i>Conditioned - Prior to CC</i>).
Trees and Landscaping	Unsatisfactory Key comments: <ul style="list-style-type: none"> - Impacts on <i>Lophostemon confertus</i> street tree involve additional impacts from the proposed retaining walls, letter box structures, front paths and steps and extensive paved area (<i>not addressed in Arborist Report</i>). <i>Tree Protection Zone (TPZ)</i> encroachment unacceptable. - Street tree is a substantial, significant tree of high streetscape value. - Proposal requires redesign (<i>driveway crossing, layback, stormwater management plan</i>) to minimise TPZ encroachment (<i>no greater than 10%</i>).
Heritage	The proposal is not supported on heritage grounds. Refer detailed comments in the consideration of <i>Part P – Heritage of SCDP 2005</i> .

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:**(i) any environmental planning instrument****STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004**

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate 1131062M demonstrating compliance with the SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

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

Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated prior to granting consent.

A *Preliminary Site Investigation* has been undertaken by *Geotechnical Consultants Australia Pty Ltd (GCA)* regarding potentially contaminating activities which may have impacted the site. GSA

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

concludes that the site can be made suitable for the proposed development provided the recommendations within the Report (*Section 12*) are implemented during construction.

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

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, and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposal is inconsistent with the aims of the SEPP for the following reasons:

- the proposal would adversely impact on the health and viability of a significant street tree of high streetscape value (*Significant encroachment of TPZ*);
- the proposal involves excessive tree removal and inadequate replacement tree planting; and
- excavation to the side boundaries for the proposed basement levels would preclude deep soil planting in the side setback areas.

The proposal is therefore unacceptable regarding *SEPP (Vegetation in Non-Rural Areas) 2017*.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house is made pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP).

Part 2, *Division 3 Boarding Houses* applies to the proposal. This is addressed below:

Clause	Control	Proposed	Complies
26 – Land to which this Division applies	R3 medium density residential zone	Site zoned R3	Yes
27 – Development to which Division applies	Boarding houses	Boarding house	Yes
28 – Development may be carried out with consent	Development to which this Division applies may be carried out with consent	Development consent is sought for the proposed boarding house	Yes

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

29 – Standards that cannot be used to refuse consent	if the density and scale of the buildings when expressed as a floor space ratio are not more than: 1(c) – if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on a State Heritage Register – the existing floor space ratio for any form of residential accommodation permitted on the land plus: i. 0.5:1 if the existing maximum FSR is 2.5:1 or less; ii. 20% of the existing maximum FSR, if the existing FSR is greater than 2.5:1 – 1.7:1	1.26:1 946m ²	Yes
	2(a) If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument – 11m	10.94m	Yes
	2(b) if the landscape treatment of the <u>front setback</u> area is compatible with the streetscape in which the building is located.	Inadequate deep soil planting and canopy coverage.	No
	2(c) where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum 3-hours direct sunlight between 9:00am and 3:00pm in mid-winter.	Solar access to the ground floor communal room meets the minimum standards.	Yes
	2(d) if at least the following private open space areas are provided (other than the front setback area): i. one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers; ii. if accommodation is provided on site for a boarding house manager, one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.	98m ² private open space at ground level. Boarding Manager would have access to private open space area of 11m ² and minimum dimension of 2.5m.	Yes
	2(e) Parking if: (iia) – In the case of development not carried out by or on behalf of a social housing provided – at least: i. 0.5 parking spaces are to be provided for each boarding room – 18 required ii. in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site	18 proposed Not more than 1 space for the Manager.	Yes

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

	2(f) if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: <ul style="list-style-type: none"> i. 12 square metres in the case of a boarding room intended to be used by a single lodger, or ii. 16 square metres in any other case. 	Minimum dimensions for boarding rooms met (refer <i>Drawing DA1016</i>).	Yes
30 – Standards for Boarding Houses	(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
	(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	The proposal includes a communal living room.	Yes
	(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	No boarding rooms have a GFA that exceeds 25m ² .	Yes
	(c) no boarding room will be occupied by more than 2 adult lodgers,	Plan of Management can be conditioned to comply.	Yes
	(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Bathroom and kitchen facilities are included within each unit.	Yes
	(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on-site dwelling will be provided for a boarding house manager,	A manager's room is proposed	Yes
	(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	7 motorcycle and 7 bicycle spaces required and proposed.	Yes
Clause 30A – Character of local area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Unsatisfactory	No – refer assessment below

Clause 30A – Character of local area

A consent authority must not consent to development for the purpose of a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The ARH SEPP does not contain any guidance for assessing whether a proposal is compatible with the character of the local area. However, a planning principle for assessing compatibility in the urban environment was established by Senior Commissioner Roseth of the Land and Environment Court in the judgement for *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*. This involves asking the following two questions:

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

- (i) *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- (ii) *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

A merit assessment of the character of the local area should consider the following 3 steps:

- **Step 1 - Identify the 'local area'.**
- **Step 2 - Identify the character of the 'local area'.**
- **Step 3 - Determine whether the design of the proposed development is compatible with the character of the 'local area'.**

An assessment against each step is provided below:

Step 1 – Identify the 'local area'

The local area is identified in the map below as the area within the yellow lines.

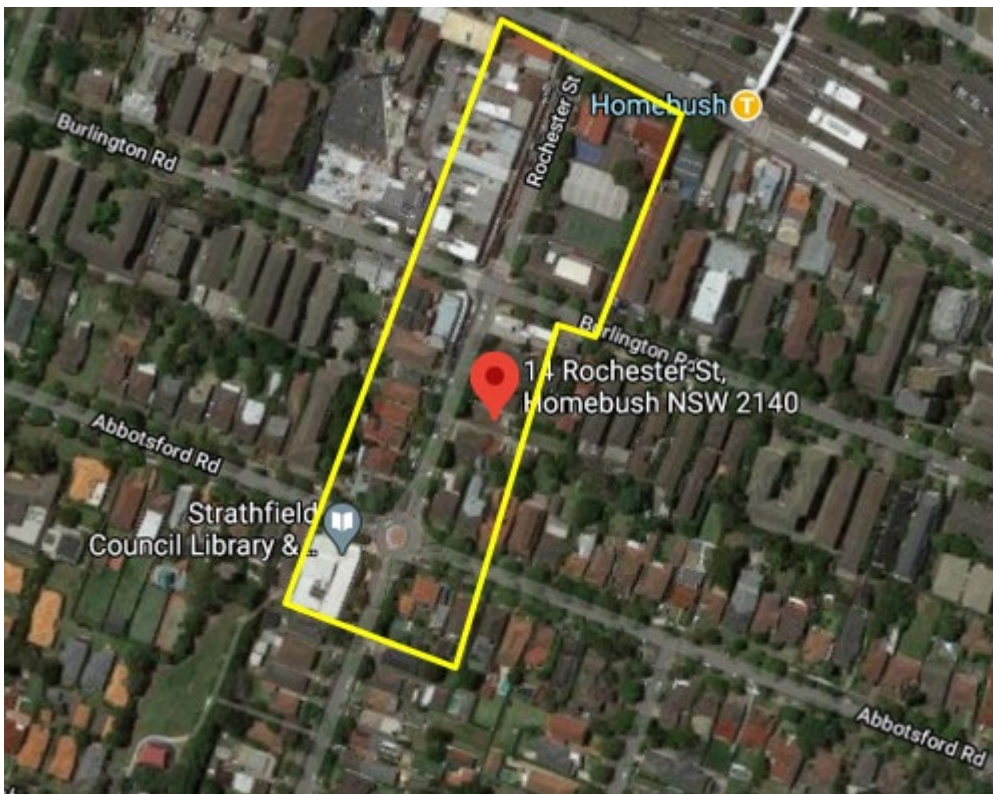


Figure 13. 'Local Area'.

Step 2 – Identify the character of the 'local area'

The site is zoned R3 medium density residential and adjoins land zoned R2 low-density residential to its south and south-west with pitched, tiled roofs. While zoned for medium density residential development, the site and allotments fronting Rochester Street to the north and west are typically characterised by single-storey dwellings on long, narrow allotments. 8 -10 Rochester Street is the only example of a medium density residential development (albeit, only 2-storeys) fronting Rochester Street. The remainder of sites (*zoned R3*) remain undeveloped and typical of the prevailing streetscape character.

R3 Zoned land fronting Burlington Road to the north/north-west of the site is typically characterised by multi-storey medium residential development but is not in the *visual catchment* of the site.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

The Abbotsford Road conservation area abuts the sites southern boundary which is characterised by federation houses set in landscaped gardens with generous front setbacks. Street trees define the local area. Homebush Village retail conservation area to the north of the site contributes to the 'local village' character.

Step 3 – Determine whether the design of the proposed development is compatible with the character of the 'local area'

The following questions assist in determining whether a building is compatible with its surroundings:

➤ *Are the proposal's physical impacts on surrounding development acceptable?*

The physical impacts include constraints on the development potential of surrounding sites.

In terms of the physical impacts of the development:

- Minimal setbacks to the side and rear would restrict the potential of adjoining sites in terms of maintaining acceptable amenity (*privacy [visual/aural], outlook, ventilation*).
 - Excavation of the basement levels to the side boundaries may trigger underpinning and engineering requirements for future excavation on adjoining sites.
 - The widened driveway crossing and retaining wall structures would have an unacceptable impact on an existing significant street tree of high streetscape value.
 - Lack of deep soil planting provision and excessive impervious surface area on the site would increase surface runoff and minimise infiltration.
 - The side elevations of the building have limited articulation. Minimal window openings (*highlight windows to side elevations*) and long corridors (*lacking daylight and ventilation*) would result in poor residential amenity for occupants.
 - The provision of a communal laundry at Basement L2 is impractical and would adversely impact upon the amenity of future occupants. The location of clothes drying facilities (*and potential visual impacts*) are not considered.
 - Details of acoustic impacts from mechanical plant from AC units and the car exhaust system have not been addressed.
 - The adjoining site to the south would be cast in full shadow between 9am to 3pm on 21 June.
 - Excessive tree removal, and inadequate replacement tree planting and deep soil coverage would compromise the 'green' amenity of the site and immediate context.
 - The location of the *On-Site Stormwater Detention* (OSD) system in the front setback may affect the viability of landscaping survival.
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- The height, bulk and massing of the development would give rise to excessive visual bulk when viewed from the surrounding properties and public domain.
 - The narrow width of the site is unsuitable for the scale of the proposed development.
 - The proposed excavation to the side boundaries to accommodate the required on-site car parking precludes the provision of deep soil planting and canopy trees in the side setback area. This is inconsistent with the landscape character of the local area.
 - The three-storey built form does not respect the prevailing streetscape character and would not provide an appropriate transition in height to low density residential development to the south.
 - The proposed building depth with limited modulation and articulation and minimal side (*1.5m*) and rear setback (*6.18m*) is excessive and does not respect the prevailing subdivision pattern.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

Conclusion

In summary, the physical impact of the proposal on surrounding developments and on future residential amenity is considered to be unacceptable. Moreover, the design and presentation of the proposed boarding house is not considered to be in harmony with the *character of the local area*.

Therefore, the proposal is unacceptable regarding Clause 30A of the ARH SEPP.

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>	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>	No
(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

The proposal is inconsistent with aims (a), (b), and (f) of SLEP 2012.

Permissibility

The subject site is Zoned R3 medium density residential under SLEP 2012 (**Figure 13**).

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

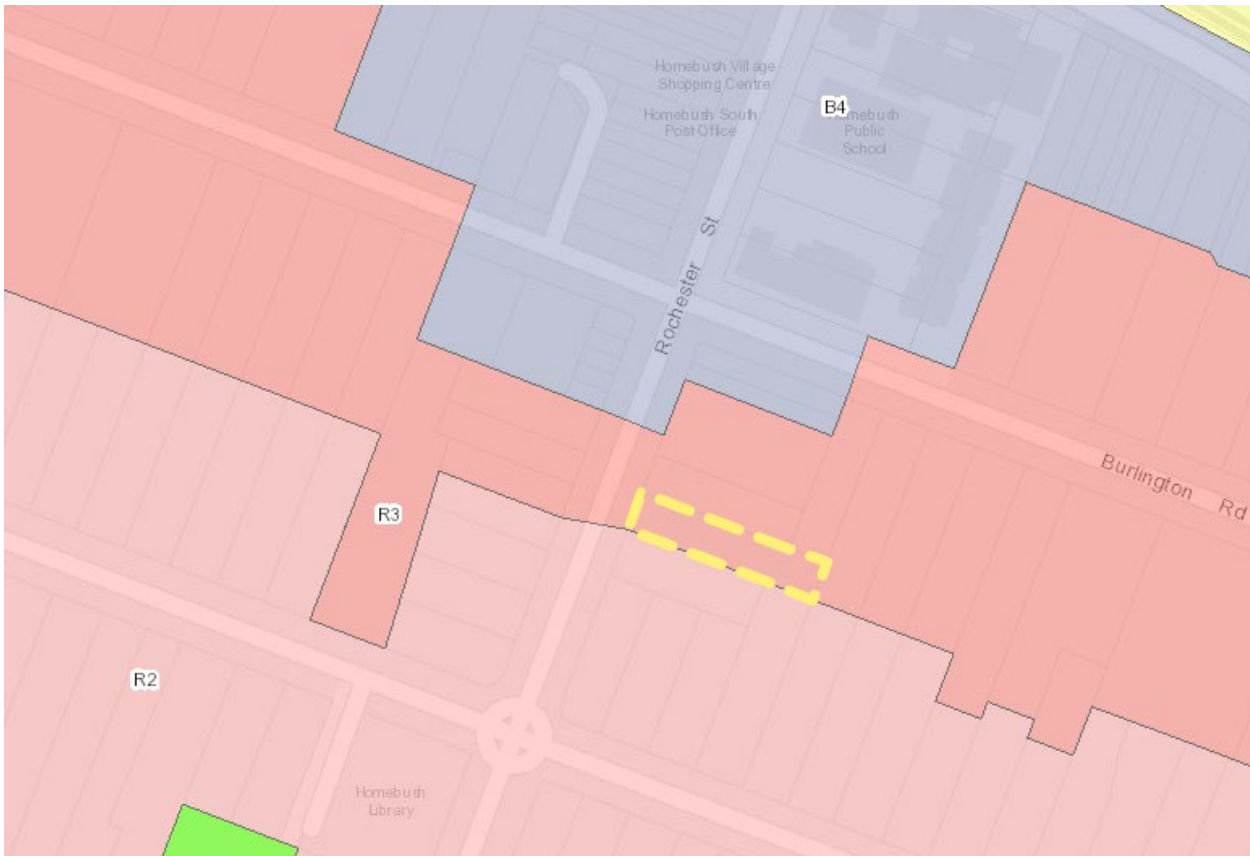


Figure 14. Zoning Map – SLEP 2021 (Source: Planning Portal).

Boarding houses are permitted with consent in the R3 zone.

Zone Objectives

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.	N/A

Comments: While the proposed development would deliver additional housing supply and housing type variety, the built form outcome is contextually inappropriate and is not supported.

Part 4: Principal development standards

Height of buildings

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	11m (Figure 14)	10.94m	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	No
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	No
(c)	To achieve a diversity of small and large development options.	No

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)



Figure 15. Height of Buildings Map – SLEP 2012 (Source: Planning Portal).

Comments: The 3-storey built form character does not provide an appropriate transition to adjacent low-scale residential development to the south and does not respect the local character of the area.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	1.2:1 (max) 894m ² + 0.5:1 Max Bonus FSR under ARHSEPP = 1.7:1 (1,266.5m ²)	1.26:1 946m 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	No

Comments: The proposal does not respect the built form character of the local area. The height, bulk and massing of the development would not maintain an appropriate scale to low density

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

residential development to the south and south-west and would not conserve the heritage significance of the Abbotsford Road HCA and Homebush village shops retail conservation area.

Part 5: Miscellaneous Provisions

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

5.10 Heritage Conservation

The site is in the vicinity of listed items at 33 and 35 Abbotsford Road and heritage conservation areas (*Homebush Village retail conservation area & Abbotsford Road HCA*) – **Figure 15**.



Figure 16. Heritage Map – SLEP 2012 (Source: Planning Portal).

Council's Heritage Officer has considered the effect of the proposed development on the heritage significance of listed items and HCA's in the vicinity. The proposal is not supported on heritage grounds. The heritage impacts of the proposal are discussed later in this report having regard to *Part P- Heritage of Strathfield Consolidated DCP 2005*.

Therefore, the proposal is unacceptable regarding objectives (a) and (b) under Clause 5.10(1).

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

Part 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map (*SLEP 2012*). A *Preliminary Site Investigation Report* by *Geotechnical Consultants Australia Pty Ltd* accompanied the DA. Due to the proposed basement excavation, the *Report* recommends that a preliminary ASS assessment is undertaken prior to construction. Council's Environmental Health (EH) Officer concurs with this recommendation and that a condition to this effect be included as part of any consent.

6.2 Earthworks

The proposal involves excavation to the side boundaries to accommodate two basement car parking levels. Consideration of the matters of consideration under subclause (3) is limited to soil classification in the the *Preliminary Site Investigation Report* by *Geotechnical Consultants Australia Pty Ltd* (*classification of soils to be excavated*).

The Report does not provide any guidance/recommendations regarding appropriate measures proposed to avoid, minimise, or mitigate the impacts of the proposed excavation (*Cl. 6.2[3][h]*).

The SEE notes that a *Geotechnical Report* has been prepared, however this was not included with the DA package.

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

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

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

The site is in the vicinity of the following heritage listed items and heritage conservation areas (*Schedule 5, SLEP 2012*):

- Federation houses at 33 and 35 Abbotsford Road (*Item 6*);
- Federation Free Style shops at 4-6 Rochester Street (*Item 36*);
- Abbotsford Road heritage conservation area (*C2*); and
- "Village of Homebush" retail conservation area.

A *Heritage Impact Statement* (HIS) has been prepared by Weir Phillips (*Aug 2020*). The HIS concludes that the proposed development would have an acceptable effect on heritage items and conservation areas within the vicinity. This finding is not supported by Council's Heritage Officer.

An assessment against the relevant provisions in *Section 3 – Development in the Vicinity of Heritage Items* by Council's Heritage Officer is included below:

3.1 General	Comment	Complies
A. <i>To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.</i>	The development has not considered the impact of the appearance of bulk on nearby heritage items and Heritage Conservation Areas. The development is intrusive due to its proportions of 3 x pitched roofs layered on top of each other and inconsistent window/verandah sizes and shapes, which will dominate the streetscape.	No
B. <i>To ensure that development in</i>	The site is located on the same block as	No

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

<i>the vicinity of a heritage item does not detrimentally impact upon the heritage significance of heritage items and heir settings.</i>	two conservation areas. The existing single-storey federation dwelling contributes to the setting between the two conservation areas. This development requires a significant redesign to allow for a better development that fits into this unique location between heritage items and Heritage Conservation Areas.	
<i>C. To ensure that new development is compatible with the heritage values of nearby heritage items.</i>	The heritage values of the Conservation Areas as outlined in the Statement of Significance is for a "high quality streetscape"... "architecture and aesthetic qualities" (C2 Abbotsford Road HCA) and consistency of materials, scale, and detailing (CS, Village of Homebush HCA). The development does not appear to be compatible with these heritage values.	No
3.2 Setting	Comment	
<i>A. To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.</i>	The bulk and scale of the development is considered to detract from the significance of the listed items in the vicinity and their setting.	No
<i>B. To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.</i>	The site is located between two conservation areas and two heritage items. It reflects some Federation style, but its form is inconsistent (e.g. windows) and is excessively bulky.	No
3.2 Setting Controls	Comment	
<i>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.</i>	The development is visible via a view corridor between the listed dwellings (<i>Refer comments below</i>). In this regard the proposal is considered to have a negative impact on the visual setting of the listed items.	No
<i>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 the dominant style, form and materials in the streetscape.</i>	Federation is the dominate style. The development incorporates some elements of this style but is not consistent in form. The proposal uses cheap materials such as aluminum roof and brickwork, which are not supported.	No
3.3 Scale	Comment	
<i>a. 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.</i>	The development appears bulky, has limited articulation and its federation elements appear excessive (<i>3 x Federation roofs</i>).	No
3.3 Scale Controls	Comment	

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

<p>(i) <i>The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.</i></p>	<p>The development is substantially greater than the built heritage items.</p>	<p>No</p>
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Additional comments are included below:

The site is in a unique "link" position between two Heritage Conservation Areas, one commercial and one residential. It is one of three undeveloped lots that is directly located between these two conservation areas and so the development of the lot must be carefully considered. The site is also on the border of a medium and a low-density area. Heritage items are situated close by (within the same block), and the site (*at the rear*) directly adjoins the *Abbotsford Road Heritage Conservation Area*.

The applicant has proposed a development, which aims to blend into the streetscape, but appears to fail to do so. The development presents as a dark brick box with little articulation and built to the width of the suburban lot, three levels of mock Federation style roofs, and various arrangements of different types of modern window styles and verandah openings awkwardly positioned on the façade. The resulting effect is that the development, rather than blend into the streetscape, is likely to appear as an intrusive overdevelopment of the site dominated by roofs, bricks, and odd assortment of windows.

View corridors

A site inspection was undertaken from Abbotsford Road to view the visual impact of the proposed development on the listed items at 33 and 35 Abbotsford Road and Abbotsford Road HCA. The development runs the full length of the rear yards of 29-35 Abbotsford Road. A view corridor of the proposed development is possible between the listed items at Abbotsford Road (**Figure 17**). The height and bulk of the southern side of the development would be visible and have a negative impact on the visual setting of the listed items.



Figure 17. View corridor between listed heritage items at 33 and 35 Abbotsford Road.

Conclusion

The proposal is unacceptable regarding *Part P – Heritage* of SCDCP 2012.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

PART I – PROVISION OF OFF-STREET PARKING

Off-Street Parking

A *Traffic and Parking Impact Assessment* has been prepared by *Stanbury Traffic Planning*.

The car/bicycle/motorcycle parking rates under the ARH SEPP prevail. The proposal complies with the required on-site parking provision under the ARH SEPP.

Traffic Generation

Council's Traffic Engineer has determined that the net traffic generation increase would be marginal.

On-site Parking Layout

All aspects of the carpark and the associated vehicular access have been assessed against AS/NZS 2890 series.

The current parking layout only permits access for passenger vehicles and light vans. Further advice is required on the waste collection arrangement to ensure the suitability of the parking layout.

Due to the site constraint (*narrow lot width*), a single width driveway is proposed to allow two-way traffic. The estimated traffic generation suggests minimal conflicts on the proposed single width driveway. Notwithstanding this, a traffic signal system shall be introduced to ensure the safety for traffic moving along the driveway (*can be conditioned*). It is noted that the proposed driveway is subject to the clearance requirement from an existing street tree.

Assessing Officer's Note: Council's Tree Officer does not support widening the existing driveway and associated TPZ encroachment of the existing street tree.

PART Q – URBAN DESIGN CONTROLS

Consideration of *Part Q- Urban Design Controls* is addressed in the Applicant's SEE.

The proposed development is contrary to the following sections of *Part Q*:

- Section 2.1 – Public domain and place
 - The 3-storey built-form and architectural design would have an intrusive visual impact on the public domain.
- Section 2.2 – Streetscape
 - The proposed building height, massing and scale would not contribute positively to the street and locality.
 - The proposal does not respond to, or sensitively relate to the spatial characteristics of the existing urban environment including block patterns and subdivision, landscape, and setbacks.
 - The 3-storey building height would not maintain a compatible scale with adjacent development.
 - The building design and landscaping is not in harmony with the form, mass, and proportions of the streetscape.
 -
- Section 2.3 – Siting

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

- Minimal side setbacks provide inadequate separation to adjacent development and would contribute to poor residential amenity and unacceptable overshadowing impacts to the adjoining property to the south.
- Section 2.4 – Building envelope
 - The building envelope is excessive for the narrow, elongated site and provides for insufficient articulation of the facades.
 - The bulk and scale of the development does not reflect the existing and desired future character of the existing street and surrounding locality.
- Section 2.5 – Building massing and scale
 - The building mass and form is contextually inappropriate and would not enhance the visual character of the street.
 - The built form does not provide an appropriate transition to the adjacent heritage conservation area and low density residential area to the south.
 - The proposed building height and side setbacks would result in unacceptable amenity impacts to neighbouring development.
- Section 2.6 – Transition zone essential criteria
 - The site is zoned R3 but adjoins R2 low density zoned land to its immediate south. The built form does not provide an appropriate transition in terms of building height, bulk, and setbacks.
- Section 2.7 – Building frontages to Public Domain
 - The appearance of the boarding house would not complement the streetscape character.
 - The proposed building incorporates poor quality building materials.
 - The proposal is characterised by large blank walls along the side elevations.
- Section 2.8 – Roof form
 - The front façade includes three levels of mock Federation style roofs which would detract from the significance of listed items and in the vicinity and the Abbotsford Road HCA.

Section 3 – Amenity Guidelines

- Section 3.3 Visual and acoustic privacy
 - Minimal side setbacks would create privacy issues for future development on the adjoining sites.
- Section 3.4 Acoustic amenity and air quality
 - Acoustic impacts from AC plant and the car park exhaust system have not been addressed in the submitted Acoustic Report.
- Section 3.5 Solar access and cross ventilation
 - Small high-level windows along the side elevations and long (*unventilated and dark*) central corridors would severely limit access to natural light and ventilation.
- Section 3.9 Landscaping
 - The proposed driveway is unfeasible as it would involve unacceptable encroachment of the TPZ of a significant street tree of high landscape value.
 - Excavation to the side boundaries for the basement levels would preclude the provision of deep soil planting and canopy tree coverage in the side setback areas.
 - Excessive tree removal of existing perimeter planting at the rear and inadequate replacement tree planting is not supported.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

Conclusion

The proposal is unacceptable regarding *Part Q – Urban Design Controls* of SCDCP 2005.

PART H - WASTE MANAGEMENT

A *Waste Management Plan* has been submitted with the DA.

A waste room and separate bulky goods room is proposed at Basement level 1.

A detailed assessment of the proposed waste management system has not been undertaken by Council's Waste officer at this stage due to the significant issues associated with the built form of the proposal.

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

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

(i) matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2000 (the Regulation)

Clause 92: What Additional Matters Must a Consent Authority Take into Consideration in Determining a Development Application?

Clause 92 of the Regulation requires Council to consider *Australian Standard AS2601-2004: The demolition of structures*. This can be conditioned.

Clause 98: Compliance with Building Code of Australia and Insurance Requirements under the Home Building Act 1989

Clause 98 of the Regulation prescribes compliance with the BCA and insurance requirements for residential development under the *Home Building Act 1989*. These matters can be conditioned.

(ii) any coastal zone management plan

No relevant matters for consideration.

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 previously in this Report.

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

The proposed development is unsuitable to the site (*Refer 'Reasons for Refusal'*). The proposed building envelope does not accord with the prevailing subdivision pattern characterised by long and narrow allotments.

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

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

The application was notified in accordance with Part L of the SCDPC 2005 from 8/10/20 to 30/10/20. 23 Submissions were received.

The following issues are raised:

Issue	Concerns Raised in Submissions
Character of the local area	<ul style="list-style-type: none"> • The proposal does not Comply with the ARH SEPP (<i>Clause 30A – Local Character test</i>). • The proposed boarding house is incompatible with the village character of the local area, which is predominantly characterised by single storey, Federation style homes. • Proposed boarding house is incompatible with village style, family atmosphere.
Height, bulk, and scale	<ul style="list-style-type: none"> • The 3-storey presentation of the proposed development is excessive and contextually inappropriate. • The bulk and scale of the development overwhelms the site and is not in keeping with the area. • The proposal has minimal side setbacks and dominates the small 745m² block. • The proposed building design is unsympathetic to the streetscape character.
Heritage	<ul style="list-style-type: none"> • The proposed development would be intrusive and visually dominant in the streetscape context. • The proposed development is not in keeping with the Federation character of the nearby heritage conservation area.
Traffic and parking	<ul style="list-style-type: none"> • Increased traffic congestion in local road network. • Pedestrian/driver safety due to increased density, particularly school students at Homebush Primary School. • Concerns raised over practicality of car lift and queuing. • The driveway and parking access does not appear to accommodate large trucks for maintenance or waste disposal. • No on-site visitor parking provision. • Loss of on-street parking for visitors to Rochester Street retail area.
Social impacts	<ul style="list-style-type: none"> • Anti-social behaviour. • The proposed <i>Plan of Management</i> does not address the cumulative impacts arising from the operation of multiple boarding house developments in the same locality. • Increased illegal waste dumping.
Overshadowing	<ul style="list-style-type: none"> • Unacceptable overshadowing impacts of the adjoining property to the south. <p><i>Assessing Officer's Comments: Overshadowing impacts to 16 Rochester Street are regarded to be unacceptable and are discussed previously in this Report.</i></p>
Privacy impacts-visual and noise	<ul style="list-style-type: none"> • Privacy impacts (visual and aural) to 29 Abbotsford Road. No details of privacy screens to rear southern balconies provided. <p><i>Assessing Officer's Comments: Privacy screens to southern side of Level 1 & Level 2 balconies can be conditioned. All other side elevation windows are highlight windows.</i></p> <ul style="list-style-type: none"> • Privacy impacts to 12 Rochester Street. <p><i>Assessing Officer's Comments: Norther side elevation windows are</i></p>

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

	<p><i>highlight windows. Glass bricks are proposed to the northern side stair and would not create privacy impacts.</i></p> <ul style="list-style-type: none"> • Enforcement of visitor hours in <i>Plan of Management</i>. • Adjacent medical centre requires peace and quiet. The proposed use and density would give rise to unacceptable noise impacts. •
Public interest	<ul style="list-style-type: none"> • The proposal is not in the public interest.
Amenity	<ul style="list-style-type: none"> • The unit sizes are small, have small windows, and only some have tiny balconies. This would result in a poor level of residential amenity.
Fire Hydrant	<ul style="list-style-type: none"> • Fire hydrant location not specified. Potential streetscape impact not addressed.

All likely impacts have been addressed elsewhere in the report or are considered to be satisfactory and not warrant further consideration.

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

The proposed development is contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

Should this application be approved, payment of a 7.11 contribution in accordance with Council's contributions plan is to be conditioned.

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.

RECOMMENDATION

That Development Application No. 2020/162 for demolition of existing structures and construction of a three (3) storey boarding house containing 35 boarding rooms (including managers room) over 2 levels of basement car parking for 18 cars, 7 motorcycles and 7 bicycles at 14 Rochester Street be **REFUSED** for the following reasons:

1. Character of the local area

- 1.1 The proposed development is not compatible with the character of the local area. As such, the proposal does not comply with Clause 30A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- 1.2 The proposal is contrary to aim (a) under *Clause 1.2(2)* of SLEP 2012 in that the proposed development does not achieve a high-quality urban form that reflects the existing and desired future character of the local area.

2. Built form

- 2.1 The proposed development presents as three storeys which is inconsistent with the typical

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

one and two storey streetscape character.

- 2.2 The building envelope is excessive for the narrow, elongated site and provides for insufficient articulation of the facades. The proposal does not respond to, or sensitively relate to the spatial characteristics of the existing urban environment including block patterns, landscape treatment, and setbacks.
- 2.3 The building height, massing and scale of the proposed development would not provide an appropriate transition to adjacent low density residential development to the south and is contrary to the existing and desired future character of the existing street and surrounding locality.
- 2.4 The building height, massing and scale of the proposed development would not provide an appropriate transition to adjacent low density residential development to the south and is contrary to the existing and desired future character of the existing street and surrounding locality.
- 2.5 The proposed building envelope and basement levels to the side boundaries is a gross overdevelopment of the site.
- 2.6 The proposal does not satisfy the relevant objectives of the height of buildings (*Clause 4.3*) and floor space ratio (*Clause 4.4*) development standards under SLEP 2012.

3. Heritage

- 3.1 The proposed development would have a negative impact on the significance of listed items and heritage conservation areas in the vicinity.
- 3.2 The development presents as a dark brick box with little articulation and built to the width of the suburban lot, three levels of mock Federation style roofs, and various arrangements of different types of modern window styles and verandah openings awkwardly positioned on the façade. The resulting effect is that the development, rather than blend into the streetscape, is likely to appear as an intrusive overdevelopment of the site dominated by roofs, bricks, and odd assortment of windows.
- 3.3 The height and bulk of the southern side of the development would be visible through a view corridor between listed Federation houses at 33 and 35 Abbotsford Road. In this regard, the proposal would have a negative impact on the visual setting of the listed items.
- 3.4 The development incorporates some elements of the Federation style but is not consistent in form. The proposal uses cheap materials such as aluminum roof and brickwork, which are not supported.
- 3.5 The proposal is inconsistent with *Part P - Heritage* of SCDCP 2005, and *Clause 1.2(2)(f)* and *Clause 5.10 – Heritage Conservation* of SLEP 2012.

4. Amenity

- 4.1 The proposal would achieve an unacceptable level of amenity for occupants.
- 4.2 The boarding rooms are located off one long and dark central corridor with no natural air and limited access to light from glass blocks to private balconies.
- 4.3 The provision of a communal laundry at Basement L2 is impractical and would adversely impact upon the amenity of future occupants. The location of clothes drying facilities (*and potential visual impacts*) are not considered.

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

- 4.4 The development proposes a significant number of rooms that rely entirely on fresh air, light, and outlook from side boundaries.
- 4.5 With the exception of the rooms that face either the street or the rear, all rooms are provided with small high-level windows on the side elevations. The small windows, particularly on the southern side would create dark rooms with minimal outlook, creating poor amenity.
- 4.6 The proposed building envelope extends very deep into the site within minimal building setbacks that would adversely impact the amenity of both the subject development and its immediate neighbours.
- 4.7 The provision of a communal laundry at Basement L2 is impractical and would adversely impact upon the amenity of future occupants.
- 4.8 For the reasons above the proposal does not exhibit design excellence. As such, the proposal is contrary to aim (a) under *Clause 1.2(2)* of SLEP 2012.

5. Overshadowing

- 5.1 The elongated building envelope and long orientation of the allotment in an east to west direction would create unacceptable levels of overshadowing to the adjoining property to the south, zoned R2 low density residential and located within the *Abbotsford Road Heritage Conservation Area*.
- 5.2 The adjoining property to the south would be cast in full shadow between 9am and 3pm mid-winter.

6. Landscaping

- 6.1 The proposal involves excessive tree removal, insufficient tree replacement, and inadequate deep soil planting and canopy coverage.
- 6.2 The proposed excavation to the side boundaries to accommodate the required on-site car parking precludes the provision of deep soil planting and canopy trees in the side setback area. This is inconsistent with the landscape character of the local area.
- 6.3 The proposed vehicular crossing is unfeasible as it would involve unacceptable encroachment of a significant street tree of high landscape/streetscape value.
- 6.4 Inadequate deep soil planting is provided in the front setback to be considered compatible with the streetscape, contrary to *Clause 29(2)(b)* of the ARH SEPP. Concerns are raised regarding the location of the OSD tank in the front setback and viability of the proposed plantings.

7. Public interest

- 7.1 The proposal is not in the public interest as evidenced by the substantial number of objections received.
- 7.2 The proposed development is not compatible with the character of the local area.
- 7.3 The proposed development would result in unacceptable visual impacts on the built environment.

8. Suitability of the site

DA 2020/162 - 14 Rochester Street, Homebush - Lot F DP 435796 (Cont'd)

- 8.1 The proposed development is unsuitable to the site (*Refer 'Reasons for Refusal'*). The proposed building envelope and landscape treatment does not accord with the prevailing subdivision pattern characterised by long and narrow allotments.

9. Insufficient information

- 9.1 A *Geotechnical Report* has not been submitted with the application to address the proposed excavation for the two basement levels.
- 9.2 *Building Code of Australia* fire separation requirements have not been considered.
- 9.3 Acoustic impacts from mechanical plant and the car park exhaust system have not been addressed.
- 9.4 The location of clothes drying facilities (*and potential visual impacts*) has not been considered.

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Local Planning Panel Meeting - 1 April 2021
REPORT: SLPP – Report No. 11
SUBJECT: DA2005/264/2 - 416-420 LIVERPOOL ROAD, STRATHFIELD SOUTH -
LOT 100 DP 774567 AND LOT 4 DP 773523
DA NO. DA2005/264/2

SUMMARY

Proposal: Section 4.56 Modification Application to modify Condition 5 (maximum student capacity) and increase the number of students from 450 to 500 students.

Applicant: Australian International Academy

Owner: N Taluja

Date of lodgement: 2 December 2020

Notification period: 13 to 29 January 2021

Submissions received: Nineteen (19) submissions

Assessment officer: M Rivera

Estimated cost of works: \$0

Zoning: R3 - Medium Density Residential - SLEP 2012
Heritage item – I228

Heritage: Former Leigh College including E Vickery Memorial Hall—school

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

On 15 February 2007, a Class 1 appeal was upheld by the Land and Environment Court for a development application seeking approval for the adaptive re-use of existing buildings for the use of a primary and secondary school at No. 416-420 Liverpool Road, Strathfield South.

On 2 December 2020, a Section 4.56 Modification Application was lodged to Council, which was seeking approval for modifying Condition 5 to allow for an increased number of students from 450 to 500 students – an increase of 50 students.

The subject application was publicly notified on 13 December 2020 for a minimum of fourteen (14) days, in accordance with Strathfield Council's Community Participation Plan (CPP). Nineteen (19) submissions were received as a result. All of the issues raised in these submissions were associated with the approved school and such as heritage, traffic/parking, noise and non-compliance with Court orders. Some concern was also raised with regard to the likely increased traffic impacts due to the proposed increase in student numbers.

Due to the nature and extent of works proposed, the subject modifications reflect the same compliance as the approved development, with regard to the relevant matters for planning consideration under the *Environmental Planning and Assessment Act 1979* including provisions

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Educational SEPP), the Strathfield Local Environmental Plan 2012 (SLEP 2012) and the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). Any impacts associated with the proposed increase in student numbers (including traffic generation) have been assessed and detailed in this report, and are considered acceptable. Accordingly, the proposed modifications are considered supportable and is recommended for approval.

The application has been referred to Council's Strathfield Local Planning Panel (SLPP) as the modification application involves modifications to a Court consent, has received more than three (3) submissions and is considered contentious development.

SECTION 4.56 OF THE EP&A ACT 1979

Section 4.56 of the *Environmental Planning and Assessment Act 1979* states as follows:

"4.56 Modifications by consent authorities of consents granted by the Court

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—*
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, and*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

With regards to subclause 'a', it is considered that the modifications sought as part of this application are substantially the same development as the development for which the consent was originally granted for. The proposed modifications specifically relate to an increase in the number of students from 450 to 500. The proposed modification does not alter the existing structures and buildings relating to the approved school and results in the same approved land use. The proposed modifications will have similar impacts in terms of amenity, privacy, overshadowing and streetscape.

With regards to subclause 'b', the application was notified as per the previous notification area for the approved development, for at least fourteen (14) days, in accordance with Strathfield Council's CPP. Nineteen (19) submissions were received during notification period.

Council records With regards to subclauses 'c' and 'd', the application was notified as per the CPP to all surrounding neighbours and nineteen (19) submissions were received.

Clause 4.56 (1A) of the *Environmental Planning and Assessment 1979* states the following:

**DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)**

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting consent for the approved development were as follows:

“Pursuant to Section 34 of the Land and Environment Court Act 1979, the Land and Environment Court noted that the parties have reached agreement at a conciliation conference as to the terms of a decision in the proceedings that would be acceptable to the parties “

Considering the nature of the proposed modification, the above reasons for granting consent apply. The proposed modifications retain the approved land use as a school – educational establishment. The nature of the proposed modifications ensures that these reflect the same compliance as the approved development, with regard to the relevant planning provisions and considerations, including those under the Educational SEPP, SLEP 2012 and SCDCP 2005. The proposed increased student numbers is considered to have an acceptable level of impacts including those associated with traffic, parking, noise and waste management.

BACKGROUND

17 February 2007	Development application (DA2005/264) was determined and approved by the LEC, subject to conditions of consent.
2 December 2020	The subject Section 4.56 Modification Application was lodged to Council (DA2005/264/2).
13 January 2021	The subject Section 4.56 Modification Application was notified in accordance with the CPP. The notification period ended on 29 January 2021 and nineteen (19) submissions were received.
27 January 2021	A site visit was undertaken by the Council assessment officer.
4 February 2021	A deferral letter was issued to the applicant, raising issues associated with traffic and waste management.
10 March 2021	The applicant submitted additional information to address the issues raised in the letter.

DESCRIPTION OF THE PROPOSED MODIFICATION

The proposed modification involves increasing the number of students from 450 to 500 students (an increase of 50 students) and modifying Condition 5 to reflect this increased capacity.

It is noted that the proposed modification involves:

- No further changes to the current Court issued consent;
- No further changes to the operations of the approved school; and
- No demolition, building and construction works.

REFERRALS

INTERNAL REFERRALS

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

Environmental Health Officer Comments

Council's Environmental Health Officer provided the following commentary:

"The application was reviewed in regards to environmental health impacts. The application seeks to increase the number of students from 450 to 500. No changes to the hours of operation are proposed. As no earthworks are proposed, the environmental health impacts are noise.

The school was approved by the Land & Environment Court in 2007. The judgement did not consider or impose any restrictions on students due to noise impacts.

The application was accompanied by an acoustic report that concluded that the "increase of students from 450 to 500 to an overall increased noise level of 0.45dB" and the increase will not adversely affect the amenity of the nearby residence.

I concur with the conclusion of the acoustic report. An increase of 0.45dB will be almost imperceptible to human hearing. As the application does not seek to change the hours of operation I am satisfied the application is unlikely to have a significant impact on the amenity of the neighbourhood."

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

Heritage Advisor Comments

Council's Heritage Advisor noted that the application does not involve any changes to the existing heritage item. It was confirmed that no further assessment is required with regard to heritage impacts.

Traffic Manager Comments

Council's Traffic Manager provided the following commentary:

"Based on the assessment dated 5 January, additional information was requested to examine the existing operation of the drop off/pick up within school grounds and if it can continue supporting the increase in student drop off/pick up within school grounds without impacting the on-street parking in surrounding road network.

Based on the traffic generation estimation below associated with the 50 students:

AM Peak 18 arrival/18 departure totaling 36 vehicle trips

PM Peak 16 arrival/16 departure totaling 32 vehicle trips

87.60% of secondary students being dropped off within school grounds yields an additional 16 drop off within school grounds versus 2 on-street in the AM peak, and 14 pick up within school grounds versus 2 on-street in the PM peak.

The Traffic Statement provides additional information based on a survey which revealed ample capacity within the school ground and the existing on-street No Parking zone. The moderate level of increase in pick up/drop off activities would likely be accommodated within the school grounds and the on-street No Parking zone and hence would not result in an unacceptable impact on the surrounding road network."

Council's Traffic Manager confirmed no objections to the proposal subject to the imposition of recommended conditions of consent.

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

Waste Officer Comments

Council's Waste 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 4.15C of the *Environmental Planning and Assessment Act 1979* as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

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

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 proposed modification does not involve changing the approved land use as a school. Accordingly, the objectives outlined within SEPP 55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017 (EDUCATIONAL SEPP)

Under Clause 35(1) Schools are development permitted with consent in the R3 – Medium Density Residential zone (prescribed zone). It is noted that the proposed modification relates to the approved school and does not involve a change of land use.

Clause 36(1) of the Educational SEPP stipulates a range of development which is permitted without consent. Clause 36(2) states that:

However, subclause (1) applies only to development that—

(a) does not require an alteration of traffic arrangements (for example, a new vehicular access point to the school or a change in location of an existing vehicular access point to the school), or

(b) in the case of development referred to in subclause (1)(a)—does not allow for an increase in—

(i) the number of students the school can accommodate, or

(ii) the number of staff employed at the school,

that is greater than 10% (compared with the average of each of those numbers for the 12-month period immediately before the commencement of the development)."

Accordingly, the subject application was submitted to Council seeking approval for the increased number of students.

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

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

Comments: The approved development as modified by this current Section 4.56 modification application is consistent with the general aims of SLEP 2012.

Permissibility

No change is proposed to the approved use of the site for the purpose of a school (educational establishment).

Zone Objectives

An assessment of the proposal against the objectives of the R3 – Medium Density Residential zone is as follows:

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

Comments: The modification sought as part of this application are consistent with the relevant objective of the R3 – Medium Density Residential zone.

Part 4: Principal development standards

None of the provisions under Part 4 of the SLEP 2012 are triggered by the proposed modification.

Part 5: Miscellaneous Provisions

None of the provisions under Part 5 of the SLEP 2012 are triggered by the proposed modification.

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

Part 6: Local Provisions

None of the provisions under Part 6 of the SLEP 2012 are triggered by the proposed modification.

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 of this development control plan is as follows.

Part M – Educational Establishments

4.11 – Environmentally Sustainable Development (ESD) Principles

Objectives:

1. To ensure that educational establishments incorporate environmentally sustainable development principles in site orientation, building design, fixtures, fittings, energy and resource usage and staff and student transportation.

Comments: The proposed modification achieves the above objective. There are no physical changes to the existing school in terms of the abovementioned aspects.

Relevant requirements:

5. Where a new educational establishment is proposed with student numbers of 50 or more or where an additional 50 or more students are proposed to an existing educational establishment, an Environmentally Sustainable Travel Plan is required in accordance with Guideline b) to encourage and provide environmentally sustainable travel modes to and from the educational establishment.

Comments: It was confirmed by the applicant that the majority of students are dropped off and picked up within school grounds. The nominal increase of students is considered acceptable and is not likely to significantly require changes to the existing public transport, bus and private vehicular arrangements currently undertaken for the school. Further, Council's Traffic Manager confirmed that the additional student capacity will not have a significant traffic impact on local roads. Accordingly, in this instance, an Environmentally Sustainable Travel Plan is not required.

4.15 – Traffic, Parking and Access

Relevant requirements:

1. Where a new educational establishment is proposed with student numbers of 50 or more or where an additional 50 or more students are proposed to an existing educational establishment, a Traffic and Parking Impact Assessment Report is required.

Comments: The applicant provided a Traffic and Parking Impact Assessment Report.

3. Comply with Part I DCP - Provision of Off-street Parking Facilities and Australian Standards AS 2890.1 and AS2890.2

Comments: Council's Traffic Manager confirmed that the additional student capacity can be facilitated by the current vehicular access and parking arrangement for the school.

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan (WMP) was submitted as part of the development application. Council's Waste Officer confirmed that some amendments to the WMP must be incorporated prior to construction to ensure the proposal demonstrates general compliance with the relevant controls. A condition of consent is recommended to reflect the above.

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

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

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

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

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

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 on the natural and built environment as well as social and economic impacts, in relation to the proposed increased in student capacity, are considered acceptable and reasonable.

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

The approved development as modified by the current Section 4.56 Modification Application does not alter the suitability of the development to the site. The modifications sought as part of this application involve an acceptable level of environmental impacts and will result in substantially the same development for which consent was originally granted.

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

The application was notified in accordance with the CPP from 13 to 29 January 2021. A total of nineteen (19) submissions received. Submissions were received from the following properties:

- 18/1 Bennett Avenue, Strathfield South
- 20/1 Bennett Avenue, Strathfield South
- 38/1 Bennett Avenue, Strathfield South
- 42/1 Bennett Avenue, Strathfield South
- 51/1 Bennett Avenue, Strathfield South
- 54/1 Bennett Avenue, Strathfield South
- 55/1 Bennett Avenue, Strathfield South
- 61/1 Bennett Avenue, Strathfield South
- 62/1 Bennett Avenue, Strathfield South
- 63/1 Bennett Avenue, Strathfield South
- 72/1 Bennett Avenue, Strathfield South
- 10 Bennett Avenue, Strathfield

**DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)**

- Edward Street, Strathfield South (unknown street number)
- 13 Edward Street, Strathfield South
- 24 Hillcrest Avenue, Strathfield South
- 28 Hillcrest Avenue, Strathfield South – two (2) submissions
- 30 Hillcrest Avenue, Strathfield South
- 1/427 Liverpool Road, Strathfield

The table below provides a list of the issues and concerns raised in the above submissions and details responses to these issues/concerns:

Issue / Concern	Response
Court consent conditions not complied with	This is considered a compliance matter.
Exceeding existing student capacity	This is considered a compliance matter.
Heritage	A review by Council's Heritage Advisor confirmed that the increased number of students will have negligible impact on the heritage item.
Incorrect description of works	Council staff have modified the proposal description to ensure that Condition 5 is not to be deleted but is to be modified to reflect the correct description of modification.
Acoustic report Noise impacts	An assessment by Council's Environmental Health Officer confirmed that any noise impacts related to the increased student capacity are considered acceptable and reasonable.
Statement of Environmental Effects (SEE)	Notwithstanding the information presented in the SEE, Council's assessment officer undertook a separate assessment that confirmed that the proposed modification is acceptable and supportable.
Temporary buildings should be demolished	This is considered a compliance matter that must be treated separately from the subject application.
Traffic and parking impacts Students driving to school not considered	An assessment by Council's Traffic Manager confirmed that the traffic impacts related to the increased capacity are considered acceptable and reasonable.
Unsafe driving behaviour	Driving behaviour is considered a civil/police matter and should be addressed by the relevant authorities.
Unsafe pedestrian behaviour	Pedestrian behaviour is considered a civil/police matter and should be addressed by the relevant authorities.

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. The approved development as modified by the current modification application is not contrary to the public interest.

SECTION 7.11 CONTRIBUTIONS

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

Section 7.11 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

This section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

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



Signed: Miguel Rivera
Senior 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: Joseph Gillies
Senior Planner

DA2005/264/2 - 416-420 Liverpool Road, Strathfield South -
Lot 100 DP 774567 and Lot 4 DP 773523 (Cont'd)

RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2005/264/2 for involving Section 4.56 Modification Application to modify Condition 5 (maximum student capacity) and increase the number of students from 450 to 500 students at 416-420 Liverpool Road, Strathfield South be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2005/264) as approved by the Land and Environment Court on 15 February 2007 for the adaptive re-use of existing buildings for the use of a primary and secondary school.
2. As modified by the Section 4.56 Application (DA2005/264/2) as follows:
 - i) Condition 5 of consent modified to reflect increased number of students.
 - ii) Condition 17 of consent modified to reflect provision of litter management plan as part of waste management plan.

Accordingly, Development Consent No. DA2005/264 is approved as follows:

Modify Condition 5 as follows:

5. The school shall not have more than ~~450~~ **500** students, ~~consisting of no more than 175 primary school students and 275 high school students.~~

Modify Condition 17 as follows:

17. (1) Suitable seated rubbish bins shall be provided within the school grounds so as to keep the school free of litter and generally clean and tidy.

(2) A comprehensive waste management plan for the placement, storage and collection of waste and recycling bins shall be submitted to Council within three (3) months of the date of this consent **(and any subsequent dates following the approval of any modifications)**. The waste management plan shall address school litter, cardboard and other recyclable materials associated with the school.

A litter management plan must be included in the waste management plan, indicating all steps being taken to prevent, reduce and collect any litter produced by the site as well as measures such as cleaner to conduct litter collection within a 15m radius from all exits and entries.

All other conditions, as endorsed by the Land and Environment Court on 15 February 2007 and included in Annexure A of the Court orders remain unchanged.

ATTACHMENTS

1. Court Orders - Current Consent

Copy DA Max

In the Land and Environment Court of New South Wales

No. 10229 of 2006

H. B. Noori

Applicant

Strathfield Municipal Council

Respondent

Order

The Court orders that:

- 1. The appeal is upheld.
- 2. The development application DA0405/264 for the adaptive re-use of existing buildings for use as a primary and secondary school at 416-420 Liverpool Road, Strathfield is approval subject to the conditions in Annexure A.
- 3. The exhibits except exhibits H, J, K and 7 may be returned.

Ordered: 15 February 2007



Susan Dixon
Registrar
ljr

STRATHFIELD COUNCIL RECEIVED

DA2005.264.2
2 December 2020

Appeal No: 10229 of 2006

Annexure 'A'
Conditions of Consent

Noori v Strathfield Municipal Council
416-420 Liverpool Road, Strathfield

- 1. (1) The development shall be completed in accordance with the approved plans listed below prior to the building being used or occupied but subject to any variation as required by the conditions detailed herein.

<u>Drawing Nos.</u>	<u>Date Received</u>
DA02-J	13 th October 2006
DA03-C	4 th April 2005
DA04-E	18 th October 2005
DA05-B	4 th April 2005
05008-H01D Rev. D	7 th August 2006
05008-H07A Rev. A	7 th August 2006

- (2) A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
- (3) The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
- (4) The occupation certificate shall not be issued until all work associated with the approved use has been carried out. The number of students permitted on the site is to comply with the Building Code of Australia.
- 2 The Traffic Management Plan dated August 2006 be amended to be consistent with the site plan DA-02J dated 13 October 2006.
- 2A (1) The following works shall be carried out at the applicant's expense and shall be incorporated, as appropriate, in the amended Traffic Management Plan:
 - a)-c) Deleted.
 - d) "No Stopping" signs should be installed within the internal road corridors, particularly in locations where stopped vehicles will result in potential vehicle queuing onto public streets or result in hazardous pedestrian/vehicle conflict.
 - e) Deleted.
 - f) The design details for the EXIT driveway onto Liverpool Road should be submitted to the RTA for approval prior to construction and should comply with the requirements of AS2890.1-2004 with respect to pedestrian sight lines.
 - g) The existing 40km/h school speed zone in Hillcrest Avenue



Appeal No: 10229 of 2006

- should be relocated to the southern boundary of the school site and should cover the proposed access point. A 40km/h school zone should be installed on Liverpool Road from the north of Hill Street to join the existing zone near Frances Avenue for Strathfield Public School.
- h) Internal footpaths should be accompanied by an appropriate railing in order to mitigate pedestrian safety concerns.
 - i) The on-site parking layout and sightlines to pedestrians at the exit driveway locations shall comply with the requirements of AS2890.1-2004.
 - j) Deleted.
 - k) The existing fence and gates at the Hill St exit are to be removed. A replacement gate shall be erected and hinged to the western-most pier. The gate is to remain fully open during school times. The gate is to be of similar style to the existing (currently disused) wrought iron gates on Liverpool Rd. Details are to be submitted to Council or Principal Certifying Authority for approval prior to issue of the construction certificate. The materials for the exit gates and the mountings on the Hill Street exit shall be of a design and sympathetic to the heritage significance of the site.
 - l) The exit driveway onto Hill Street shall be of an appropriate width for an exiting bus and sympathetic to the heritage significance of the site.
 - m) The final design of the exit driveway onto Hill Street shall be submitted to Council or Principal Certifying Authority for approval prior to construction.
 - n) The parking space labelled number 31 on plan DA-02J shall be dedicated as a disabled parking space. The space shall be marked appropriately in accordance with Australian Standard 2890.1 'Off-street carparking'.
- (2) Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the construction certificate.
3. All signage relating to traffic conditions shall be maintained at all times.
 4. The proposed works shall be carried out in accordance with the Building Code of Australia (BCA) and any relevant 'Australian Standards' (AS).
 5. The school shall not have an enrolment of more than 450 students, consisting of no more than 175 primary school students and 275 high school students.
 6. The school shall provide bus shuttle services for the picking up and dropping-off of students between their place of residence and the school on all days whilst the school is operating.
 7. The internal roadway beyond (south-west of) the car park access shall be one way only and shall be signposted appropriately.



Appeal No: 10229 of 2006

8. The internal roadway shall be used as pickup/set down area only and shall be signposted as such. The roadway is to be otherwise signposted "No Stopping", on the Liverpool Rd (north-western) side and on both sides between Hill St and the car park access, excluding the area marked "Proposed Visitor Parking" on the plan DA02-J dated 13 October 2006.
9. The School Road Safety Policy Plan attached to the Traffic Management Plan prepared by Traffix (Issue F dated August 2006) should be amended to incorporate the following:
 - (a) That the school personnel monitor the "No Stopping" zones in Hillcrest Avenue and Hill Street prior to the morning and afternoon school peak periods on a daily basis and report any illegal parking to the local police.
 - (b) In the event of an excursion involving the use of large buses, the school shall issue instructions to the relevant bus company or companies to advise of approach routes and layover opportunities.
10. Deleted.
11. The mini bus parking area is to be maintained at the southern end of the proposed car park. The area is to be marked as "Bus Parking Only" by painting on the pavement.
12. The internal driveway is to be resurfaced with a satisfactory hard stand material. Details to be submitted to and approved by the Principle Certifying Authority.
13. All internal carparks, including vehicle access to those carparks, shall be hard-paved and line marked at all times.
14. A pedestrian entry/exit shall be maintained in Hillcrest Avenue, 6m south from the vehicular entry point at the Hill Street boundary.
15. All internal -road surfaces shall be constructed of concrete, bitumen or pavers and shall be maintained and repairs carried out at all times.
16. (1) Traffic and parking in and around the school must be managed in accordance with the amended Traffic Management Plan as required by condition 2 and plan DA-02J dated 13 October 2006 and as amended by these conditions.

(2) The Traffic Management Plan should be reviewed every 5 years by a qualified independent traffic engineer with road safety accreditation. The formalised report by the independent traffic engineer should include a list of any required corrective measures and a time period for each measure to be implemented. The formalised report should be provided to Council



Appeal No: 10229 of 2006

within 7 days of receipt and a copy kept on the premises for inspection by Council representatives at their request. Any recommendations made in the report should be implemented within the time specified in the report.

17. (1) Suitable sealed rubbish bins shall be provided within the school grounds so as to keep the school free of litter and generally clean and tidy.
- (2) A comprehensive waste management plan for the placement, storage and collection of waste and recycling bins shall be submitted to Council within three (3) months of the date of this consent. The waste management plan shall address school litter, cardboard and other recyclable materials associated with the school.
18. Details concerning the schools policies for the orderly movement of students and parents arriving and departing from the school grounds shall be distributed to parents and students annually and a copy provided to Council prior to the commencement of each school year.
19. A conservation management plan shall be prepared by a qualified heritage consultant for the site dealing with maintenance, repairs, upgrades and general work and submitted to Council within six (6) months of this consent coming into force.
20. A dilapidation report shall be prepared by a qualified heritage architect for:
- (a) the verandah of Brundah detailing the appropriate timber detailing and remediation work required.
 - (b) the roof of the entry portico to Leigh Hall, detailing works necessary to protect it and prevent water penetration.
- The report shall be submitted to Council's Director, Technical Services for approval and work undertaken in accordance with the recommendations of the report within six (6) months of these consent orders coming into force.
21. Where not provided, hand basins in the girls' toilets in Leigh Hall are to be free-standing.
22. Floor tiles in the girls' toilets in Leigh Hall are to be glazed, rectangular and be of a pale colour (e.g. cream or pale green). The tiling is to continue up the wall to a height of 1100mm.
23. The verandah and widow's walk balustrades shall be:
- restored with existing panels that remain; and/or
 - recycled panels of the same or similar to the original pattern; and/or
 - reproduced sand-cast aluminium panels.



24. Glass panels across the doors to the first floor verandah in Brundah are to be deleted from the development.

Appeal No: 10229 of 2006

- 25. A section 73 compliance certificate shall be obtained from Sydney Water **prior to issue of the Occupation Certificate.**
- 26. (1) Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule.
 (2) The final fire safety certificate shall be provided **prior to issue of the final Occupation Certificate** and shall be in accordance with Form 15 of the Regulations.
- 27. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia Part D3 - "Access for People with Disabilities" AS1428.1. Details shall be submitted to and approved by the Principle Certifying Authority **prior to the issue of a Construction Certificate.**
- 28. The following is a schedule of existing and/or new essential fire or other safety measures required to be installed, and the minimum standard to which these measures must be designed, installed and/or maintained under Part 7B of the Environmental Planning & Assessment Regulation:

Essential fire or other Performance Safety Measures	Minimum Standard	
	Building Code of Australia (BCA96A1) Part/Clause/Specification	Australian Standard No. or other reference
New Measures		
1. Automatic fire detection & alarm systems	E G E2.2, G3.8	Spec E1.7/ G3.8 1851 (Pt8) 1989 1603, Pt1/4/6, 3786 1670-1995
2. Emergency lighting	E E4.2, 4.4	2293 (Pt1) 1987/88/92
3. Emergency warning and inter-communication systems	E H E4.9	Spec G3.8 2220-1989/89/93
4. Exit signs	E E4.5-4.8	2293(Pt1/2) 1987/88/92
5. Fire doors	C3 C3.4	Spec C3.4 1851 (Pt7) 1984 1905 (Pt1) 90 (Pt2) 89 1851 (Pt4), 2419.1 1996 1851 (Pt2) 1989 1221-1991, 2441-1988
6. Fire hydrant systems	E E1.3	1851 (Pt6) 1983
7. Hose reel systems	E E1.4	1668 (Pt1/2) 1991
8. Mechanical air handling systems	CEH E2.2/7 H1.2	Spec E2.2/6 G3.8, H1.2 1851(Pt1)1989, 2444-1995
9. Portable fire extinguishers	E E1.6	
10. Solid-core doors	C C3.11	Self closing & tight fitting solid-core door(s) not less than 35mm thick



Appeal No: 10229 of 2006

29. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with Part F2.4 and Table F2.3 of the Building Code of Australia. Details shall be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.
30. A full Landscape Plan shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate in accordance with the following requirements:
- a) The Plan is to be prepared by a qualified Landscape Architect (who is eligible for membership of the Australian Institute of Landscape Architects) or a qualified Landscape Designer (who is eligible for membership of the Australian Institute of Landscape Designers & Managers).
 - b) All existing trees on site (over 4 metres in height) and any trees on adjoining properties within 5 metres (or within the canopy dripline) of any proposed works are to be indicated on plan and identified (ie plant species and genus). The plan should locate and indicate which trees are proposed to be retained or removed (as listed in this approved DA consent).
 - c) Planting Layout indicating location of proposed and existing species including all trees, shrubs, and groundcovers. All trees are to be specified as minimum 25 litre container size.
 - d) Planting Schedule indicating botanical and common names, whether local/native/or exotic species, container size, quantity, plant symbols and staking details (for trees).
 - e) Specifications and details of: tree protection, weed removal, erosion and sediment control, soil preparation, planting, organic mulch, lawns, and landscape maintenance and establishment details.
 - f) All garden and planted areas are to be specified as fully mulched with a 75mm depth of organic mulch.
 - g) Specify that water hosecocks are to installed throughout garden areas at a minimum of one (1) every 40 metres.
 - h) Specify medium/tall size tree planting to the carpark area being:
 - One (1) to the north eastern corner of the Carpark.
 - One (1) to the north western corner of the Carpark.
 - One (1) to the south western corner of the Carpark.
 - One (1) to the south eastern corner of the Carpark (to corner of blister landscape area).
 - One (1) to the north central side of the Carpark.
 - One (1) to the south central side of the Carpark.
 - One (1) to the eastern central side of the Carpark.
 - i) Specify shrub and groundcover planting to the Carpark area being:
 - Continuous evergreen shrub screen planting (with a minimum mature height of two metres) planted at minimum 1 metre spacings to the full extent of northern and eastern sides of the Carpark.
 - Continuous evergreen shrub planting (with a minimum mature height of 1 metre) planted at minimum 750mm spacings to the full extent of southern and western sides of the carpark.

Appeal No: 10229 of 2006

- The full extent of the remaining landscape areas between the carpark and the boundary fences, to the garden areas to the western side of the carpark, and to the central bed are to be specified with continuous coverage of shrubs and groundcovers.
- j) Specify continuous evergreen shrub planting (with a minimum mature height of 1 metre) planted at minimum 750mm centres in a 1 metre wide garden bed to the full extent of the eastern site boundary (south of the Carpark area to the south western corner of site).
- k) Specify five (5) medium/tall size trees planted to the eastern site boundary within the 1 metre wide garden bed.
- l) Specify a continuous coverage of shrub and groundcover planting to the Southern Boundary Screen Planting Area other than the existing Palm trees and already specified Backhousia citriodora screen planting.
- m) Indicate the removal of the following street trees:
 - Three (3) *Melaleuca armillaris* (Bracelet Honey Myrtle) street tree located to the Hill street nature strip.
 - Two (2) *Melaleuca armillaris* (Bracelet Honey Myrtle) street tree located to the Hillcrest Avenue nature strip.
- n) Show and provide the following:
 - A minimum of four (4) replacement *Lophostemon conferta* (**Brush Box**) street trees shall be provided within Council's Hill Street nature strip adjacent to the subject site; being one (1) tree between the Liverpool Road intersection and the Hill St driveway crossing, and three (3) trees to the west of the Hillcrest Ave intersection.
 - A minimum of four (4) replacement *Melaleuca quinquernerva* (**Large Leaf Paperbark**) street trees shall be provided within Council's Hillcrest Avenue nature strip adjacent to the subject site.
 - Replacement trees shall be minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
 - 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.
 - Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.
- o) The location of all rubbish bins shall be clearly marked on the landscape plan.



Appeal No: 10229 of 2006

31. A security payment of \$33,220.00 in the form of cash, bank guarantee, direct debit, cheque or credit card (financial transactions fees apply) which includes a non-refundable landscape, drainage & works administration fee of \$220.00 (GST inclusive), a refundable landscape bond of \$9,000 (comprising \$5,000 *landscape* bond and \$4,000 *tree protection* bond), a refundable drainage bond of \$20,000, and a refundable works bond of \$4,000, against damage or harm to any Council property, shall be paid to Council prior to the issue of a Construction Certificate. This security payment covers the following listed as conditions of this consent:
- a) road and stormwater drainage works in roadways and public areas;
 - b) creation of the Positive Covenant on the property title;
 - c) connection to Council's stormwater drainage system;
 - d) Deleted;
 - e) Deleted;
 - f) Deleted;
 - g) a tree final to ensure that trees have been retained, protected or replanted in accordance with conditions of consent and/or arborist's report for the period of works and for the period of the post final inspection extended 12-24 month period;

and will be released upon satisfactory completion of these items.

b) The security payment referred to in (a) shall also ensure there is no building debris/material left on adjoining Council (Community) land and may be used to recover the costs incurred by Council in cleaning the land.

32. Where Council is appointed as the Principal Certifying Authority, the following additional inspections will be required and must be inspected by Council:
- (a) Tree protection - to establish/inspect tree protection measures to be carried out prior to commencement of works (including demolition or excavation)
 - (b) (i) Landscape final - to establish/determine whether site landscaping has been implemented and maintained in accordance with approved landscape plans and/or conditions of consent.
(ii) Tree final - to determine whether trees have been retained, protected or replanted in accordance with the conditions of consent and/or the arborist's report, and to assess trees for continuing safety.
If a private certifier is appointed as the principal certifying authority, written advice is to be provided to Council confirming when the site landscaping has been fully implemented and to request that Council inspect the site landscaping.
 - (c) Tree final - to determine whether trees have been retained, protected or replanted in accordance with the conditions of consent and/or the arborist's report, to assess trees for continuing safety and to determine whether the bond can be refunded or extended for a 12-24 month period post final inspection by a Council officer.

Appeal No: 10229 of 2006

33. (1) The landscaping of the site shall be implemented in accordance with the approved Landscape Plan and conditions of consent as detailed in condition 30. The Landscape Plan is to be submitted for approval by Council prior to the issue of the Construction Certificate.
(2) The landscaping of the school site and footpath areas shall be maintained at all times in accordance with the Approved Landscape Plan and conditions of consent.
34. Any existing trees on the site which are covered by Council's Tree Preservation Order as set out in Condition 38, and any street tree shall not be removed, lopped or pruned unless :-
(a) there is express permission stipulated in a condition of this consent; or
(b) there is written approval from the Council.
35. Before any site works begin (including any demolition/excavation), a tree protection zone shall be established around each tree which is to be retained under this consent and which is within a ten metre radius of any proposed works. The tree protection zone shall cover a minimum area of 2m radius (or as specified in Condition 38) from the base of the tree and the following shall be carried out and/or complied with during the entire development phase:-
(a) A tree protection barrier shall be constructed around the whole perimeter of the tree protection zone. The tree protection barrier shall be a minimum 1.2m height and constructed so as to preclude pedestrian and vehicular entry into the tree protection zone.
(b) No concrete slurry or wash shall enter the tree protection zone.
(c) No building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone. No site sheds or amenities are to be located within the tree protection zone.
(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm. Mulch shall be organic, free from deleterious and extraneous matter including soil, weeds, rocks, twigs and the like.
(e) A satisfactory temporary irrigation system is to be provided to the tree protection zone.
36. Deleted.
37. (1) No Council street tree shall be removed, lopped or pruned in any way except with the written consent of Council or where provided for in these conditions.
(2) No excavations or driveway crossing construction shall occur within

Appeal No: 10229 of 2006

two (2) metres of any street tree which is to be retained under this consent. Any excavations outside of the two (2) metre exclusion zone and within the dripline of any such Council street tree shall be performed by hand.

(3) Any major structural roots encountered shall be pruned either by a qualified arborist or under direct supervision of Council's landscape officers.

38. (1) The existing trees listed below, except where conditioned, have been identified following a site inspection. These trees shall be retained during all site works, including any demolition or excavation works and shall:

(a) be protected by the establishment of a tree protection zone (Protection Zone) including the erection of a protection barrier which is to be erected at the stated distance from the trunk, and

(b) shall have no excavation or construction carried out within the stated distances (Excavation Zone) from the base of the trunk surface:

Species	Height Girth (m)	Location	Protection Zone (m)	Excavation Zone (m)
a) 1 x Lophostemon conferta (Brush Box)	5m	Street Tree - Hill Street	1.5m	2m
b) 1 x Photinia sp	4m	Street Tree - southern end of Hillcrest Avenue	1.5m	2m
c) 2 x Melaleuca quinqernerva (Large Leaf Paperbark)	6,7m	Street Trees - Hillcrest Avenue	1.5m	2m
d) 2 x Phoenix canariensis (Canary Island Palm)	8,9m	Western side of Entry Driveway	1m	1m
g) Deleted				
i) Deleted				
j) 5 x Phoenix canariensis (Canary Island Palm)	3-5m	Southern boundary	---	3m
k) 1 x Ulmus parvifolia (Chinese Elm)	9m	Southern boundary	---	5m
l) 1 x Unidentified Tree	5m	Southern section of site	---	2m
m) Deleted				
n) 1 x Cinnamomum camphora (Camphor Laurel)	12m	Southern section of site	---	6m
o) Araucaria		South-west section of site, next to driveway	1m	1m
All trees and shrubs on site to the northern and western sections of the site not listed above		Northern and western sections of site	---	



Appeal No: H0229 of 2006

(2) Hereinafter these trees shall be referred to only by their corresponding reference number as per the above list.

39. The following listed trees, except where conditioned, also listed on Tree Preservation Permit No B868, are existing and may be removed to accommodate the proposed development:

Species	Height / Girth (m)	Location
a) 3 x Melaleuca armilaris (Bracelet Honey Myrtle)	4,4,4m	Street Tree - Hill street nature strip
b) 2 x Melaleuca armilaris (Bracelet Honey Myrtle)	4, 4m	Street Trees - Hillcrest Avenue
c) 1 x Morus sp (Mulberry)	4m	Eastern side of Entry Driveway
d) 2 x Phoenix canariensis (Canary Island Palm)	3,3m	Eastern side of Entry Driveway
e) 2 x Ligustrum sp (Privet)	4,4m	Eastern side of Entry Driveway
f) 1x Bauhinia sp	4m	Eastern side of Entry Driveway
g) Deleted		
h) 1 x Ligustrum sp (Privet)	4m	North eastern corner of site
i) 1 x Quercus robur (English Oak)	5m	Eastern boundary - northern end
j) 1 x Ligustrum sp (Privet)	7m	Eastern boundary - northern end
k) 1 x Brachychiton sp	5m	Eastern side of Entry Driveway
l) 2 x Lagerstroemia indica (Crepe Myrtle)	4,4m	Eastern side of Entry Driveway
m) 1 x Cinnamomum camphora (Camphor Laurel)	8m	Eastern boundary - northern end
n) 1 x Metrosideros sp (New Zealand Christmas Tree)	3m	Southern section of site
o) 1 x Phoenix canariensis (Canary Date Palm)		Centre of car park

40. Deleted.

41. Deleted.

42. During the duration of construction works, general maintenance of Council's nature strip adjoining the development site and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).



Stormwater drainage shall be carried out generally in accordance with plans prepared by Michael Eli referenced 05008-H07A Rev. A & 05008-H01D Rev. D date stamped 7 August 2006 and subject to modifications to

Appeal No: 10229 of 2006

- generally comply with Council's Stormwater Management Code. Details shall be submitted to and approved by the Principle Certifying Authority prior to the issue of the construction certificate.
44. All drainage connections within the Hillcrest Avenue road reserve shall be at no cost to Council.
45. (1) For drainage connecting to Council's stormwater drainage system inspections will be required:
- (i) after the excavation of pipeline trenches'
 - (ii) after the laying of all pipes prior to backfilling, and
 - (iii) after the completion of all pits and connection points.
- (2) A minimum of 48 hours notice shall be given to the Principal Certifying Authority to inspect works. Inspections may be arranged by telephoning Council's Engineering Works & Services on 9748-9999.
- (3) Work is not proceed until the works are inspected and approved by the Principle Certifying Authority.
46. Temporary sedimentation control measures shall be provided and regularly maintained during construction works, where required, to prevent sediment and polluted waters discharging from the site.
47. (1) Where Council is appointed as principal certifying authority to carry out the post-approval inspections, a fee of \$220 (comprising \$200 inspection fee and \$20 GST) shall be paid **prior to the carrying out of any of the inspections.**
- (2) Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged at the rate of \$352.00 (comprising \$320.00 fee and \$32.00 GST) per re-inspection. Any such additional re-inspection fee will be notified in writing by Council and shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.
48. (1) Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. **Note: The cost of the building work must be rounded to the nearest \$100.**
- (2) The levy of 0.35% of the cost MUST be paid at Strathfield Council's Customer Service Centre (or provide evidence of payment direct to the Long Service Payments Corporation) **prior to the issue of a Construction Certificate.**
49. (1) Where works are undertaken on public roads (including frontage works on footpaths/ nature strips), a Works Permit shall be obtained from

Appeal No: 10229 of 2006

Council's Customer Service Centre before commencing the work.

- (2) Adequate traffic control and direction to motorists and pedestrians shall be provided when work is being undertaken within the road reserve.
- (3) Where the measures are not installed/carried out in accordance with Council's requirements, Council may install/provide such measures and recover the costs from any bonds held in relation to the development.
50. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council. A Works Permit from Council's Customer Service Centre is required prior to undertaking the work.
51. (1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways.
- (2) The permit must be retained on site at all times and produced on request from any Council Officer.
52. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10 million, and shall provide proof of such cover prior to carrying out the works.

Drainage/Stormwater

The following conditions have been imposed to ensure drainage is in accordance with Council's Stormwater Management Code and that measures are taken to regulate stormwater flow.

53. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's street drainage system.
54. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
55. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
56. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.



Appeal No: 10229 of 2006

57. (1) **Prior to occupation/use of the building and release of any security bonds**, written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
- (2) In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and accepted by Council. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
58. (1) For drainage works:
- a) Connecting to Council's stormwater drainage system.
- Inspections will be required:-
- (i) After the excavation of pipeline trenches.
 - (ii) After the laying of all pipes prior to backfilling.
 - (iii) After the completion of all pits and connection points.
- (2) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Infrastructure Planning Section on 9748-9999 during office hours.
- (3) Work is not to proceed until the works are inspected and approved by Council.
59. A physical barrier (nominally 150mm high and wide) shall be constructed along the site frontage, except at vehicular and pedestrian access points, to prevent surface runoff onto the road reserve.
60. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
61. (1) A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
- a) on-site stormwater detention system incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgment at Land & Property Information NSW. The Instrument shall be registered **prior to occupation/use of the building** and a registered copy of the document shall be



Appeal No: 10229 of 2006

submitted to and accepted by Council prior to the release of the drainage bond.

- (2) The positive covenant referred to in (1) above is required to prevent future modification or alteration without the written consent of Council, and to ensure suitable maintenance is carried out.
62. The proposed drainage line connecting to Council's drainage pipe in Hillcrest Avenue shall be constructed prior to the commencement of works on site.
63. (1) A plan indicating the depth and location of all services (ie gas, water sewer, electricity, telecommunication, traffic lights, etc.) within the area affected by the development shall be submitted to Council prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) Any adjustments required shall be at no cost to Council or other public authority. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to the issue of a Construction Certificate.

Site Operation

The following conditions have been imposed to ensure the operation of the development has minimal impact on the neighbourhood.

64. All loading and unloading of goods, material, equipment and the like shall take place within the site.
65. (1) The hours of operation of the school shall be restricted to between 8.00am and 5.00pm, Monday to Friday (excluding public holidays).
- (2) Notwithstanding (1) above, the school may operate within the evenings for school meetings and activities (such as Parent and Teacher evenings, school presentations, school concerts and tutoring).
66. No storage of goods, material, equipment, machinery, refuse, or refuse bins (excluding 'standard' rubbish bins for collection of school litter) shall take place in any area external to the building, between the building and the street alignment and nor shall the same be stored or placed within the road reserve except in accordance with Council's Materials on the Footpath Policy.
67. (1) All construction, demolition and excavation work shall be:
- (a) restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive);
 - (b) prohibited on Sundays and public holidays;
- (2) Construction hours may be varied with the approval of Council



Appeal No: 10229 of 2006

in special circumstances. An application under Section 96 of the Environmental Planning & Assessment Act 1979 must be made in advance with sufficient time given to consider such application, including notification to surrounding property owners/occupiers if necessary.

NOTE: The provisions of 1(c) above do not apply to minor renovations or refurbishments to single dwelling houses/ancillary buildings nor to owner-occupier residential renovations/refurbishments.

68. (1) Council approval shall be obtained for any construction zone required for the development.
- (2) Any such approval may be subject to further conditions including the payment for installation of required signage and Council fees.
69. Deleted.
70. Grated drains shall be provided along the Hillcrest Avenue property boundary at the vehicular crossing and are to be connected to the internal drainage system.
71. If a drainage line is proposed along the Hillcrest Avenue then:
- (1) The connection to Council's street drainage system shall consist of a pipeline across to the street kerb with the pipeline then continuing under the pavement and kerb & gutter to Council's pipe.
 - (2) The pipe shall be 375 mm in diameter with reinforced concrete spigot and socket with rubber ring joints or equivalent, as approved by Council. A pit shall be constructed at the property boundary, and at the connection to Council's pipe.
 - (3) The applicant shall construct the pipeline and pits at the applicant's expense.
72. The Applicant shall maintain the footpath, kerb and gutter on Liverpool Road, Hill Street and Hillcrest Avenue full frontage of the development site, to Council's specifications.
73. Heavy duty driveways shall be built in accordance with Council's standard drawings 500-01 or 500-02. Crossings shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The maximum width of crossings within the road reserve shall be 6 meters.

Applications for a Works Permit shall be made to Council's Customer


Appeal No: 10229 of 2006

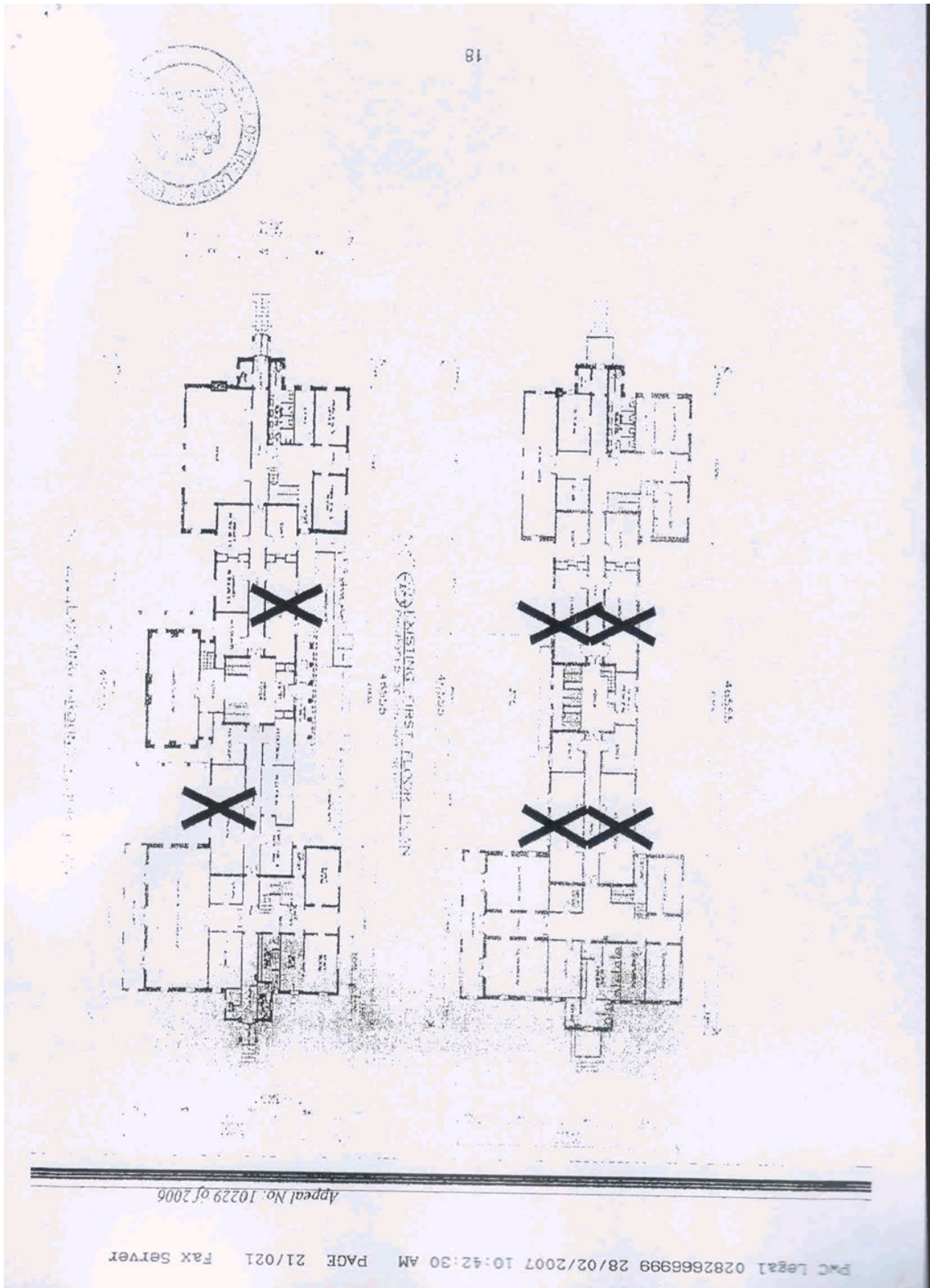
Service Centre prior to undertaking the construction of vehicular crossings.

74. Clause 162A of the Environmental Planning and Assessment Regulation 2000, prescribes critical stage inspections which must be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. The following critical stage inspections must be carried out for the various classes of building as defined in the Building Code of Australia:
- (a) Sediment control measures (inspected prior to work commencing and in conjunction with other inspections listed below) to ensure they are maintained during construction to prevent pollution of the stormwater system and impacts on adjoining properties;
 - (b) Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling;

Upon completion of building works, full work-as-executed plans prepared and signed by a registered surveyor shall be submitted to Council. These plans shall include levels and locations for all drainage structures and works, and the extent of pervious and impervious areas.

75. A detail long section of the proposed drainage line in the road reserve, showing the depth and location of all services (i.e gas, water, sewer, electricity, Telstra) within the area of effect of the development shall be submitted and approved by Council's prepared and approved by Council's Manager Engineering Works & Services **prior to the issue of the Construction Certificate.**
76. Car park shall be designed in accordance with AS2890.1-2004.
77. Wheel stops shall be provided in parking spaces 1 to 10, 50 to 55 and the minibus parking spaces.
78. All the works specified in the approved traffic management plan shall carried out at no cost to Council.
79. In relation to stormwater detention systems, the maximum ponding depth for aboveground storages shall be limited to 150mm in all accessible areas.
80. A separate development application shall be submitted for any signage associated with the school.
81. The Applicant shall obtain and submit to Council a structural engineer's report on the structural adequacy of the first floor ceilings and ground floor ceilings and walls of those rooms marked on the plan annexed hereto being two rooms on the ground floor as marked and four rooms on the first floor as marked.


Annelise Tuor
Commissioner of the Court



TO: Strathfield Local Planning Panel Meeting - 1 April 2021
REPORT: SLPP – Report No. 12
SUBJECT: DA2021/14 - CHISHOLM STREET, BELFIELD - LOT 1 DP 107494 AND LOT 1 DP 556743
DA NO. DA2021/14

SUMMARY

Proposal: Demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of an acoustic wall on the boundary between the Council land and Facility land (Lot 1 DP 556743).

Applicant: Aussie Skips Recycling Pty Ltd

Owner: Isas Pty Ltd

Date of lodgement: 21 January 2021

Notification period: 4 to 28 February 2021

Submissions received: Five (5) submissions

Assessment officer: M Rivera

Estimated cost of works: \$605,000.00

Zoning: IN1 – General Industrial zone – SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

Council has received an application for the demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of a temporary acoustic wall on the boundary between the Council land and Facility land (Lot 1 DP556743).

The subject application was notified as per Strathfield Council's Community Participation Plan for a minimum period of fourteen (14) days from 4 to 28 February 2021. A total of five (5) submissions were received.

The subject application was referred to the Strathfield Local Planning Panel (SLPP) as it involves contentious development – with the application receiving over three (3) submissions. In considering the relevant planning matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* the proposal is considered a reasonable and supportable outcome and accordingly, the application is recommended for approval.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

BACKGROUND

- 21 January 2021 The subject application was lodged to Council. It is noted that the proposal and this application was lodged in response to undertakings made pursuant to a Court Order (Case 2020/357635).
- 4 February 2021 The application was notified for a minimum of 14 days as per Council's Community Participation Plan (CPP), with the last date for public submissions being 28 February 2021. Five (5) submissions were received during this period.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located off the eastern side of Madeline Street, immediately to the north of Cooke Park (refer to Figure 1). It is irregularly shaped and has an area of 4,648m². It has no formal street frontage, with vehicular access achieved from Madeline Street via a right of carriageway over Lot 3 in Deposited Plan 556743.



Figure 1. The subject sites are shown above with the Facility land (Lot 1 DP 556743) in yellow and Council land (Lot 1 DP 107494) in red and surrounding context

The site is currently occupied by a waste transfer and recycling facility operated by Aussie Skips. Existing structures on the site include an office, waste processing building, processing plants and shed.

Immediately surrounding the site to the north and west is industrial development. It is also bounded by an unmade portion of the road reserve of Chisholm Street to the east and the open stormwater channel of Cox's Creek to the south. Beyond the creek is Cooke Park. Residential development in the form of low density housing is located approximately 50m to the south east of the site.

PROPERTY BURDENS AND CONSTRAINTS

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Council has received an application for the demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of a temporary acoustic wall on the boundary between the Council land and Facility land (Lot 1 DP556743). More specifically, the proposal involves:

- Demolition of a section of an existing acoustic wall and hardstand area;
- Removal and of any stormwater infrastructure on Council land;
- Construction of a new temporary acoustic wall that is to be situated on the boundary for a period of not more than two (2) years;
- Restoration and reinstatement of Council land (Lot 1 DP 107494); and
- Installation of stormwater infrastructure within the site.

The Site/Demolition Plan, Ground Floor Plan/North Elevation and Drainage Plan are illustrated on Figures 2 to 4.

It is noted that the proposed development does not involve any operational matters relating to the approved waste management facility including any changes to the current operations.

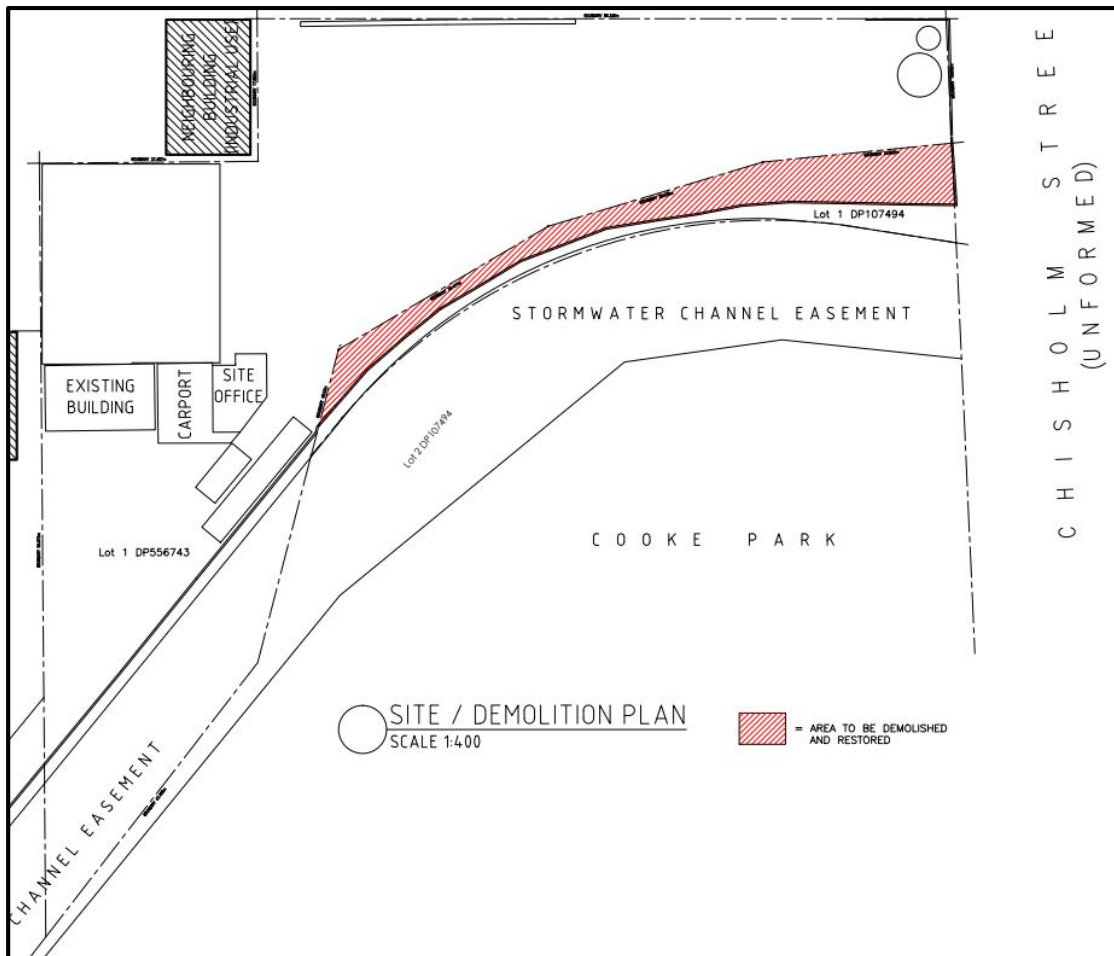


Figure 2. Site/Demolition Plan

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

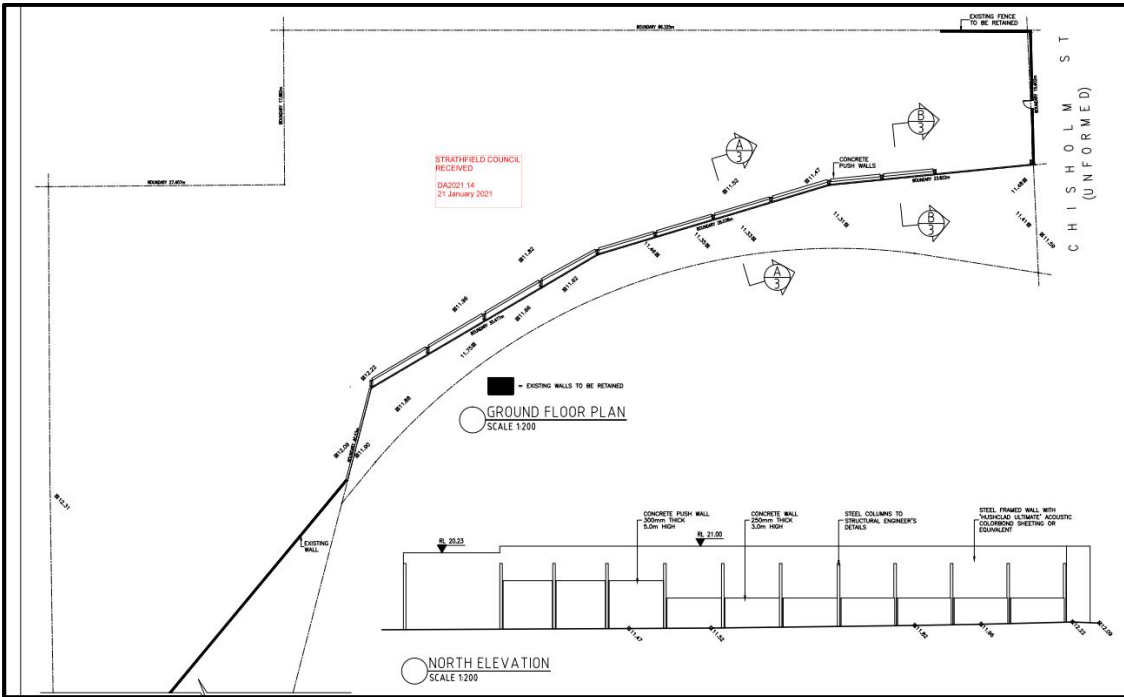


Figure 3. Ground Floor Plan/North Elevation

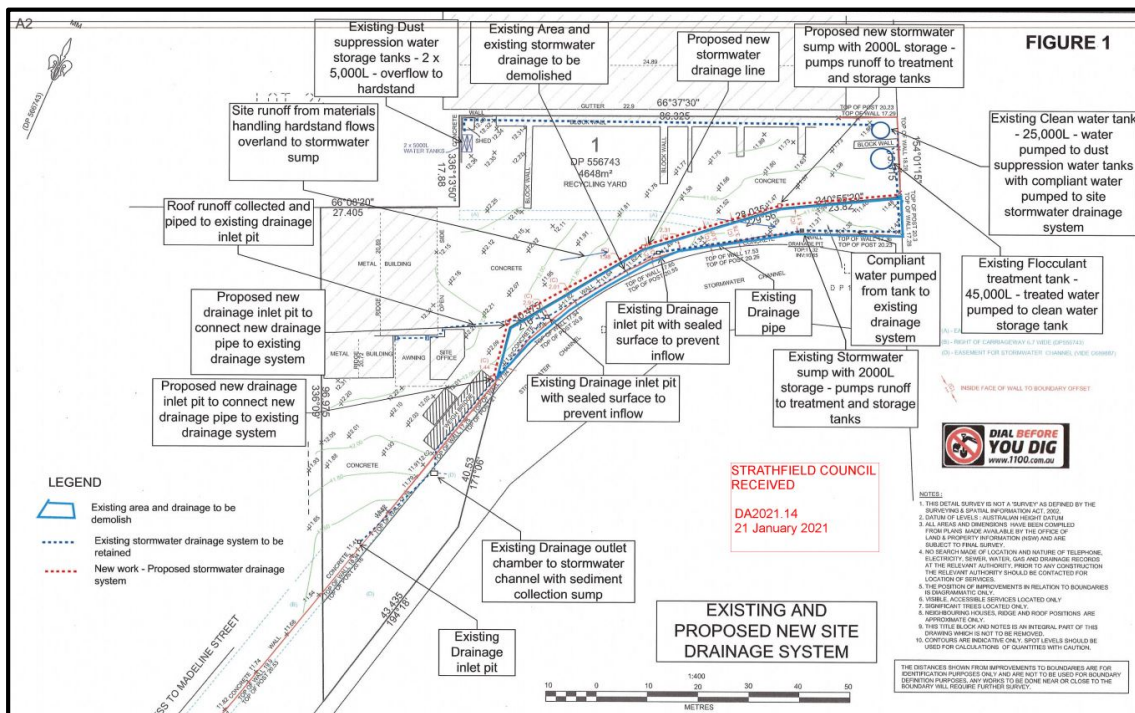


Figure 4. Stormwater Plan

REFERRALS

INTERNAL REFERRALS

A referral to an Acoustic Engineer was required as the application involved demolition of an existing acoustic wall and provision of a new acoustic wall. The Acoustic Engineer confirmed that the proposed location and design of the new wall are suitable and appropriate in accordance with the noise attenuation functions necessitated by the current litigation matter. Accordingly, the Acoustic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Stormwater Engineer Comments

Council's Stormwater Engineer provided the following advice:

"The subject site has a natural fall towards Cooks River and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The site discharges to Coxs Creek means of gravity via existing drainage outlet chamber in accordance with Sydney Water requirements. Proposed new stormwater drainage line connects to existing drainage system. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions."

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

Traffic Manager Comments

Council's Traffic Manager provided the following advice:

"The proposed development is for the enclosure of existing operations. It is understood that there is no change to the operation scale, time or staff numbers."

1. On-site parking provision

The existing site has five (5) on-site parking spaces for the employees and visitors. It is agreed that the proposal would not generate additional parking.

2. Traffic generation

The proposal does not alter the operation scale or time. No change to the traffic generation is therefore anticipated.

3. On-site parking layout

The dimensions and the access of the proposed on-site parking comply with AS2890.1. The internal access has been tested using a 19m truck and dog which is the largest vehicle nominated to use the site.

The proposed parking layout requires pedestrians to cross circulation roadway and share the vehicular access. Pedestrian and vehicular access shall be separated to ensure safety. Additional signage and pavement markings are required to improve safety.

4. Construction Traffic Impact

The preliminary construction traffic impact was assessed in the submitted traffic management plan which suggests a low level of traffic movements associated with the construction activities and parking demand confined within the site."

Given the above considerations, Council's Traffic Manager offered no objections to the proposal.

Waste Officer Comments

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

DESIGNATED DEVELOPMENT PROVISIONS – EP&A REGULATION

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Clause 4(1) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) prescribes as follows, with respect to what constitutes 'designated development':

Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.

Part 1 of Schedule 3 includes, amongst other things, waste management facilities or works that meet certain locational and threshold criteria.

The existing waste management facility meets the criteria set out in clauses (1)(b)(iii) and (1)(d)(vi) of Part 1, Schedule 3. The facility has a handling capacity of 100,000 tonnes per year of building and demolition waste. The facility is also located 25m from a residential zone and 60m from the nearest dwelling not associated with the facility and is likely to significantly affect the amenity of the neighbourhood reason of noise and air pollution (including dust) and having regard to topography and local meteorological conditions. Accordingly, the existing waste management facility is declared to be designated development for the purposes of the *Environmental Planning and Assessment Act 1979*.

Part 2 of Schedule 3 prescribes as follows, with respect to development involving alterations or additions to existing or approved development:

35 Is there a significant increase in the environmental impacts of the total development?

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development. Given that the proposed development only involves changes to the existing acoustic wall and stormwater infrastructure that are required to enable correction of the allocation of land and appropriate rehabilitation and reinstatement of Council land; it is considered that the proposal is not designated development. The nature and location of the proposal are such that it is unlikely to result in any significant increase in environmental impacts of the existing facility. Further, the provision of the new wall will assist in maintaining or further reducing potential noise and air pollution generated by the facility.

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

(a) the impact of the existing development having regard to factors including:

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and

(ii) rehabilitation or restoration of any disturbed land, and

(iii) the number and nature of all past changes and their cumulative effects, and

(b) the likely impact of the proposed alterations or additions having regard to factors including:

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

- (i) the scale, character or nature of the proposal in relation to the development, and*
- (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
- (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
- (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and*

(c) any proposals:

- (i) to mitigate the environmental impacts and manage any residual risk, and*
- (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

As the proposed development involves ancillary structures for the existing waste management facility, the above provisions are relevant to the application.

The environmental impacts of the existing waste management facility are wide ranging, with the most notable impacts being its noise and dust emissions (based on the submissions received from local residents and previous resident complaints). There has also been a history of non-compliance with development consent and environmental protection licence conditions, particularly over more recent years. Council commenced proceedings against the applicant in relation to various non-compliances with the development consent and environmental protection license, many of which are ongoing.

Based on the information currently before Council, the potential noise and air quality impacts of the proposed development are unlikely to exacerbate or increase the current impacts generated by the facility. Accordingly, the proposed development is not considered to be designated development.

Part 3 of Schedule 3 prescribes in part as follows, with respect to exceptions from designated development:

37A Ancillary development

(1) Development of a kind specified in Part 1 is not designated development if:

- (a) it is ancillary to other development, and*
- (b) it is not proposed to be carried out independently of that other development.*

(2) Subclause (1) does not apply to development of a kind specified in clause 29(1)(a).

The above provisions are irrelevant in this case, as the proposed development is not ancillary to other development. The proposed development is only ancillary to the existing waste management facility.

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:

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought.

A review of the available history of the site and Council records did not indicate that the land associated with this development is contaminated. Notwithstanding this, the current use of the site as a waste management facility ensures that there is high probability that some contamination will exist on the Council Land (Lot 1 DP 107494). The proposed development does not involve changing the land use and will result in continued use of the facility. As such, no remediation works would be required for the Facility land.

However, to ensure that the Council land is appropriately assessed and remediated, and that the provisions of SEPP 55 have been satisfied conditions are recommended.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 121 of the *State Environmental Planning Policy (Infrastructure) 2007* prescribes in part as follows, with respect to 'waste or resource management facilities':

"(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.

(2) Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on:

(a) land in a prescribed zone, or

(b) land in any of the following land use zones or equivalent land use zones:

- (i) B5 Business Development,*
- (ii) B6 Enterprise Corridor,*
- (iii) IN2 Light Industrial,*
- (iv) IN4 Working Waterfront, or*

c) land on which development for any of the following purposes is permitted with consent under any environmental planning instrument:

- (i) industry,*
- (ii) business premises or retail premises,*
- (iii) freight transport facilities."*

For the purposes of the above clauses, the 'IN1 – General Industrial' zone (as applies to the subject site) is a prescribed zone. Accordingly, the proposed development is permissible with consent.

Clause 8 of this state policy prescribes as follows, with respect to the relationship of the policy to other environmental planning instruments:

"(1) Except as provided by subclause (2), if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

(2) Except as provided by subclauses (3) and (4), if there is an inconsistency between a provision of this Policy and any of the following provisions of another environmental planning instrument, the provision of the other instrument prevails to the extent of the inconsistency:

(a) clauses 10, 11 and 19 of State Environmental Planning Policy (Coastal Management) 2018,

(b) all of the provisions of State Environmental Planning Policy (State Significant Precincts) 2005.

(3) Clause 48B of this Policy prevails over clauses 10 and 11 of State Environmental Planning Policy (Coastal Management) 2018 to the extent of any inconsistency.

(4) A provision of this Policy that permits development for the purpose of emergency works or routine maintenance works to be carried out without consent, or that provides that development for that purpose is exempt development, prevails over clauses 10 and 11 of State Environmental Planning Policy (Coastal Management) 2018 to the extent of any inconsistency, but only if any adverse effect on the land concerned is restricted to the minimum possible to allow the works to be carried out.

(5) For the avoidance of doubt, development to which subclause (3) or (4) applies is not declared designated development for the purposes of the Act.”

The effect of the above provision in this case is that the SLEP 2012 will be overridden to the extent that its land use zoning provisions prohibit the proposed development.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

The development site is subject to the *Strathfield Local Environmental Plan 2012* (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned IN1 – General Industrial zone wherein the development for the purpose of a ‘waste or resource management facility’ is prohibited under the local environmental plan. Notwithstanding, development for this purpose is permissible with consent under Clause 121 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) and the state policy prevails in the case of this inconsistency, as noted above.

The proposed development, being ancillary works to the approved waste management facility, is a permissible form of development under the Infrastructure SEPP.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	12m	9.665m	Yes

Part 5 – Miscellaneous Provisions

The proposed development does not trigger any provisions under Part 5 of SLEP 2012.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Part 6 – Additional Local Provisions

Clause 6.1 Acid sulfate soils

The subject site is identified as within Acid Sulfate Soils (ASS) – Class 4 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Within Class 4, the trigger under SLEP 2012 is works more than 2m below the natural ground surface and is likely to lower the water table more than 2m below natural ground surface. Given that the proposed development does not involve ground disturbance works that are more than 2m below natural ground surface, an Acid Sulfate Soils Management Plan is not required. Therefore, the proposal satisfies the requirements of Clause 6.1.

Clause 6.2 Earthworks

The proposed earthworks involve removal of part of the existing wall and stormwater infrastructure and the establishment of a new wall and stormwater infrastructure. Such works are minimal. A condition of consent is recommended to ensure appropriate management of soils is undertaken during any earthworks.

Clause 6.3 Flood planning

A minor portion of the site is located at or below the 'flood planning level'. This affectation is generally confined to the extent of the open stormwater channel that traverses the site. The proposed development is located within that portion of the site affected by the flood planning level; however, given the nature of the proposal predominantly involving replacing an acoustic wall and stormwater infrastructure; the relevant provisions of this clause are satisfied.

Clause 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 2005 (SCDCP 2005)

The proposed development is subject to the provisions of the *Strathfield Consolidated Development Control Plan 2005* (SCDCP 2005).

PART D – INDUSTRIAL DEVELOPMENT

The key provisions relating to development of land in industrial zones as prescribed in Part D of the SCDCP 2005 are addressed as follows.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)*Section 2.1 - Site Analysis and Design Principles*

A Site Analysis Plan was not provided as part of the development application. Notwithstanding this, the nature and location of the proposed development, combined with the likely impacts generated and the proposal's intention to satisfy the Land and Environment Court (LEC) orders, are such that a Site Analysis Plan is not considered a requirement for the purpose of assessing the proposed development against matter of consideration under Clause 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

Section 2.4 - Development Adjoining Residential Zones

The proposed development does not involve any new buildings or structures that are not currently within the site. It involves removal of an existing acoustic wall and stormwater infrastructure outside the Facility land and within Council land and establishment of these structures within the Facility land – as per LEC orders. Any impacts associated with the proposed development (including dust, air quality and noise) are considered temporary and can be minimised through the imposition of conditions.

Section 2.6 - Setbacks

The proposed development involves a new temporary acoustic wall along the property boundary between the Facility land and Council land. Regardless of the LEC orders, Section 2.6 allows for nil setbacks for side and rear boundaries for industrial development. In this regard, the proposed development achieves the relevant requirements.

Section 2.7 – Building Requirements and Materials

The proposed development involves a new temporary acoustic wall that features a concrete and metal materiality that is visible from public places. Section 2.7 requires that front walls and walls visible from any public place shall be substantially faced with brick, stone, concrete, glass (non-reflective) or like materials, but not cement render. The design of the proposed wall complies with this requirement.

Section 2.9 – Parking, Access and Manoeuvring

Council's Traffic Manager confirmed that the proposed development does not involve changing the existing parking arrangement for the facility and it is anticipated that the proposed development would not generate additional parking. Accordingly, the relevant requirements under Section 2.9 are considered to be satisfied by the proposed development.

Section 2.10.2 –Fencing

The proposed development involves an acoustic wall that comprises a height of 8.75-9.685m. The wall, being situated on the perimeter between two (2) lots, will partially function as a dividing, security side/rear fence. Given that primary function of wall is to serve as mitigation for acoustic and air quality impacts and its design is driven by LEC orders – any variations to the requirements under Section 2.10.2 are considered to have merit and can be supported. It is further noted that these impacts are to be for a maximum period of two (2) years, after which the temporary wall is to be removed.

Section 2.12 – Site Drainage and Water Management

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Council's Stormwater Engineer confirmed that the proposed stormwater system achieves the necessary requirements under the Council's Stormwater Code and is supportable subject to recommended conditions of consent.

Section 2.14 – Air, Noise and Water Pollution

As mentioned above, the proposed development is required by LEC orders to minimise impacts associated with the operations of the waste management facility. Any potential impacts generated by proposed development will be temporary and minimal in comparison to the facility operations. In this regard the matters relating to Section 2.14 are satisfied subject to conditions of consent.

PART H – WASTE MANAGEMENT

A Waste Management Plan was submitted as part of the development application and has demonstrated general compliance with the relevant controls except for those relating to onsite waste collection.

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.

(i) any coastal zone management plan

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

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

The proposed development is located on a site that is affected by the existing 1 in 100 year flood event or is likely to be as a result of the planning benchmarks for sea level rise mentioned above. Accordingly, the proposed development has been assessed against the relevant provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

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 development is of a scale and character that is in keeping with the existing and surrounding industrial development in the locality. Further, the acoustic wall is to be temporary and only for a maximum of a two year period. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality. The proposed development comprises necessary elements that ensure an appropriate dispersal of stormwater is facilitated and suitable measures are established so that any impacts (acoustic and air quality) generated by facility are minimised.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

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

The proposed development is considered to be suitable to the site in that it preserves the approved waste management facility use of the site and the character of the immediate locality. The subject site does not yield any significant environmental constraints that would prevent development of an existing industrial use. Therefore, the subject site is suitable for the proposed development. Further, the proposed development will involve reinstating the Council land back to a vegetated state.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. Five (5) submissions were received from the following properties:

- No. 3 Chisholm Street, Belfield;
- No. 13 Chatfield Avenue, Belfield – two (2) submissions;
- Enfield Intermodal Logistics Centre – NSW Ports; and
- No. 1 Hope Street, Enfield – K&S Freighters.

A table listing the issues and concerns raised and responses to these is contained below:

Issue / Concern	Response
Acoustic mitigation	Council engaged with a separate acoustic engineer who confirmed that the design of the new acoustic wall is appropriate, as per the current matters before the LEC. The proposed temporary establishment of the wall for a maximum of two (2) years was identified by the LEC as sufficient in relation of the operations of the facility. As mentioned above, the proposed development does not involve any operational matters relating to the approved waste management facility including any changes to the current operations.
Detrimental impacts on operations of neighbouring premises Operations of the facility affecting operations of neighbouring premises	As per above, the proposed development does not involve any changes to the existing operations of the facility.
Drainage inadequate on public road Public road not maintained Road surface damaged by trucks	The proposed development does not require resolving matters associated with public road maintenance. Conditions can be imposed to appropriate manage construction works associated with the proposed development.
Dumping of litter and rubbish Uncovered loads Objects falling from trucks	This matter is an operation-related matter that must be raised with Council's Compliance and Regulatory Unit.
Failure to comply with consent conditions	This matter is an operation-related matter that must be raised with Council's Compliance and Regulatory Unit. It is understood that the facility is subjected to a current litigation matter.
Lack of maintenance of front lawn and fencing within premises	This matter is an operation-related matter that must be raised with Council's Compliance and Regulatory Unit.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Issue / Concern	Response
Pedestrian safety Tripping hazard along public footpath	The proposed development does not require resolving matters associated with public footpath repairs.
Traffic congestion Traffic management Illegal parking of trucks Excess truck movements Reduce visibility	<p>Council's Traffic Manager confirmed that any additional traffic movements associated with the proposed development can be adequately managed subject to the imposition of consent conditions.</p> <p>The current traffic movements generated by the operations of the facility have been considered as part of assessing potential traffic impacts. These impacts are considered reasonable and temporary, and are able to be mitigated and managed via conditions.</p> <p>It is noted that the proposed development does not involve any changes to the operations of the facility. Therefore, any traffic-related concerns due to the current operations of the premises are considered non-substantive for the purposes of assessing the proposal against Section 4.15 (1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

4.15 (1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

Section 7.12 (previously Section 94A) of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. Section 7.12 of the *Environmental Planning and Assessment Act 1979* reads as follows:

A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

STRATHFIELD INDIRECT DEVELOPMENT CONTRIBUTIONS PLAN

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 7.12 Indirect Contributions in accordance with the *Strathfield Indirect Development Contributions Plan (3 September 2010)*. This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$605,000 (the estimated cost of development identified in the development application). Therefore, the Section 7.12 Indirect Contributions for the proposed development is \$6050.

CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDCP 2005.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Following detailed assessment it is considered that Development Application No. 14/2021 should be approved subject to conditions.



Signed:

Miguel Rivera
Senior 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:

Stephen Clements
Deputy CEO/General Manager
Planning, Environment and Urban Services

RECOMMENDATION

That Development Application No. DA2021/14 for demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of an acoustic wall on the boundary between the Council land and Facility land (Lot 1 DP556743) at Chisholm Road, Belfield be **APPROVED**, subject to the following conditions:

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- b) To protect the environment.
- c) To ensure there is no unacceptable impact on the amenity of the area, or to private and public property.
- d) It is in the public interest.

DEVELOPMENT DETAILS**1. Approved Plans & Documentation**

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site/Demolition Plan	CD 1481.1 DA01	13/01/21	A	Cornerstone Design
Ground Floor Plan North Elevation South Elevation	CD 1481.2 DA02	13/01/21	A	Cornerstone Design
Section	CD 1481.3 DA03	13/01/21	A	Cornerstone Design
Plan of Detail and Levels over Lot 1 Existing and Proposed New Site Drainage System	Figure 1	10/12/18	A	Richard Hogan & Co.
Stormwater Treatment and Storage System Process Flow Diagram	Figure 2	12/04/19	F	Victory Engineering
Noise and Vibration Impact Assessment	J200889 RP5	14/01/21	Final	EMM
Air Quality Impact Assessment	J200889 RP9	11/01/21	Final	EMM
Traffic Impact Assessment	J200889 RP10	15/01/21	v2 Final	EMM
Traffic Management Plan	J200889 RP11	15/01/21	v2 Final	EMM
Waste Management Plan	-	11/01/21	-	E Roussakis

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

3. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$2,117.00
Security Damage Deposit	\$12,200.00

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Administration Fee for Damage Deposit	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Indirect Contributions	\$6,050.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.12 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution in the amount of \$6050.00 has been levied on the subject development pursuant to the *Strathfield Indirect Development Contributions Plan (3 September 2010)*.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the current Development Contributions Plans may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

5. Damage Deposit – Major Works

In order to insure against damage to Council property the following is required:

- a. Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.00
- b. Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- c. Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

The security damage deposit will be refunded in full upon completion of all works (including restoration and rehabilitation works on Council land) where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

6. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) 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)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

7. Stormwater System

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

8. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

9. Drainage System – Maintenance of Existing System

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

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

10. Contamination Site Assessment (CC8055)

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and remedial action plan (if required) for the affected Council land (Lot 1 DP 107494) shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the NSW Environment Protection Authority (**EPA**) and in accordance with the requirements of the *Contaminated Land Management Act 1997* (**Assessment**).

The Assessment shall satisfy the PCA that the Council land will be suitable for the proposed use as public recreation and gardens.

11. Acoustic Requirements**Compliance with submitted Acoustic Report**

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Noise and vibration impact assessment prepared by EMM and dated 14 January 2021.

12. Waste Management Plan

A Waste Management Plan (**WMP**) incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

13. Onsite Waste Collection

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of *Strathfield Development Control Plan 2005* (**DCP 2005**).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

14. Commercial and Industrial Waste

Appropriate waste and recycling containers and facilities will need to be provided according to the approved Waste Management Plan (WMP) for all specific end use businesses in accordance with the waste generation rates provided at Part H of *Strathfield Council DCP 2005* – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

15. Industrial Waste Material

Industrial waste materials must not be discharged onto the site, or onto neighbouring land or into any road, drain, pipeline or watercourse.

Storage tanks, fuelling areas, product mixing, filling and preparation areas, and the like and wash bays provided for cleaning and maintenance of vehicles, machinery, equipment and the like, must be bunded and all waste water collected and discharged to the sewer in accordance with the requirements of Sydney Water and the EPA.

Documentary evidence of compliance with the Sydney Water's requirements must be submitted to the Principal Certifying Authority, prior to use or occupation of the building/additions. Vehicles, machinery, equipment or the like, must not be washed or steam cleaned or the like, except in areas provided especially for the purpose in accordance with this condition.

Where the approval of Sydney Water, in accordance with the requirements of this condition, is not forthcoming, some other method of treatment and removal of wastes must be installed and/or implemented to the satisfaction the Principal Certifying Authority.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

16. Landscape Plan

Prior to the issue of the Construction Certificate, a Landscape Plan and Planting Schedule, prepared by a qualified Landscape Architect, must be submitted to, and approved by Council. These documents must provide details on the restoration, rehabilitation and revegetation works to be undertaken on Council land (Lot 1 DP 107494).

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

PRIOR TO COMMENCEMENT OF WORK

17. Demolition & Asbestos

The demolition, rehabilitation and restoration work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011*. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition, rehabilitation and restoration work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the *NSW Work Health & Safety Act 2011* and the *NSW Work Health & Safety Regulation 2011* unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au

18. Demolition Notification Requirements

The following notification requirements apply to this consent:

The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

19. Dial Before Your Dig

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

DURING CONSTRUCTION

20. Site Sign – Soil & Erosion Control Measures

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

21. Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

22. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

23. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

24. Stormwater Certification of the Constructed Drainage Works (Minor)

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.

25. Stormwater Drainage Works – Works As Executed

Prior to the issue of any Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

26. Site Audit Report and Site Audit Statement

Prior to the issue of any Occupation Certificate, a Site Audit Report and Site Audit Statement are to be submitted to Council. These documents must clearly state that the Council land is suitable for the proposed use of the Council land as public recreation and gardens.

Note: The Applicant must comply with clauses 17 'Guidelines and notices: all remediation work' and clause 18 'Notice of completion of remediation work' under *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

OPERATIONAL CONDITIONS (ON-GOING)

27. Loading & Unloading of Vehicles

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

28. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

29. Maximum Vehicle Size

Articulated Vehicle

The maximum size of truck using the proposed development shall be limited to 19m –

DA2021/14 - Chisholm Street, Belfield - Lot 1 DP 107494 and Lot 1 DP 556743 (Cont'd)

Articulated Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

30. Temporary Acoustic Wall

The Acoustic Wall approved under this consent is required to be demolished and removed within 2 years of the issue of the Construction Certificate.

31. Landscape Maintenance

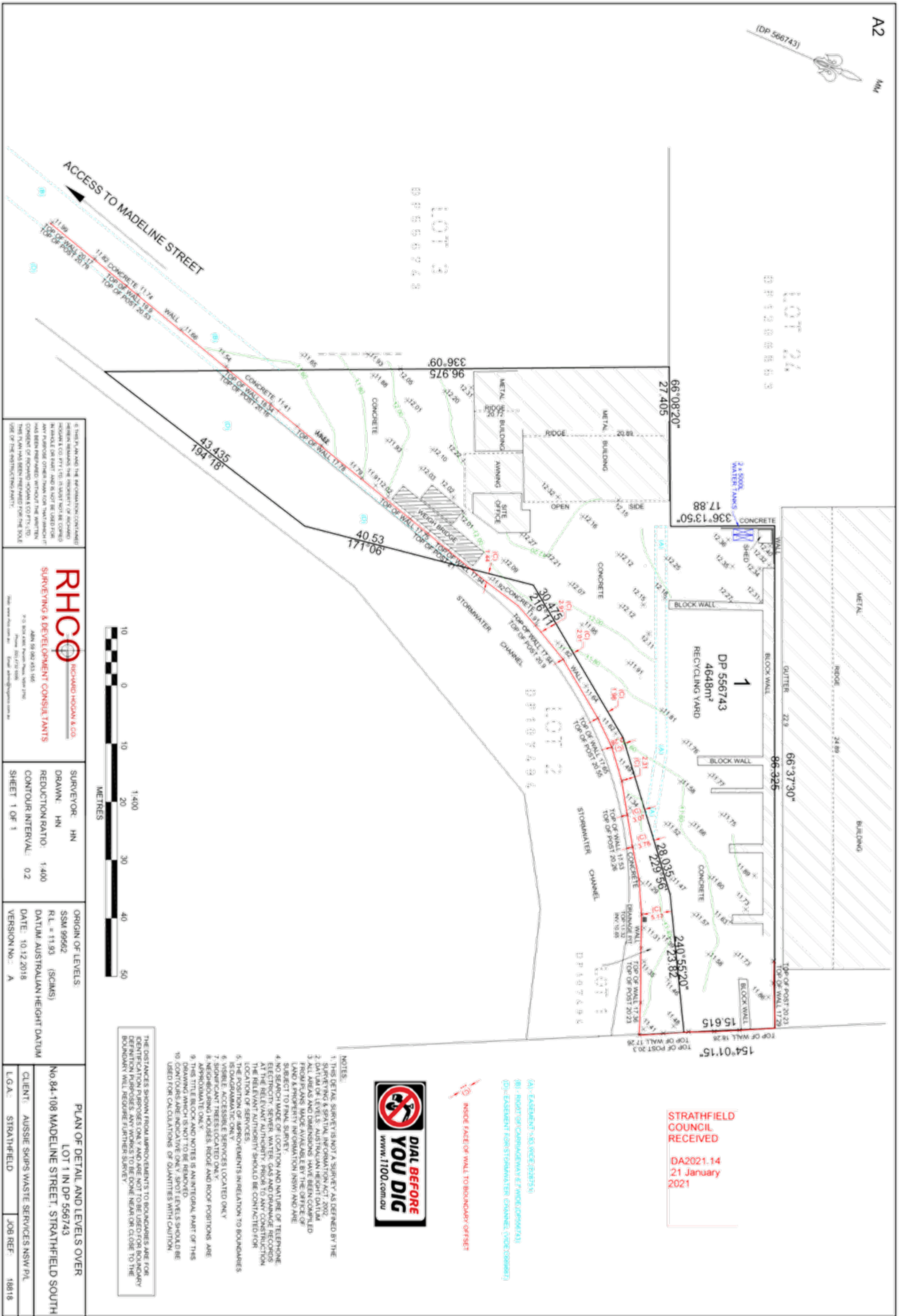
Any landscaping works for the Council land (Lot 1 DP 107494) must be maintained by the Applicant for a minimum period of 12 months after the issue of the Occupation Certificate. The Security Damage Deposit will be returned to the Applicant following an inspection by Council to confirm that the all landscaping works are maintained in accordance with the approved Landscaping Plan. If there are any plants that have died or require replacement, this must be done prior to the return of the Security Damage Deposit. In the event that Council must undertake such works, Council will take the cost of those works out of the Security Damage Deposit.

32. Bunding Work Areas

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering Council land (Lot 1 DP 107494) and the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

ATTACHMENTS

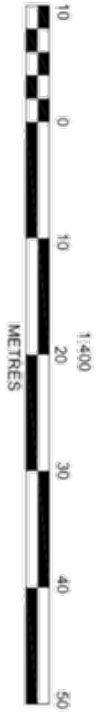
1. Survey Plan
2. Site Plan and Demolition Plan
3. Elevations
4. Section
5. Drainage Plan
6. Waste Management Plan

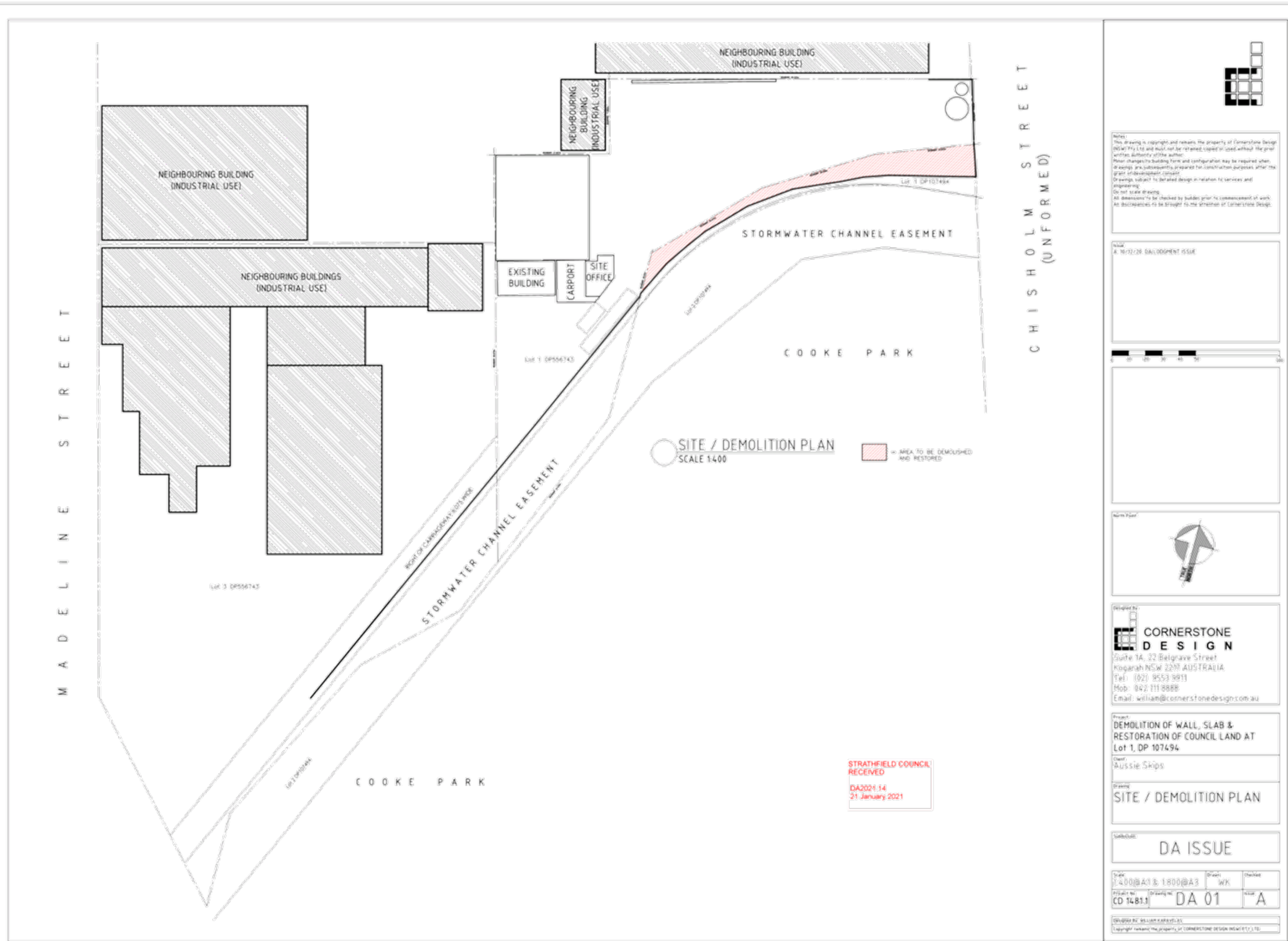


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RHCO RICHARD HOGAN & CO
SURVEYING & DEVELOPMENT CONSULTANTS
4/55 Pitt Street Sydney NSW 2000
Tel: 02 9231 1100
Fax: 02 9231 1101
Email: info@rhco.com.au





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 Drawings subject to detailed design in relation to services and engineering.
 Do not scale drawings.
 All dimensions to be checked by builder prior to commencement of work.
 An discrepancy to be brought to the attention of Cornerstone Design.

Scale:
 A 10/11/20 DA/LOADING ISSUE



Designed by:
CORNERSTONE DESIGN
 Suite 1A, 22 Belgrave Street
 Kogarah NSW 2250 AUSTRALIA
 Tel: (02) 9553 9911
 Mob: 042 111 8888
 Email: william@cornerstonedesign.com.au

Project:
 DEMOLITION OF WALL, SLAB & RESTORATION OF COUNCIL LAND AT Lot 1, DP 107494
Client:
 Aussie Skips

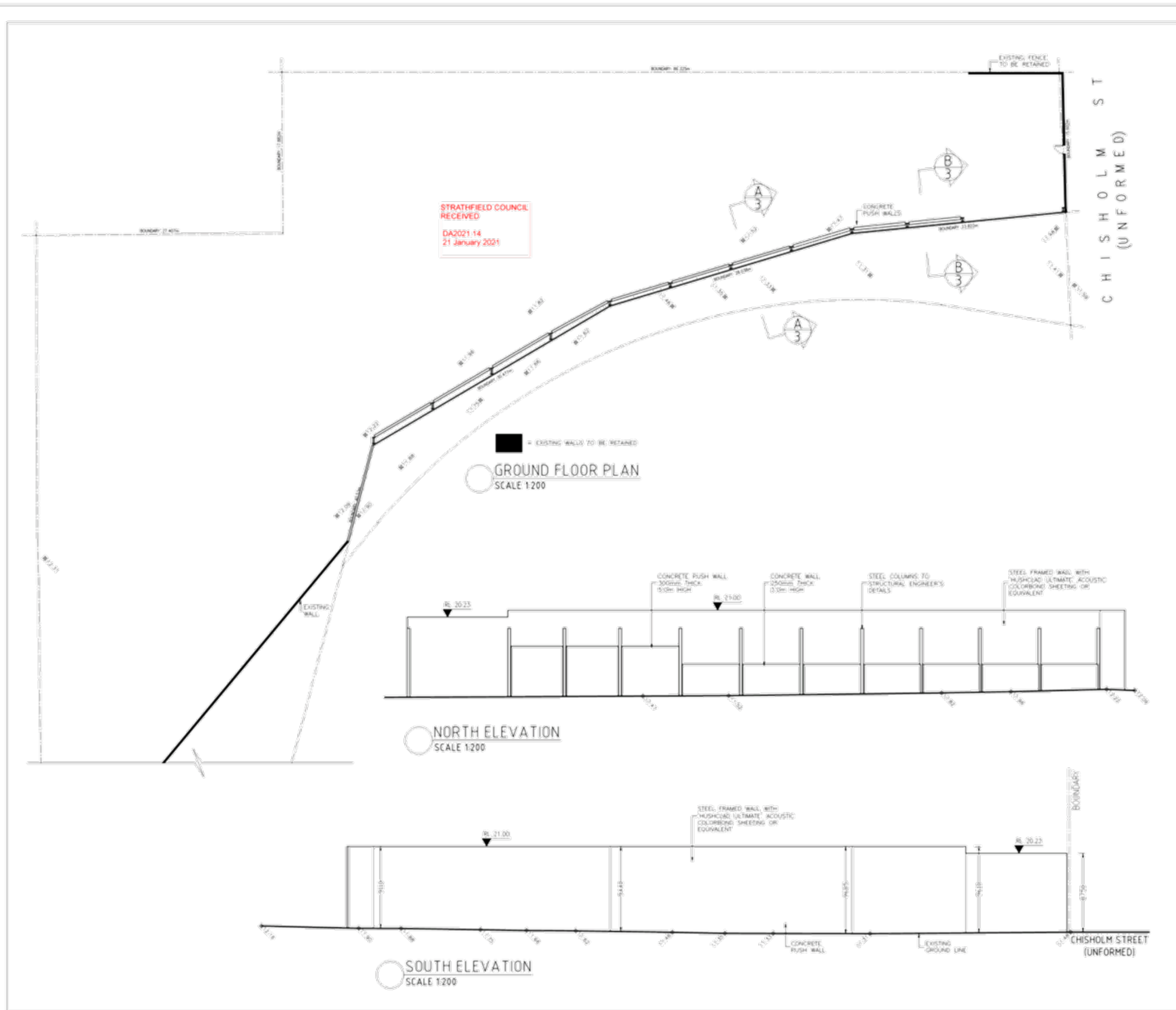
Drawing:
 SITE / DEMOLITION PLAN

Sub-stage:
 DA ISSUE

Scale:
 1:400@A1 & 1:800@A3 Drawn: WK Checked: WK
 Project No: CD 1481.1 Drawing No: DA 01 Issue: A

Designers: WILLIAM KAYE/ETAL
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 21 January 2021

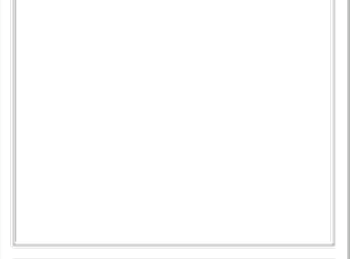


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21 January 2021



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All dimensions to be checked by builder prior to commencement of work.
An acceptance to be brought to the attention of Cornerstone Design.

Scale:
A 1:10/1:20 (4'000/8'000)



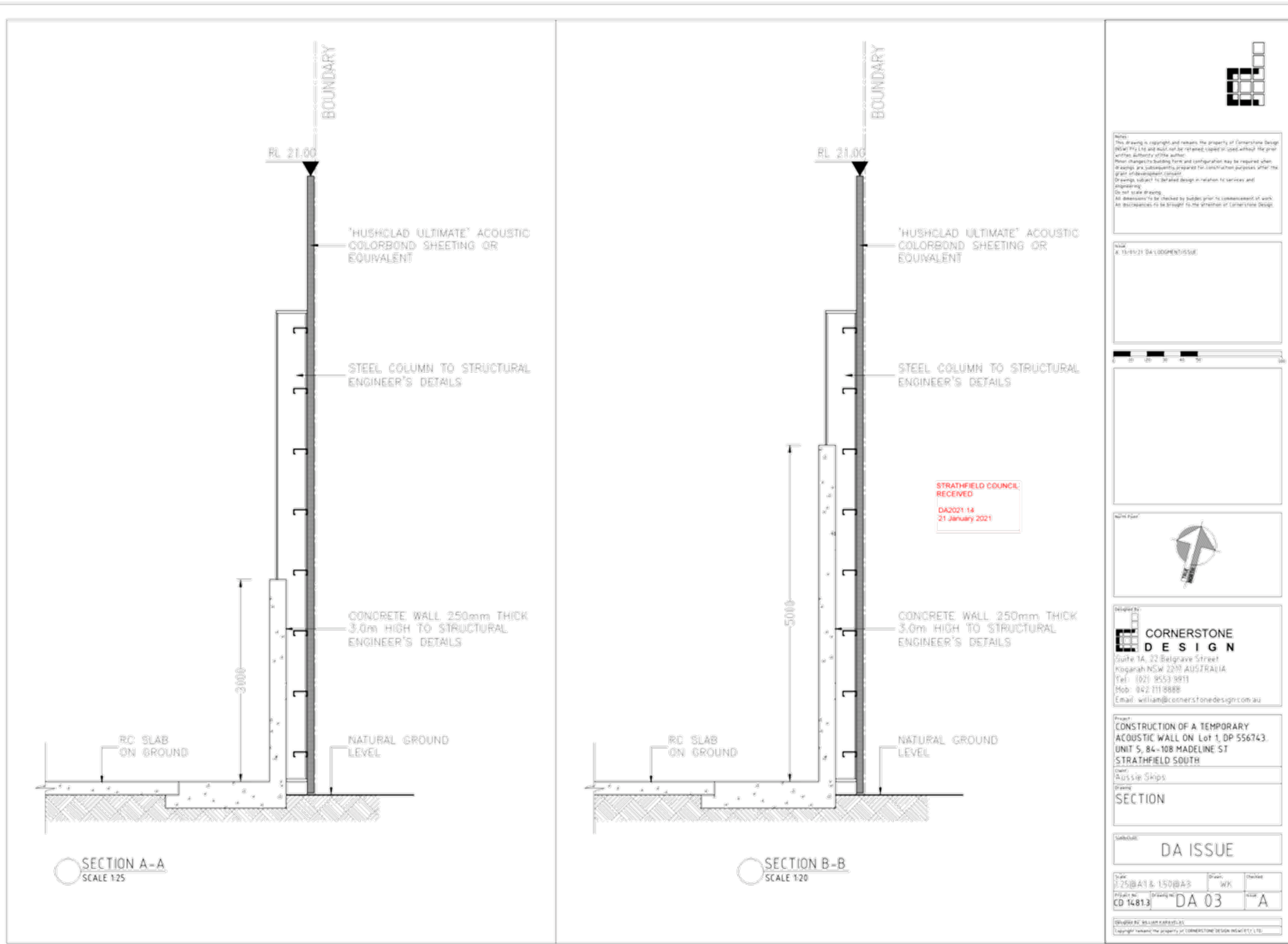
Designed by
CORNERSTONE DESIGN
Suite 1A, 22 Belgrave Street
Kogarah NSW 2250 AUSTRALIA
Tel: (02) 9553 8811
Mob: 042 111 8888
Email: william@cornerstonedesign.com.au

Project:
CONSTRUCTION OF A TEMPORARY ACOUSTIC WALL ON Lot 1, DP 556743, UNIT 5, 84-108 MADELINE ST STRATHFIELD SOUTH
Client:
Aussie Skips
Drawing:
PLAN & ELEVATION

Subclass:
DA ISSUE

Title: 1:200@A1 & 1:400@A3	Drawn: WK	Checked:
Project No: CD 14812	Drawing No: DA 02	Sheet: A

DESIGNED BY: WILLIAM KAPTEKAL
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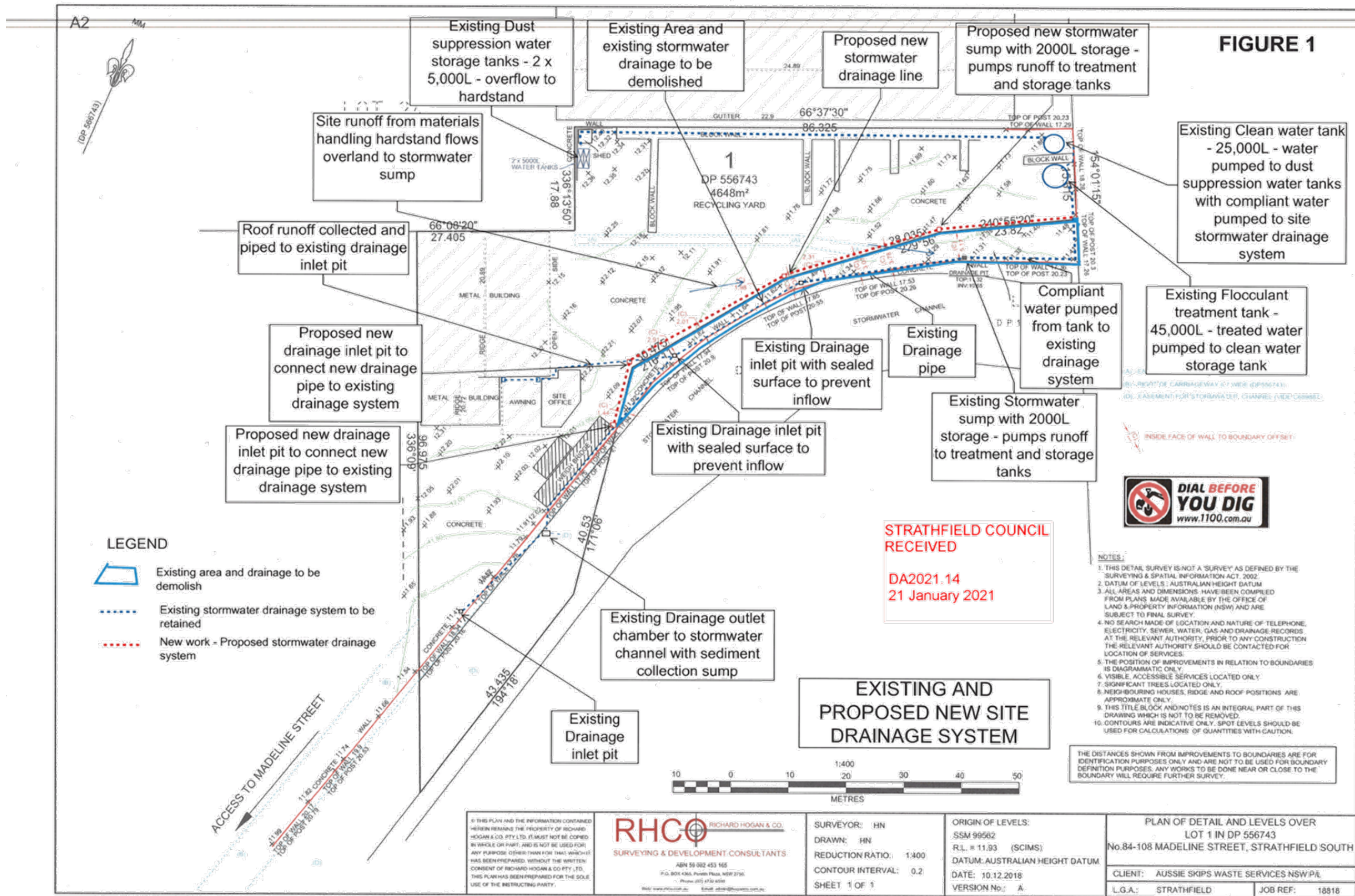
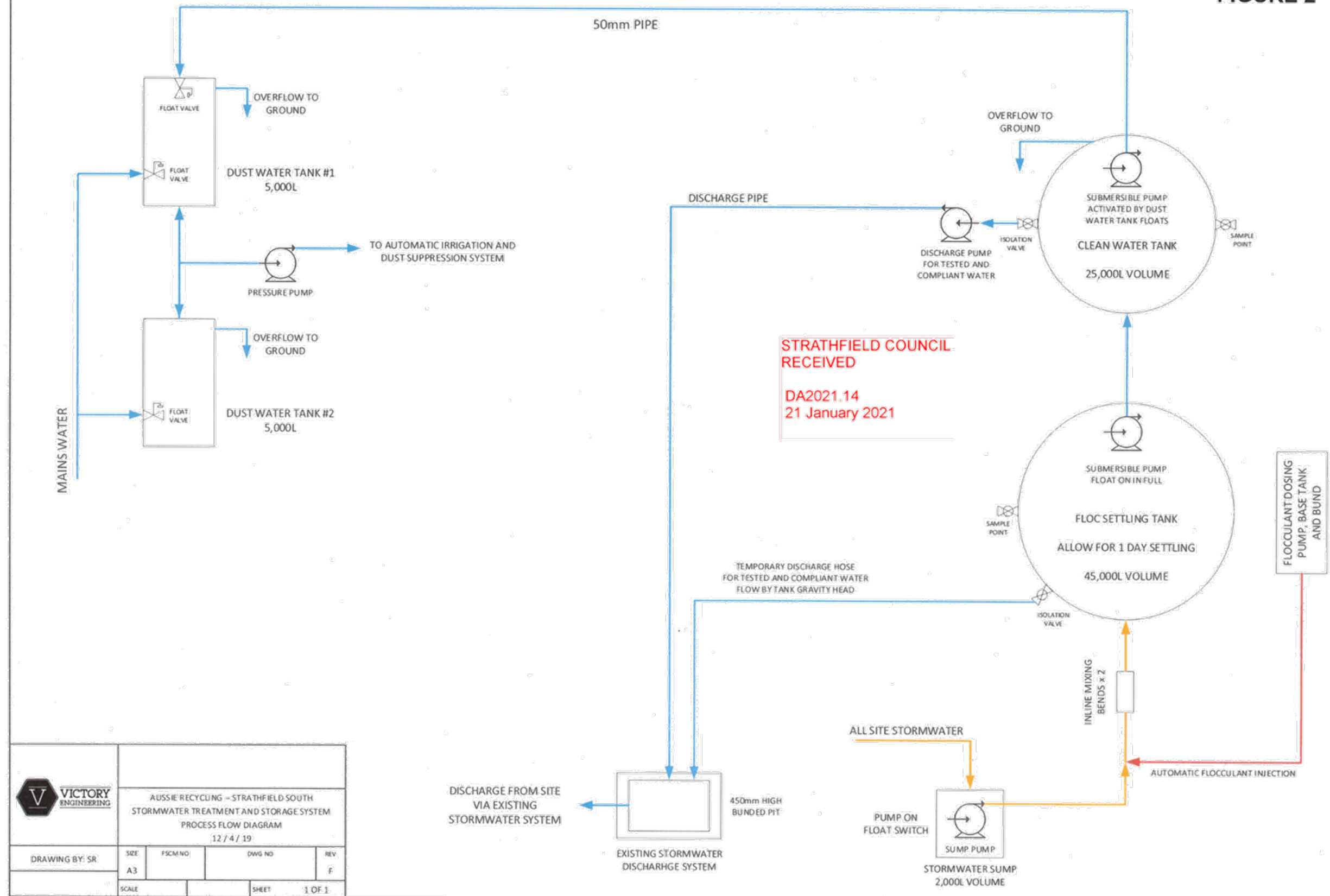


FIGURE 2



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21 January 2021

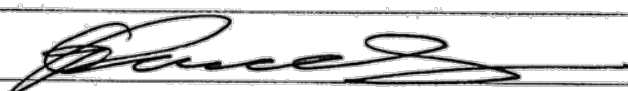
	AUSSIE RECYCLING - STRATHFIELD SOUTH STORMWATER TREATMENT AND STORAGE SYSTEM PROCESS FLOW DIAGRAM 12/4/19				
	DRAWING BY: SR	SIZE: A3	FSCM NO:	DWG NO:	REV: F
	SCALE:		SHEET:	1 OF 1	

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DA2021.14
21 January 2021

APPENDICES

APPENDIX A: Waste Management Plan Template

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	AUSSIE SKIPS RECYCLING PTY LTD
Address	UNITS 184-108 MADELINE ST, ST14 STRATHFIELD
Phone No.	0414 266 772
Email	EMMANUEL.BOISSALIS@AUSSIEINDUSTRIES.COM.AU
Project Details	
Site Address	CHISHOLM ST, BELFUELS (E/84-108 MADELINE ST ST14 STRATHFIELD)
Existing building(s) and/or other structure(s) on site	WASTE TRANSFER STATION AND RECYCLING FACILITY
Description of proposed development	DEMOLITION OF FENCE + HARDSTAND ON LOT1 DP107494 CONSTRUCTION OF AN ACOUSTIC FENCE AND REINFORCED DRAINAGE ON THE BOUNDARY OF LOT1 DP556743 + LOT1 DP107494
<i>The details on this form are the provisions and intentions for minimising and managing waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, WorkCover NSW, NSW Environment Protection Agency and/or the NSW Department of Environment and Heritage.</i>	
Name	EMMANUEL BOISSALIS
Signature	
Date	11 JANUARY 2021

Construction (all types of construction developments)				
	Reuse	Recycle	Disposal	
Type of Waste Generated	Estimate Volume (m ³) or weight (t)	Estimate Volume (m ³) or weight (t)	Estimate Volume (m ³) or weight (t)	Specify method of onsite reuse, contractor and recycling outlet and/or waste depot to be used
Excavation Material	—	10T	—	REUSE/RECYCLE
Timber (specify)	—	—	—	
Concrete	—	2T	—	REUSE/RECYCLE
Bricks/Pavers	—	—	—	
Tiles	—	—	—	
Metal (specify)	—	1T	—	REUSE/RECYCLE
Glass	—	—	—	
Plasterboard (offcuts)	—	—	—	
Fixtures and fittings	—	—	—	
Floor coverings	—	—	—	
Packaging (used pallets, pallet wrap)	—	—	—	
Garden Organics	—	—	—	
Containers (cans, plastic, glass)	—	—	—	
Paper/Cardboard	—	—	—	
Residual Waste	—	—	—	
Hazardous/Special Waste e.g. asbestos (specify)	—	—	—	
Other (specify)	—	—	2T	REUSE/RECYCLE

Demolition (all types of demolition works)				
	Reuse	Recycle	Disposal	
Type of Waste Generated	Estimate Volume (m ³) or weight (t)	Estimate Volume (m ³) or weight (t)	Estimate Volume (m ³) or weight (t)	Specify method of onsite reuse, contractor and recycling outlet and/or waste depot to be used
Excavation Material	—	25T	—	BENEDICT RECYCLING
Timber (specify)	—	—	—	
Concrete	—	30T	—	BENEDICT RECYCLING
Bricks/Pavers	—	—	—	
Tiles	—	—	—	
Metal (specify)	—	100T	—	BENEDICT RECYCLING
Glass	—	—	—	
Furniture	—	—	—	
Fixtures and fittings	—	—	—	
Floor coverings	—	—	—	
Packaging (used pallets, pallet wrap)	—	—	—	
Garden Organics	—	—	—	
Containers (cans, plastic, glass)	—	—	—	
Paper/Cardboard	—	—	—	
Residual Waste	—	—	5T	BENEDICT RECYCLING
Hazardous/Special Waste e.g. asbestos (specify)	—	—	—	
Other (specify)	—	—	15T	SANDHURST RECYCLING BENEDICT RECYCLING

N/A WASTE MANAGEMENT FACILITY

Ongoing Operation (residential, multi dwelling, commercial, mixed-use and/or industrial)					
	Recyclables		Compostables	Residual Waste	Other
	Paper/Cardboard	Metals/Plastics /Glass			
Amount generated (L per unit per day)					
Amount generated (L per unit per week)					
Total amount generated for development					
Any reduction due to compacting equipment					
Frequency of collections					
Number and size of storage bins required					
Waste room floor area and dimensions required for storage of bins					

Note: Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.