

## 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, 4 July 2019**

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

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

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**TO:** Strathfield Local Planning Panel Meeting - 4 July 2019  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** DA2019/014 - 3 ELLIOTT STREET, BELFIELD  
LOT 101 IN DP 1076570  
**DA NO.** DA2019/014

## SUMMARY

**Proposal:** Change of use to a centre based child care centre for 70 children and associated alterations and additions with 18 car parking spaces, operating 7am to 6pm Monday to Friday and 7am to 1pm Saturday.

**Applicant:** Blue Print Designs Pty Ltd

**Owner:** Pared Pty Ltd

**Date of lodgement:** 12 February 2019

**Notification period:** 26 February 2019 to 19 March 2019

**Submissions received:** Three (3) written submissions received

**Assessment officer:** ND

**Estimated cost of works:** \$96,800

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

**Heritage:** N/A

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** No

**Reason for referral to SLPP** Contentious Development - Three (3) unresolved objections received.

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

## EXECUTIVE SUMMARY

- 1.0 The application seeks Council approval to convert an existing Infant School to a centre based child care centre and associated alterations and additions to the building and on-site car parking.
- 2.0 The plans and documentation were notified in accordance with Part L of the Strathfield Consolidated Development Control (SCDCP) 2005 from 26 February 2019 to 19 March 2019. Three (3) written submissions were received raising concerns regarding traffic congestion on Elliott Street and noise levels.
- 3.0 During the assessment process the proposed on-site car parking layout was amended to enable the retention of all four (4) existing street trees resulting in the provision of 15 on-site car parking spaces. The proposed on-site car parking scheme, in conjunction with the capacity and availability of street parking along Elliott Street is considered acceptable.

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- 4.0 The cul-de-sac location of the proposed child care centre and the surrounding locality character is appropriately suited to accommodate the proposed 70 children capacity of the child care centre and achieve reasonable residential amenity to the adjoining townhouse development.
- 5.0 The development application is recommended for approval, subject to the recommended conditions of consent including the child care centre operating on weekdays.

## **BACKGROUND**

- 8 June 2004:** Development Application 0304/110 to demolish the existing dwelling, create a two lot boundary subdivision and erect a two (2) storey infants school.
- 12 February 2019:** The current development application (DA2019/014) was lodged.
- 26 February 2019 to  
19 March 2019:** The application was publicly notified. Three (3) written submissions were received. The authors of the submissions have been approached by Council discussing the various concerns.
- 11 March 2019:** A letter requesting additional information was sent to the applicant seeking clarification of the proposed internal works, submission of a Plan of Management, amendments to the waste storage and collection arrangements and the submission of an Arboricultural Impact Assessment.
- 25 March 2019:** Comments received from Viva Energy requesting the submission of a Risk Assessment Report. Council forwarded the comments to the applicant for action.
- 14 May 2019:** Amended plans including Arboricultural Impact Assessment submitted to Council.
- 16 May 2019:** Risk Assessment Report requested by Viva Energy submitted to Council.
- 4 June 2019:** Comments received from Viva Energy, raising no objections to the development applications.
- 19 June 2019:** Comments received from Ausgrid, raising no objections to the development application.
- 20 June 2019:** A letter was sent to the applicant stating that the removal of any street trees would not be supported and an amended on-site parking plan was submitted in response. On-site parking was reduced from 18 to 15 car parking spaces and included the retention of all four (4) street trees.

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

The subject site is located on the western side of Elliott Street at the end of a cul-de-sac with a site of 1,691.4m<sup>2</sup> (Figure 1). The site is rectangular in shape with a splay in the south-western corner of the site and is currently occupied by a two (2) storey Infant School accommodating up to 80 students from Preschool to Year 2 (Figure 2). The existing Infant School is serviced by seven (7) on-site vehicle parking spaces directly accessed via Elliott Street and a drive through pick-up/set down area.

Immediately to the west of the site are 15 townhouses (18 residential units) and to the south Bark Huts Reserve which includes a children's playground and sporting grounds. The subject site is

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located approximately 50m from the Mascot Pipeline which conveys jet fuel from Camellia to Sydney's Kingsford Smith Airport and is adjacent to Bark Huts Reserve.

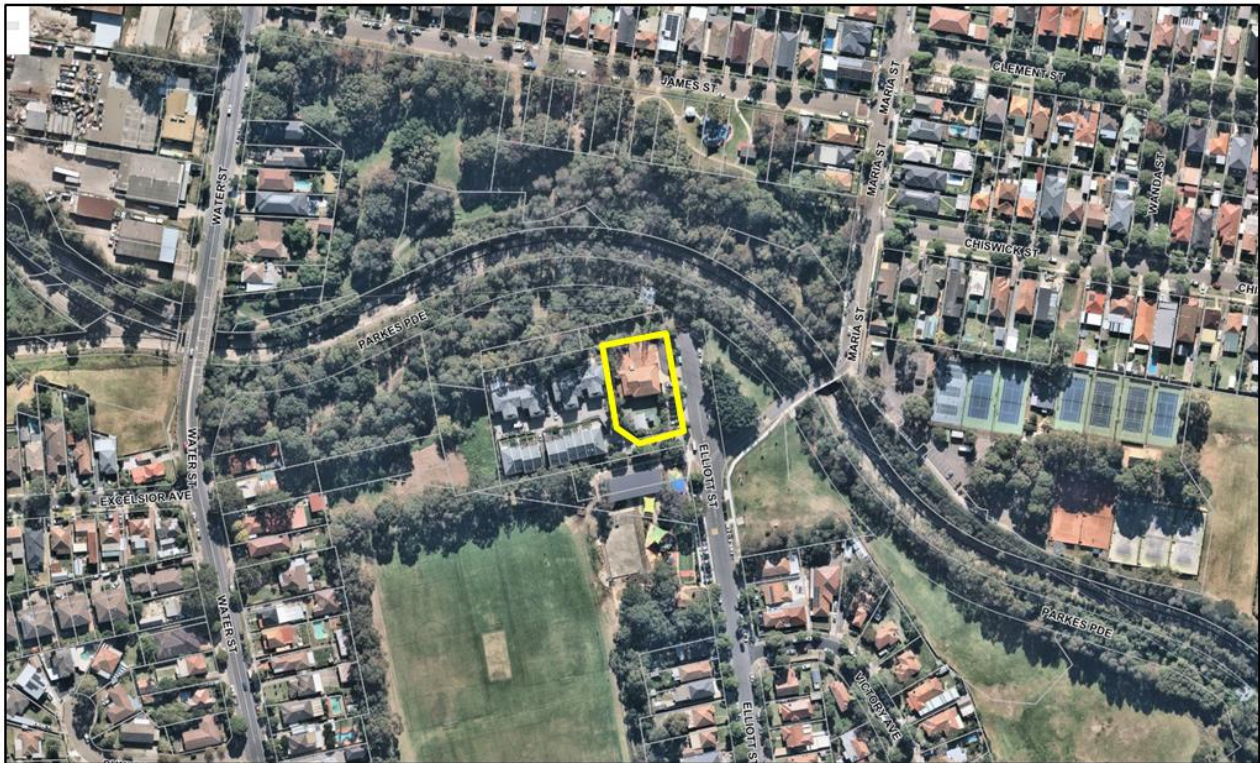


Figure 1: Locality plan. The subject site is outlined in yellow.



Figure 2: View of the existing infant school from Elliott Street.

**PROPERTY BURDENS AND CONSTRAINTS**

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

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**



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The application seeks Council approval for the change of use from an Infant School to a child care centre with a 70 children maximum capacity, associated internal and external alterations and additions including on-site car parking.

The centre is to accommodate up to 70 children at any one time aged 2-6 years old with 11 staff and operate from 7:00am to 6:00pm Monday to Friday and 7:00am to 1:00pm Saturdays.

The ground floor level includes a lobby, staff room, associated office rooms, kitchen area, chapel, laundry, toilets, storage rooms, indoor play areas associated within the 2-3 year age groups and outdoor play areas for all children at the centre (Figure 3). The first floor level includes indoor play areas for 4-5 year age groups and storage room (Figure 4). The car park accommodated 18 car spaces of which 11 are designated for use by staff and the remaining 7 spaces for use by visitors. The waste storage room is also located within the front building area with direct access to the street.

During the assessment process the on-site car parking layout was amended to enable the retention of all four (4) street trees. The amended car parking design consists of six (6) visitor spaces (including one disabled) and nine (9) staff spaces.

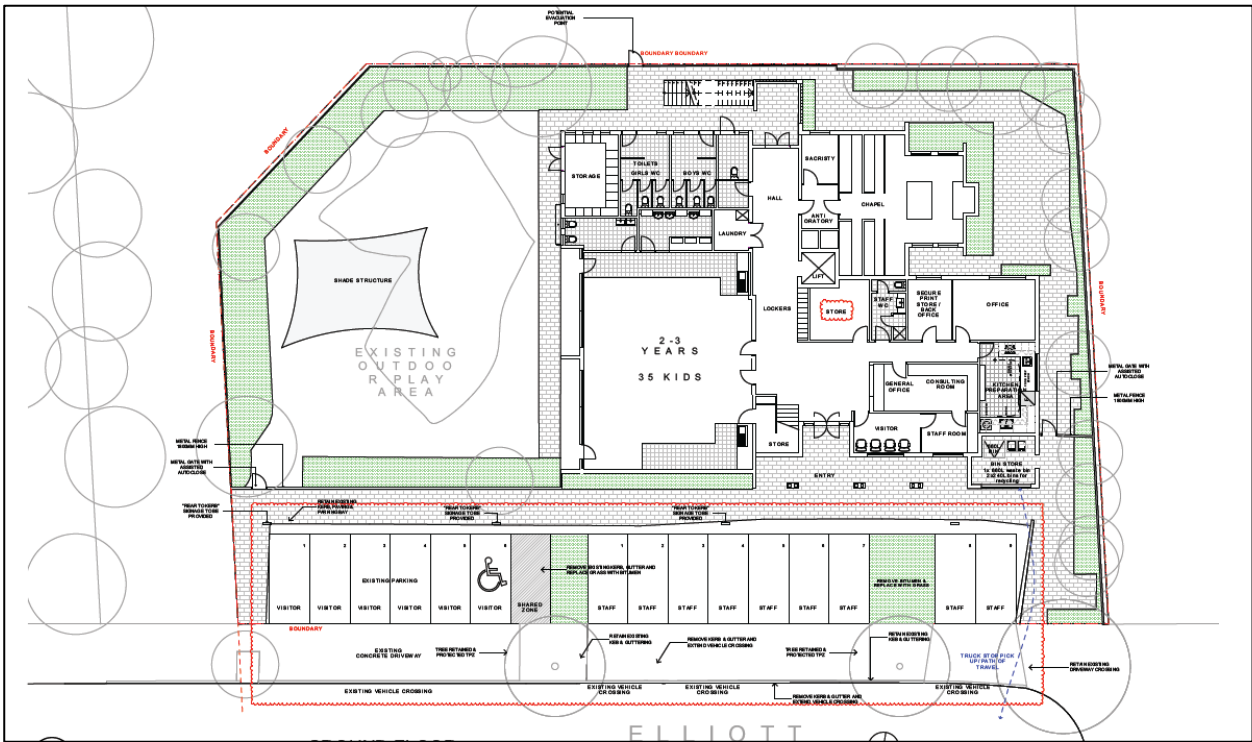


Figure 3: Amended ground floor plan

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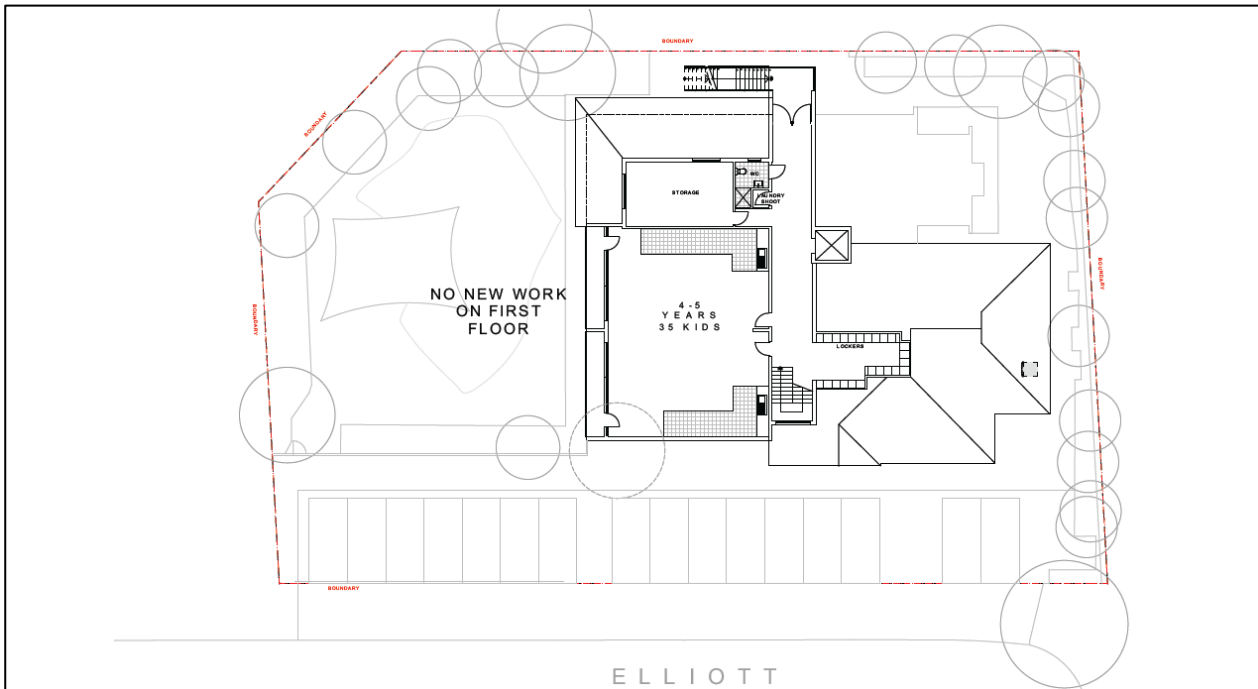


Figure 4: Amended first floor plan

## REFERRALS

### INTERNAL REFERRALS

#### Waste Comments

Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### Landscaping Comments

Council's Tree Officer provided the following comments:

*"All of the existing street trees adjacent to this property are to be retained and protected"... in this regard it is necessary that the applicant amend their carpark design order to retain all four (4) existing street trees."*

An amended off-street car parking plan was submitted to the satisfaction of Council's Tree Officer, subject to the recommended conditions of consent.

#### Traffic Comments

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

#### Environmental Health Comments

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

## EXTERNAL REFERRALS

#### Viva Energy Australia Comments

Viva Energy Australia provided the following comments:

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- *“Complete a risk assessment to include consequence models of the worst case scenarios of potential adverse impacts to the site associated with proximity to the hazardous installations;*
- *Prepare a material and finishes, that:*
  - *confirms that the buildings to be constructed withstand the radiation contour identified by the risk assessment report and how this will be achieved: and*
  - *details the window type (including laminated glass) and method of fixing for the building to demonstrate that shattering of glass will be prevented;*
- *Prepare, to the satisfaction of the Responsible Authority, an Emergency Evacuation plan which demonstrates that all evacuations are to the back of the property (away from the pipeline).”*

In response to the above comments, the applicant prepared and submitted a Risk Assessment Report. The Report was forwarded to Viva Energy whom had no further comments.

### **Ausgrid Comments**

Ausgrid offered no objections to the development application.

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

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

### **4.15(1)(a) the provisions of any environmental planning instrument**

The following environmental planning instruments are relevant to the assessment of the proposal:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Strathfield Local Environmental Plan 2012

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

This state environmental planning policy replaces the recently repealed provisions of clause 5.9 of Strathfield Local Environmental Plan 2012 relating to the preservation of trees and vegetation. The intent of this state policy is consistent with the objectives of the repealed local provisions, whereby the primary aims and objectives are related to the protection of the biodiversity values of trees and other vegetation.

The proposal initially sought to remove street trees located immediately in-front of the existing building to accommodate a total of 18 car parking spaces (Figure 5). The removal of the street trees was not supported by Council's Tree Officer due to the nominated trees being in fair health and contribution to the tree canopy of the locality. Consequently an amended car parking plan retaining all four (4) street trees with a reduced 15 car parking capacity was submitted to the satisfaction of Council's Tree Officer.

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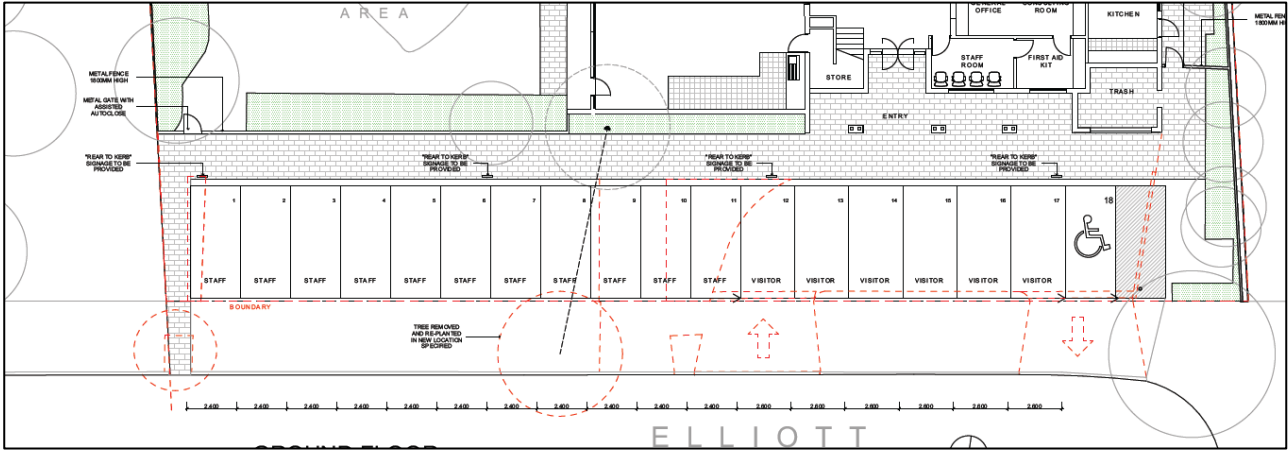


Figure 5: Originally proposed on-site car parking plan.

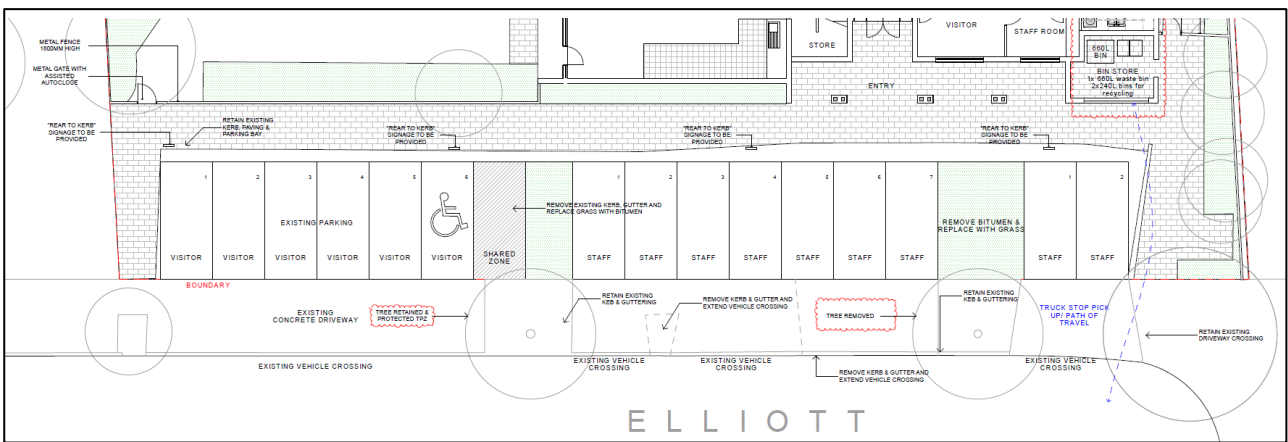


Figure 6: Modified on-site car parking plan retaining all street trees.

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

Section 66C of the Infrastructure SEPP 2007 outlines the matters the consent authority must consider for development adjacent to land in a pipeline corridor. The subject site is located approximately 50m from a high pressure jet fuel pipeline owned and operated by Viva Energy. The pipeline distributes jet fuel from Camellia to Sydney’s Kingsford Smith Airport supplying almost 50% of the Airport’s fuel needs.

In accordance with the Infrastructure SEPP 2007, the application was referred to Viva Energy and consequently a Risk Assessment Report was submitted by the applicant. Viva Energy offered no objections to the proposal, subject to the implementation of the recommendations contained in the Risk Assessment Report. As such, a condition of consent has been recommended requiring the implementation of the recommendations contained in the submitted Risk Assessment Report including the installation of a gate at the back fence to allow personnel to evacuate the school in the event of a pipeline explosion.



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Figure 7: Locality plan. The subject site is outlined in yellow and the jet fuel pipeline in purple.

In accordance with Clause 45 of the Infrastructure SEPP, the application was referred to the electricity supply authority (Ausgrid) as the subject site is located within 5m of an exposed overhead electricity power line. Ausgrid provided no objection to the proposed development.

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

This State Environmental Planning Policy aims to facilitate the effective delivery of educational establishments and early education and care facilities across NSW.

Clause 22 of the state policy prescribes that a consent authority must not grant consent to a development for the purpose of a centre-based child care facility, except with the concurrence of the regulatory authority, if:

- The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the *Education and Care Services National Regulations*; or
- The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those regulations.

Clause 107(2) of the Education and Care Services National Regulations prescribes as follows:

*The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.*

Based on the above requirement, 227.55m<sup>2</sup> of unencumbered indoor space is required for the number of children proposed. The proposed building includes 252.6m<sup>2</sup> of unencumbered indoor space and therefore complies with the minimum area requirement.

Clause 108(2) of Education and Care Services National Regulations prescribes as follows:



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*The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.*

Based on the above requirement, 490m<sup>2</sup> of unencumbered outdoor space is required for the number of children proposed. The proposal includes 501m<sup>2</sup> of unencumbered outdoor space and therefore complies with the minimum area requirement.

Clause 23 of the state policy prescribes as follows:

*Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.*

An assessment of the proposal against the relevant matters for consideration as prescribed in Part 2, 3 and 4 of the Child Care Planning Guideline is as follows:

<b>Principles</b>	<b>Comments</b>
<p><b>Principle 1: Context</b>  <i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i>  <i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</i>  <i>Well-designed child care facilities take advantage of its context by optimizing nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</i></p>	<p>The proposed child care centre adjoins a public park with playground and sporting facilities and is adjacent to an off-leash dog area reflecting a family orientated streetscape. The child care centre positively responds to the streetscape. Further, the centre is surrounded by natural environment including mature trees, providing natural stimulus for the children.</p>
<p><b>Principle 2: Built Form</b>  <i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</i>  <i>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</i>  <i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i>  <i>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas and contributes positively to the</i></p>	<p>The existing building comprises of a two (2) storey building with exposed facebrick, terracotta roof tiles and a pitched roof. The built form and external finishes of the building are reflective of a dwelling. The existing building was constructed in 2007 and operating as an Infant School and is considered to form part of the surrounding streetscape. Minimal external works to the existing building are proposed.</p>

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<p><i>public realm.</i></p>	
<p><b>Principle 3: Adaptive Learning Spaces</b>  <i>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</i>  <i>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</i></p>	<p>The existing building facilities include a lift enabling all children to access both floors. The centre provides two (2) adequately sized storage rooms enabling the storage of equipment without imposing on the available learning spaces.</p> <p>The centre provides distinctive indoor and outdoor play areas, with the outdoor area complemented through landscaping of existing mature trees.</p> <p>Both indoor spaces are fitted with bio-fold door to create smaller learning spaces.</p>
<p><b>Principle 4: Sustainability</b>  <i>Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements including recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i>  <i>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</i></p>	<p>The positioning of the indoor and outdoor play spaces balances the need for natural solar access and artificial temperature regulating (particularly fans and air-conditioning during the summer months).</p>
<p><b>Principle 5: Landscaping</b>  <i>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i>  <i>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</i>  <i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p>	<p>The development provides two (2) outdoor play areas on opposing sides of the building providing flexibility for seasonal temperatures.</p> <p>No changes to the existing outdoor play areas are proposed, specifically in relation to existing mature trees.</p>
<p><b>Principle 6: Amenity</b>  <i>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive</i></p>	<p>The outdoor play area has a frontage to Elliott Street, providing the children with a view of the grassed area located opposite and off-leash dog area adjacent</p>

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<p><i>learning environments and the well-being of students and staff.</i>  <i>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age ground and degrees of mobility.</i>  <i>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialize.</i></p>	<p>to the site. Opportunities for the children to see the surrounding environment. Outdoor play area is appropriately orientated to enable solar access to the children. The existing landscaping along the boundaries of the site provide additional acoustic buffering.</p>
<p><b>Principle 7: Safety</b>  <i>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</i></p>	<p>The development application was referred to Ausgrid and Viva Energy due to the close proximity of the site to electricity and petroleum infrastructure, both whom provided no objections to the proposal.</p>

Matter for Consideration		Comment
<b>3.1 Site Selection and Location</b>		
C1	<p><i>For proposed developments in or adjacent to a residential zone, consider:</i></p> <ul style="list-style-type: none"> <li><i>• the acoustic and privacy impacts of the proposed development on the residential properties</i></li> <li><i>• the setbacks and siting of buildings within the residential context</i></li> <li><i>• traffic and parking impacts of the proposal on residential amenity</i></li> </ul>	<p>The site is located at the end of a cul-de-sac and adjoins a townhouse development at the rear only. The construction of the existing Infant School was approved in 2004 with a maximum capacity of 80 children across preschool to year 2. It is not anticipated that the change of use will generate additional acoustic impacts than the existing infant school, particularly the proposal seeks a maximum capacity of 70 children.</p>
C2	<p><i>When selecting a site, ensure that:</i></p> <ul style="list-style-type: none"> <li><i>• the location and surrounding uses are compatible with the proposed development or use</i></li> <li><i>• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</i></li> <li><i>• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</i></li> </ul>	<p>The site is located within close proximity to an electrical transmission tower and a jet fuel pipeline. Consequently the application was referred to Ausgrid and Viva Energy whom had no objections to the proposed application subject to the recommendations contained in the Risk Assessment Report prepared by HSEQ Professionals.</p> <p>The use of the site as a child care centre</p>

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	<ul style="list-style-type: none"> <li>• <i>the characteristics of the site are suitable for the scale and type of development proposed having regard to:</i> <ul style="list-style-type: none"> <li>- <i>size of street frontage, lot configuration, dimensions and overall size</i></li> <li>- <i>number of shared boundaries with residential properties</i></li> <li>- <i>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</i></li> </ul> </li> <li>• <i>there are suitable drop off and pick up areas, and off and on street parking</i></li> <li>• <i>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</i></li> <li>• <i>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</i></li> </ul>	<p>is compatible with the surrounding residential and open space land uses.</p>
C3	<p><i>A child care facility should be located:</i></p> <ul style="list-style-type: none"> <li>• <i>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</i></li> <li>• <i>near or within employment areas, town centres, business centres, shops</i></li> <li>• <i>with access to public transport including rail, buses, ferries</i></li> <li>• <i>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like</i></li> </ul>	<p>The Barks Hutt Reserve is located immediately south of the site with a children’s playground, picnic facilities and sporting grounds.</p>
C4	<p><i>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</i></p> <ul style="list-style-type: none"> <li>• <i>proximity to:</i> <ul style="list-style-type: none"> <li>- <i>heavy or hazardous industry, waste transfer depots or landfill sites</i></li> <li>- <i>LPG tanks or service stations</i></li> <li>- <i>water cooling and water warming systems</i></li> <li>- <i>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</i></li> </ul> </li> </ul>	<p>The subject site is not located near noise or odour generating uses.</p>
<p><b>3.2 Local Character, Streetscape and the Public Domain Interface</b></p>		
C5	<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> <li>• <i>contribute to the local area by being designed in character with the locality and existing streetscape</i></li> </ul>	<p>No changes to the external building façade are proposed. The existing building comprises of a part single and part two storey exposed facebrick</p>

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	<ul style="list-style-type: none"> <li>• <i>reflect the predominant form of surrounding land uses, particularly in low density residential areas</i></li> <li>• <i>recognise predominant streetscape qualities, such as building form, scale, materials and colours</i></li> <li>• <i>include design and architectural treatments that respond to and integrate with the existing streetscape</i></li> <li>• <i>use landscaping to positively contribute to the streetscape and neighbouring amenity</i></li> <li>• <i>integrate car parking into the building and site landscaping design in residential areas.</i></li> </ul>	<p>building with a pitched roof and is sympathetic to the surrounding residential properties.</p>
C6	<p><i>Create a threshold with a clear transition between public and private realms, including:</i></p> <ul style="list-style-type: none"> <li>• <i>fencing to ensure safety for children entering and leaving the facility</i></li> <li>• <i>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</i></li> <li>• <i>integrating existing and proposed landscaping with fencing.</i></li> </ul>	<p>The existing building has a 1.8m high side fencing, screened with mature landscaping and windows facing the outdoor play area and Elliott providing passive surveillance opportunities.</p>
C9	<p><i>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</i></p>	<p>The existing front fence is constructed of visually permeable materials.</p>
<p><b>3.3 Building Orientation, Envelope and Design</b></p>		
C11	<p><i>Orient a development on a site and design the building layout to:</i></p> <ul style="list-style-type: none"> <li>• <i>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</i> <ul style="list-style-type: none"> <li>- <i>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</i></li> <li>- <i>placing play equipment away from common boundaries with residential properties</i></li> <li>- <i>locating outdoor play areas away from residential dwellings and other sensitive uses</i></li> </ul> </li> <li>• <i>optimise solar access to internal and external play areas</i></li> <li>• <i>avoid overshadowing of adjoining residential properties</i></li> <li>• <i>minimise cut and fill</i></li> <li>• <i>ensure buildings along the street frontage define the street by facing it.</i></li> </ul>	<p>The indoor play areas on the ground and first floor are orientated to the south, away from the townhouses minimising potential noise and overlooking impacts on the adjoining properties.</p>
C12	<p><i>The following matters may be considered to minimise the impacts of the proposal on local character:</i></p>	<p>The proposal seeks a change of use of an existing building to a child care centre. The scale of the building is appropriate to</p>

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	<ul style="list-style-type: none"> <li>• <i>building height should be consistent with other buildings in the locality</i></li> <li>• <i>building height should respond to the scale and character of the street</i></li> <li>• <i>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</i></li> <li>• <i>setbacks should provide adequate access for building maintenance</i></li> <li>• <i>setbacks to the street should be consistent with the existing character</i></li> </ul>	the R3 Medium Density Residential zoning of the site.
C13	<p><i>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</i></p>	No change to the building setbacks are proposed.
C15	<p><i>The built form of the development should contribute to the character of the local area, including how it:</i></p> <ul style="list-style-type: none"> <li>• <i>respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</i></li> <li>• <i>contributes to the identity of the place</i></li> <li>• <i>retains and reinforces existing built form and vegetation where significant</i></li> <li>• <i>considers heritage within the local neighbourhood including identified heritage items and conservation areas</i></li> <li>• <i>responds to its natural environment including local landscape setting and climate</i></li> <li>• <i>contributes to the identity of place.</i></li> </ul>	The propose use of the site as a child care centre and 70 children capacity is compatible with the locality in that the centre is surrounded by public open space on three (3) sides and of an appropriate built form to achieve acoustic and visual privacy to the adjoining townhouse development. Additionally, the two (2) storey building height is consistent with the residential character of the streetscape.
C16	<p><i>Entry to the facility should be limited to one secure point which is:</i></p> <ul style="list-style-type: none"> <li>• <i>located to allow ease of access, particularly for pedestrians</i></li> <li>• <i>directly accessible from the street where possible</i></li> <li>• <i>directly visible from the street frontage</i></li> <li>• <i>easily monitored through natural or camera surveillance</i></li> <li>• <i>not accessed through an outdoor play area</i></li> </ul>	Entry to the centre will be restricted to the main building entrance. Two (2) gates are provided in the outdoor play areas achieving compliance with fire and the jet fuel pipeline evacuation procedures.
C17	<p><i>Accessible design can be achieved by:</i></p> <ul style="list-style-type: none"> <li>• <i>providing accessibility to and within the building in accordance with all relevant legislation</i></li> <li>• <i>linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car</i></li> </ul>	The centre has been appropriately designed to achieve accessibility. Nonetheless, a condition of consent has been recommended for the development to meet the requirements of the Building Code of Australia and relevant Australian Standards with regard to the Disability

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	<p><i>parking areas and the main building entry</i></p> <ul style="list-style-type: none"> <li>• <i>providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</i></li> <li>• <i>minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</i></li> </ul>	Discrimination Act 1992.
<b>3.4 Landscaping</b>		
C18	<p><i>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</i></p> <p><i>Use the existing landscape where feasible to provide a high quality landscaped area by:</i></p> <ul style="list-style-type: none"> <li>• <i>reflecting and reinforcing the local context</i></li> <li>• <i>incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</i></li> </ul>	Mature screen planting is already provided along the outdoor play area boundaries.
<b>3.5 Visual and Acoustic Privacy</b>		
C21	<p><i>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p> <ul style="list-style-type: none"> <li>• <i>appropriate site and building layout</i></li> <li>• <i>suitably locating pathways, windows and doors</i></li> <li>• <i>permanent screening and landscape design</i></li> </ul>	Direct overlooking from public spaces has been minimised through the retention of the existing landscaping including mature trees.
C22	<p><i>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</i></p> <ul style="list-style-type: none"> <li>• <i>appropriate site and building layout</i></li> <li>• <i>suitable location of pathways, windows and doors</i></li> <li>• <i>landscape design and screening</i></li> </ul>	Visual privacy of the adjoining properties is minimised through the orientation of the indoor and outdoor play areas away from the adjoining townhouse development.
C23	<p><i>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</i></p> <ul style="list-style-type: none"> <li>• <i>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</i></li> <li>• <i>ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</i></li> </ul>	The development does not include alterations to more than 50% of the existing floor area. Notwithstanding 1.8m solid timber fence was erected along the western and southern side boundaries in accordance with the recommendations of the Acoustic Report approved by Council under the development consent for the Infant School (DA0304/110).
C24	<i>A suitably qualified acoustic professional</i>	The application seeks a change of use

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	<p><i>should prepare an acoustic report which will cover the following matters:</i></p> <ul style="list-style-type: none"> <li>• <i>identify an appropriate noise level for a child care facility located in residential and other zones</i></li> <li>• <i>determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</i></li> <li>• <i>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</i></li> </ul>	<p>from an Infant School of 80 children to a child care centre with a 70 child capacity. Due to the similarity in use and proposed decrease in children capacity, no acoustic report was submitted or requested. To ensure a reasonable level of acoustic amenity of the adjoining residents is achieved conditions of consent have been recommended that the noise level from children in the outdoor areas of the site must not exceed the background LA90 sound level by more than 10dBA when measured at the boundary of the nearest.</p>
<p><b>3.6 Noise and Air Pollution</b></p>		
C25	<p><i>Adopt design solutions to minimise the impacts of noise, such as:</i></p> <ul style="list-style-type: none"> <li>• <i>creating physical separation between buildings and the noise source</i></li> <li>• <i>orienting the facility perpendicular to the noise source and where possible buffered by other uses</i></li> <li>• <i>using landscaping to reduce the perception of noise</i></li> <li>• <i>limiting the number and size of openings facing noise sources</i></li> <li>• <i>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</i></li> <li>• <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i></li> <li>• <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i></li> </ul>	<p>As previously discussed, the indoor and outdoor play areas are orientated away from the adjoining residential properties and face Barks Hut Reserve. The dividing fence along the western and southern side boundaries of the site and adjoining townhouse comprises of solid timber providing an adequate acoustic buffer.</p>
C27	<p><i>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</i></p>	<p>The propose child care centre is appropriately distanced from external sours of air pollution; 300m from a major road and 230m from industrial land uses</p>
<p><b>3.7 Hours of Operation</b></p>		
C29	<p><i>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</i></p>	<p>Monday to Friday 7:00am to 6:00pm and 7:00am to 1:00pm Saturday hours of operation are proposed. The proposed weekday hours of operation are support. However, the operation of the child care centre on a Saturday is not supported.</p>
<p><b>3.8 Traffic, Parking and Pedestrian Circulation</b></p>		
C31	<p><i>Off street car parking should be provided at the</i></p>	<p>During the assessment process the</p>



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	<p><i>rates for child care facilities specified in a Development Control Plan that applies to the land.</i></p> <p><i>A reduction in car parking rates may be considered where:</i></p> <ul style="list-style-type: none"> <li>• <i>the proposal is an adaptive re-use of a heritage item</i></li> <li>• <i>the site is in a B8 Metropolitan Zone or other high density business or residential zone</i></li> <li>• <i>the site is in proximity to high frequency and well connected public transport</i></li> <li>• <i>the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</i></li> <li>• <i>there is sufficient on street parking available at appropriate times within proximity of the site</i></li> </ul>	<p>number of car parking spaces was reduced from 18 to 15 to enable the retention of all four (4) existing street trees. An assessment of the proposed car parking against the SCDCP 2005 controls is provided later in this report.</p>
C33	<p><i>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</i></p> <p><i>The study should also address any proposed variations to parking rates and demonstrate that:</i></p> <ul style="list-style-type: none"> <li>• <i>the amenity of the surrounding area will not be affected</i></li> <li>• <i>there will be no impacts on the safe operation of the surrounding road network</i></li> </ul>	<p>The development application was accompanied by a Parking and Traffic Impact Assessment. A detailed assessment of the potential traffic and parking impacts of the development is provided later in this report.</p>
C35	<p><i>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</i></p>	<p>The proposed child care centre is located in a cul-de-sac with all on-site car parking proposed immediately in front of the building. Development is confined to the western side of the Elliott Street cul-de-sac minimising traffic and pedestrian congestion.</p>
C38	<p><i>Car parking design should:</i></p> <ul style="list-style-type: none"> <li>• <i>include a child safe fence to separate car parking areas from the building entrance and play areas</i></li> <li>• <i>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</i></li> <li>• <i>include wheelchair and pram accessible parking</i></li> </ul>	<p>The car parking area is separated by a 1.8m child safe fence and landscaping. The on-site car parking area is located immediately in front of the child care centre. One (1) accessible car parking space is provided.</p>

**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.

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A Preliminary Site Investigation Report was submitted to the satisfaction of Council under the development consent for the Infant School (DA0304/110). No historic uses of the site trigger further site investigations. The objectives outlined within SEPP55 are considered to be satisfied.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

**Comments:** The proposed child care centre is consistent with the aims of the *SLEP 2012*, by providing educational facilities and opportunities for economic growth for the local community in an appropriate location and will not result in adverse acoustic or traffic impacts in the locality.

### Permissibility

The proposed development can be categorised as a 'centre-based child care facility' meaning in part "a building or place used for the education and care of children that provides... long day care..."

The subject site is Zoned R3 Medium Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. Development for the purpose of a 'centre-based child care facility' is permissible with consent in the low density residential zone. Accordingly, the current proposal is permissible with consent.

### Zone Objectives

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

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

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**Comments:** The proposed development, being for the purpose of a child care centre is consistent with the relevant zone objectives in that it provides a service to meet the day to day needs of residents.

#### Part 4: Principal development standards

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

##### Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.65:1 (1,099.41m <sup>2</sup> )	Unchanged 0.41:1 (704.778m <sup>2</sup> )	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes

**Comments:** The development application does not propose any additional gross floor area. Notwithstanding the building achieves a compliant FSR under Clause 4.4 of the SLEP 2012.

#### Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are relevant to this application.

#### Part 6: Local Provisions

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

##### 6.1 Acid sulfate soils

The subject site is identified as having Class 4 soils. As the proposed works involve earthworks less than 2m below the natural ground surface, the provisions of this clause are not triggered.

##### 6.2 Earthworks

The proposed development involves minimal excavation, confined to the removal of soil to accommodate the vehicle parking area. Accordingly, conditions of consent have been recommended to ensure the appropriate management of soils during the construction phases of the development.

##### 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

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

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

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

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

An assessment of the proposal against the relevant provisions relating to child care centres as prescribed in Part E of SCDCP 2005 (excluding those provisions that are overridden by the Educational Establishments and Child Care Facilities SEPP) is as follows.

#### 1.2: Objectives of Part E

1.2	Objectives	Satisfactory
A.	To encourage the provision of child care centres to meet the needs of the community and ensure that such centres will be appropriate for the purpose and provide a functional and pleasant environment for users.	Yes
B.	To ensure that there is a consistent approach to the provision, construction and approval of child care centres.	Yes
C.	To ensure that child care centres are compatible with neighbouring land uses.	Yes
D.	To ensure the amenity of adjoining neighbours is retained (including protection of privacy, access to property, etc) and is not detrimentally affected by noise emissions from the site.	Yes
E.	To ensure child care centres are located with adequate, convenient and safe parking for visitors that do not impose on any residential neighbourhoods or commercial areas.	Yes
F.	To ensure that child care centres integrate into existing residential environments and are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.	Yes
G.	To provide child care centres that are located or designed so as not to pose a health risk to children using the centre.	Yes
H.	To retain and protect significant existing vegetation in the Strathfield Municipality.	Yes

**Comments:** The proposal seeks a change of use of an existing infant school to a childcare centre. The change of use requires minimal internal and external alterations to the existing building. The proposed use is compatible with the wider low and medium density residential character of the surrounding streetscape.

#### 5.3: Existing building

5.3	Objectives	Satisfactory
A.	To ensure that the relationship between an existing building used as a child care centre and adjoining land uses is favourable in terms of traffic, parking and noise impacts	Yes
B.	To ensure that an existing building used as a child care centre is located where it is safe for children and has a minimal impact on traffic and the amenity of surrounding residents (including privacy).	Yes

**Comments:** The orientation of the existing building, specifically in regards to location of outdoor spaces and windows are suitable to ensure a reasonable level of acoustic and visual amenity is

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achieved. The existing building is located in a cul-de-sac with 15 off-street car parking spaces proposed to accommodate the parking demands of the child care centre. Sufficient on-street car parking is available to absorb additional parking demands and maintain traffic flow.

### 5.6: Traffic, Parking and Access

5.6 Objectives		Satisfactory
A.	To ensure that the relationship between child care centres and adjoining land uses are favourable in terms of parking, traffic and vehicular access	Yes
B.	To ensure that a child care centre is safe for children	Yes

5.6 Guidelines		Complies
1	Car parking shall be provided at a rate of 1 space per employee (stack parking is permitted for staff parking) and 1 visitor space per 8 children or part thereof (stack parking is not permitted for parents or guardians).	No. However sufficient street-parking is available.
3	Dimensions of parking spaces and vehicle access areas shall comply with Part I - Provision of Off-street Parking Facilities.	Yes
4	The centre has been designed to allow the safe drop off and collection of children and safe movement and parking of staff, parents, visitors and service vehicles.	Yes
5	Parking spaces and vehicle access points are located to ensure the safe movement of children to and from the centre.	Yes
6	Standing areas for the dropping off and collecting of children have been provided.	No
7	All vehicles shall move in a forward direction on the site at all times.	No
8	Access for people with disabilities provided to allow continuous wheelchair access from the street, car park, building entry and into individual playrooms and toilets.	Yes
9	Parking and vehicle access areas separated from any area used by children by safety fencing and gates	Yes

**Comments:** The subject application originally proposes the demolition of the existing on-site car parking scheme and the removal of multiple street trees. As the removal of any street trees was not supported by Council's Tree Officer, an amended on-site parking arrangement was submitted for consideration proposing a total of 15 car parking spaces (9 staff and 6 visitors) and the retention of all four (4) street trees. The provision 15 car parking spaces results in a shortfall of five (5) spaces against the 20 spaces required under Section 5.6.1 of the SCDCP 2005. However, taking into consideration the availability and capacity of the street parking along Elliott Street, the variation is considered acceptable.

### 5.9: Noise

5.9 Objectives		Satisfactory
A.	To protect neighbours from excessive noise by ensuring that noise from a child care centre is not created by additional traffic, activities on and off the site and children's activities on site.	Yes

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5.9	Guidelines	Complies
	<i>Protecting Neighbours from Excessive Noise</i>	
1	<i>Access points are located so as to minimise disruption to neighbours</i>	<b>Yes</b>
2	<i>Playground areas are appropriately located</i>	<b>Yes</b>
3	<i>Appropriate location of windows and doors</i>	<b>Yes</b>
4	<i>No public address systems have been installed at the centre</i>	<b>Yes</b>
5	<i>The use of fencing and landscaping to reduce the impact of noise</i>	<b>Yes</b>
6	<i>The proposed hours of operation, particularly the impact of early morning starting times</i>	<b>Weekdays only are supported.</b>

5.9	Objectives	Satisfactory
A.	<i>To protect children from excessive noise which may be generated by proximity to roads, industrial premises, aircraft or rail operations.</i>	<b>Yes</b>

5.9	Guidelines	Complies
	<i>Protecting The Child Care Centre from Excessive Noise</i>	
1	<i>Site has been chosen which protects children from excessive noise.</i>	<b>Yes</b>
2	<i>Where the centre is affected by excessive noise, the centre is designed to minimise the impact of that noise source.</i>	<b>N/A</b>
3	<i>Details of any mitigation measures have been submitted in the Statement of Environmental Effects.</i>	<b>N/A</b>
4	<i>In situations where noise may be excessive from surrounding areas, an acoustic consultant's report may be required.</i>	<b>N/A</b>

**Comments:** The existing 1.8m dividing fences between the child care centre and townhouse development were installed under the development consent for the Infant School to acoustically dampen the noise emitted from children playing in the outdoor play areas (Figure 8). The development application does not proposed to alter the fencing or removal any mature landscaping in the outdoor play areas. As previously discussed, the majority of the windows and outdoor play areas are orientated to the south and east, away from the existing townhouse development located to the west. To ensure the amenity of the adjoining residential properties are protected conditions of consent pertaining to noise levels have been recommended.

The child care centre is not located in close proximity to excessive external noise sources including roads, railways or industrial uses.

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Figure 8: Outdoor play area of the existing Infant School including acoustically designed dividing fence to be retained.

**5.16: Hours of Operation**

5.16 Objectives		Satisfactory
A.	To protect the amenity of adjoining residential neighbours.	Yes

5.16 Guidelines		Complies
1	Where a child care centre is proposed within a residential area or adjoining a residential area, the hours of operation shall be limited to 7 am to 6 pm, Monday to Friday.	Weekdays and Saturdays are proposed.

**Comments:** The proposal seeks to operate the child care centre 7:00am to 6:00pm Monday to Friday and Saturday 7:00am to 1:00pm. Whilst the proposed weekday hours are consistent with Section 5.16 of the SCDCP 2005, the proposed operation on Saturdays are not and are not supported.

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

The development application was accompanied by a Waste Management Plan and Plan of Management outlining proposed measures of minimising waste generation during the fit-out process and ongoing use of the premises. Waste generated by the child care centre will be stored in bins located a designated on-site waste storage area and transferred to the kerbside for collection by a private contractor with general waste collected weekly and recyclables fortnightly.

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

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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*.

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

#### **4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The proposal seeks consent for a change of use of the site from an infant school to a child care centre. The existing Infant School was approved with a maximum capacity of 80 children. As the proposal seeks a 10 children less capacity than the operational capacity of the Infant School, it is not anticipated that the child care centre will result in adverse acoustic impacts to the adjoining townhouse development. The existing acoustic barrier along the diving fence and maturity landscaping will provide sufficient acoustic buffering between the residential properties and the child care centre. Nonetheless, to ensure an appropriate degree of residential amenity is achieved the following conditions of consent have been recommended:

- LAeq (15 minutes) noise level from children in the outdoor areas of the site must not exceed the background LA90 sound level by more than 10dBA when measured at the boundary of the nearest or most affected residential premises (or if the boundary is more than 30 metres from a residential dwelling, at the most affected point within 30 metres of a residence; and
- LAeq(15 minutes) noise levels from all other operations (i.e. car park, plant) must not exceed the background LA90 sound level by more than 5dB(A) when measured at the boundary of the nearest or most affected residential premises.

Under Part E of the SDCDP 2005, child care centre must provide on-site car parking at a rate of one (1) space per employee plus one (1) space per eight (8) children. Contrary to this requirement, the proposed on-site car parking provides only 15 spaces (9 staff and 6 visitors), short of the 20 (11 staff and 9 visitors) spaces required under the SDCDP 2005 and 18 under the Child Care Planning Guidelines. However, sufficient on-street car parking is available along Elliott Street to accommodate the parking demands of the development in the event that all 15 on-site car parking spaces are occupied.

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

The site is considered to be suitable for the proposed child care centre in that a reasonable level of acoustic amenity will be achieved and sufficient on-site car parking is provided

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



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The application was notified in accordance with Part L of the SCDCP 2005 from 26 February 2019 to 19 March 2019. Three (3) written submissions were received. During the assessment process Council directly contacted and corresponded with the authors of the submissions discussing the issues raised. An overview of the concerns raised in the submissions are as follows:

1. *Parking*

*During times when sporting activities are taking place at Bark Huts Reserve, Elliott Street becomes highly congested with traffic and children, especially since the playground and sporting facilities have been upgraded. The proposed childcare centre will make the current situation worse.*

Assessing officer's comments: The proposed development includes alterations to the existing on-site car parking area providing a total of 15 car parking spaces, an additional eight (8) spaces from the existing 7 spaces provided. Additionally, the operation of the child care centre on the weekends are not supported.

2. *Noise*

*The existing school creates a lot of noise during the weekdays due to children screaming and bells ringing. The proposed new childcare seeks to increase the number of children and staff resulting in an increase in noise, particularly with Saturdays proposed.*

Assessing officer's comments: Child care centres do not usually sound bells to signify the transitioning of activities compared to the existing school. Nonetheless, a condition of consent has been recommended that no amplified music be played into the outdoor play areas. Additionally, conditions of consent pertaining to acceptable noise levels are to be imposed. The operation of the child care centre on Saturdays is not supported.

3. *Hours of Operation*

*The proposal seeks to operate during the weekdays and Saturdays at 7am, this is too early.*

Assessing Officer's Comments: 7am start is consistent with the hours of operations outlined in the Child Care Planning Guidelines. The proposed operation of the child care centre on Saturdays is not supported.

4. *Close proximity to transmission line.*

*Health concerns the close proximity to the children to the transmission line.*

Assessing Officer's Comments: In accordance with the State Environmental Planning Policy (Infrastructure) 2007, the development application was referred to the electrical supply authority (Ausgrid) whom had no objection to the application.

#### **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.

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

## STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as the cost of works are less than \$100,000.

## CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Educational Establishments and Child Care Facilities), the Strathfield Local Environmental Plan 2012, the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

## PEER REVIEW

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

## RECOMMENDATION

That Development Application No. 2019/014 for the change of use to a centre based child care centre for 70 children and associated alterations and additions with 18 car parking spaces, operating 7am to 6pm Monday to Friday at 3 Elliott Street, Belfield be **APPROVED**, subject to the following conditions:

## GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/014:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
001	Demolition Plan	Bureau SRH Architecture	Rev C	25 June 2019
002	Demolition First Floor	Bureau SRH Architecture	Rev C	25 June 2019
103	Site Plan	Bureau SRH Architecture	Rev C	25 June 2019
104	Ground Floor	Bureau SRH Architecture	Rev C	25 June 2019
105	First Floor	Bureau SRH Architecture	Rev C	25 June 2019
106	Roof Plan	Bureau SRH Architecture	Rev C	25 June 2019
123	Kitchen Layout	Bureau SRH Architecture	Rev C	25 June 2019

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200	N & E Elevations	Bureau SRH Architecture	Rev C	25 June 2019
201	S & W Elevations	Bureau SRH Architecture	Rev C	25 June 2019
301	Sections	Bureau SRH Architecture	Rev C	25 June 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2019/014:

Title / Description	Prepared by	Issue/Revision Date	& Date received by Council
Waste Management Plan	Blu Print Designs	-	12 February 2019
Plan of Management	Blu Print Designs	-	14 June 2019
Viva Energy Jet Fuel Pipeline Risk Exposure	HSEQ Professionals	Dated 26 April 2019	14 June 2019

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

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

**2. CHILD CARE CENTRE - APPROVED USE AND NUMBER OF CHILDREN (GC)**

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum number of 70 children. A separate approval and/or license will be required from the Department of Community Services for the operation of a child care centre from the subject premises.

(Reason: To ensure the development is consistent with the development for which consent was granted.)

**3. CHILD CARE CENTRE – HOURS OF OPERATION (GC)**

Day	Hours of Operation
Monday to Friday	7:00am to 6:00pm
Saturday, Sunday and Public Holidays	Closed

**4. CHILD CARE CENTRE – NOISE LEVELS (GC)**

Child care centres and educational establishments are to be designed to not exceed the following noise levels:

- LAeq (15 minutes) noise level from children in the outdoor areas of the site must not exceed the background LA90 sound level by more than 10dBA when measured at the boundary of the nearest or most affected residential premises (or if the boundary is more than 30 metres from a residential dwelling, at the most affected point within 30 metres of a residence).
- LAeq(15 minutes) noise levels from all other operations (i.e. car park, plant) must not exceed the background LA90 sound level by more than 5dB(A) when measured at the boundary of the nearest or most affected residential premises.

(Reason: Amenity of neighbouring properties.)

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**5. RISK ASSESSMENT REPORT – IMPLEMENTATION (GC)**

The recommendations contained in the Risk & Project Overview – Viva Energy Jet Fuel Pipeline Risk Exposure to Retaval Belfield prepared by HSEQ Professionals shall be implemented and complied with at all times.

Documentation demonstrating that the measures contained in the Report have been adopted shall be submitted and approved by the Principal Certifying Authority prior to the operation of the child care centre.

**6. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

**8. DEMOLITION – GENERALLY (GC)**

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

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

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

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

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

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and

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- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

#### 10. ENVIRONMENTAL PROTECTION – TREE (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and

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- Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
  - xi. Pruning of a street tree is prohibited without the written consent of Council.

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

#### 11. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

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

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

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

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

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

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

**13. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

**14. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

**15. CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

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

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

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

**16. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)



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

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

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

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

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

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

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

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be

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downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

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

A security (damage deposit) of **\$2,700.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

**22. FIRE SAFETY UPGRADE - CHANGE OF BUILDING USE (CC)**

Council considers pursuant to clause 93 of the Environmental Planning and Assessment Regulation 2000 that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.

(Reason: Fire safety.)

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

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

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

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

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

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and

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

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

**25. TREE BONDS (CC)**

A tree bond of **\$26,400.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

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26. **BIN ALLOCATION (CC)**

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

- General Waste – 1 x 660L mobile bins.
- Recycling – 2 x 240L mobile bins.

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

27. **WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

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

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

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

DA2019/014 - 3 Elliott Street, Belfield  
Lot 101 in DP 1076570 (Cont'd)

given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

#### 29. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

#### 30. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

#### 31. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

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

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

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Lot 101 in DP 1076570 (Cont'd)**

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

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

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

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

(Reason: Fire safety and statutory requirement.)

**32. KITCHEN AND FOOD PREPARATION – REQUIREMENTS (OC)**

Prior to the operation of the child care centre a written statement demonstrating compliance with the below measures must be submitted and approved by the Principal Certifying Authority.

- i) Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation areas, and toilets used by food handlers and must be easily accessible. Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
- ii) A double bowl sink and a dishwasher must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
- iii) A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
- iv) A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
- v) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60oC or colder than 5oC and be provided with a thermometer, accurate to 1oC and which can be easily read without opening the appliance.
- vi) All self-service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- vii) Clothing lockers and change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- viii) Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised
- ix) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- x) Where fittings are butt-joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- xi) The following requirements apply to clearances and supports of equipment:
  - All stoves, refrigerators, cupboards and similar fittings must have metal legs made of non- corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.



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Lot 101 in DP 1076570 (Cont'd)

- All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(Reason: Food safety.)

**33. FOOD PREMISES - REGISTRATION REQUIREMENTS (OC)**

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available online. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

**35. DELIVERIES (OU)**

All deliveries must not occur before 7.00am or after 8.00pm weekdays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

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

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

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

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

(Reason: Fire safety.)

**37. KITCHEN - ONGOING USE OF (OU)**

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Lot 101 in DP 1076570 (Cont'd)

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

**38. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008, Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority Industrial Noise Policy (2000).

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

**39. NOISE - NO AMPLIFIED MUSIC (OU)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

**40. WASTE AND RECYCLING COLLECTION (COMMERCIAL) (OU)**

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

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

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Lot 101 in DP 1076570 (Cont'd)

**ATTACHMENTS**

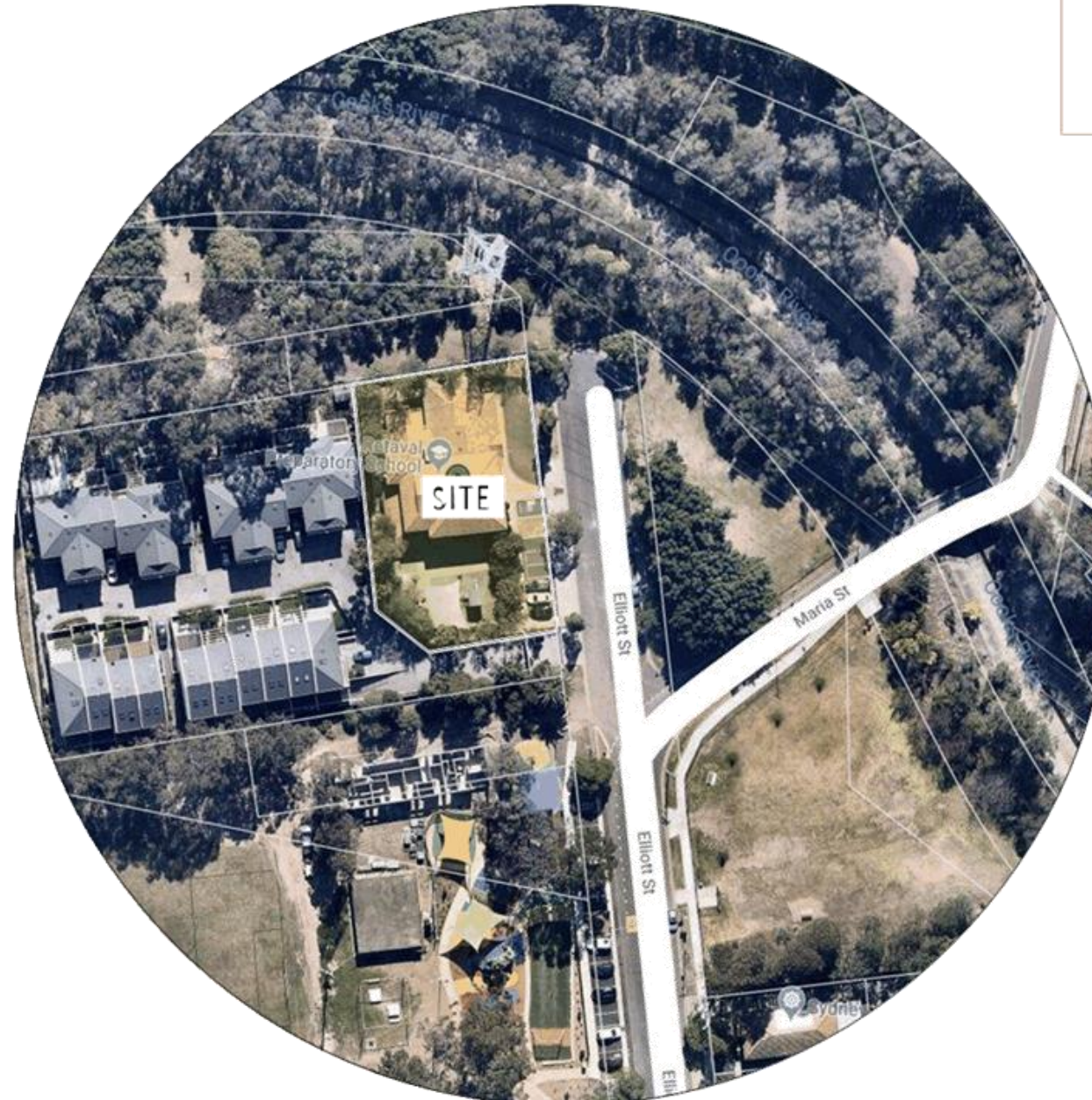
1. [↓](#) 3 Elliott St - Architecturals

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DEVELOPMENT  
APPLICATION

PROPOSAL  
3 ELLIOT STREET,  
BELFIELD  
CHILDCARE CENTRE

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CHILDCARE CENTRE

DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/08/19	B	COUNCIL RFLY
28/08/19	C	COUNCIL RFLY

3 ELLIOT STREET, BELFIELD

STAGE: <b>SKETCH DESIGN</b>	DRAWING TITLE: <b>TITLE PAGE</b>
SCALE: 1:50	CLIENT: #Client Company
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PROJECT NO: 18074

DRAWING NO:

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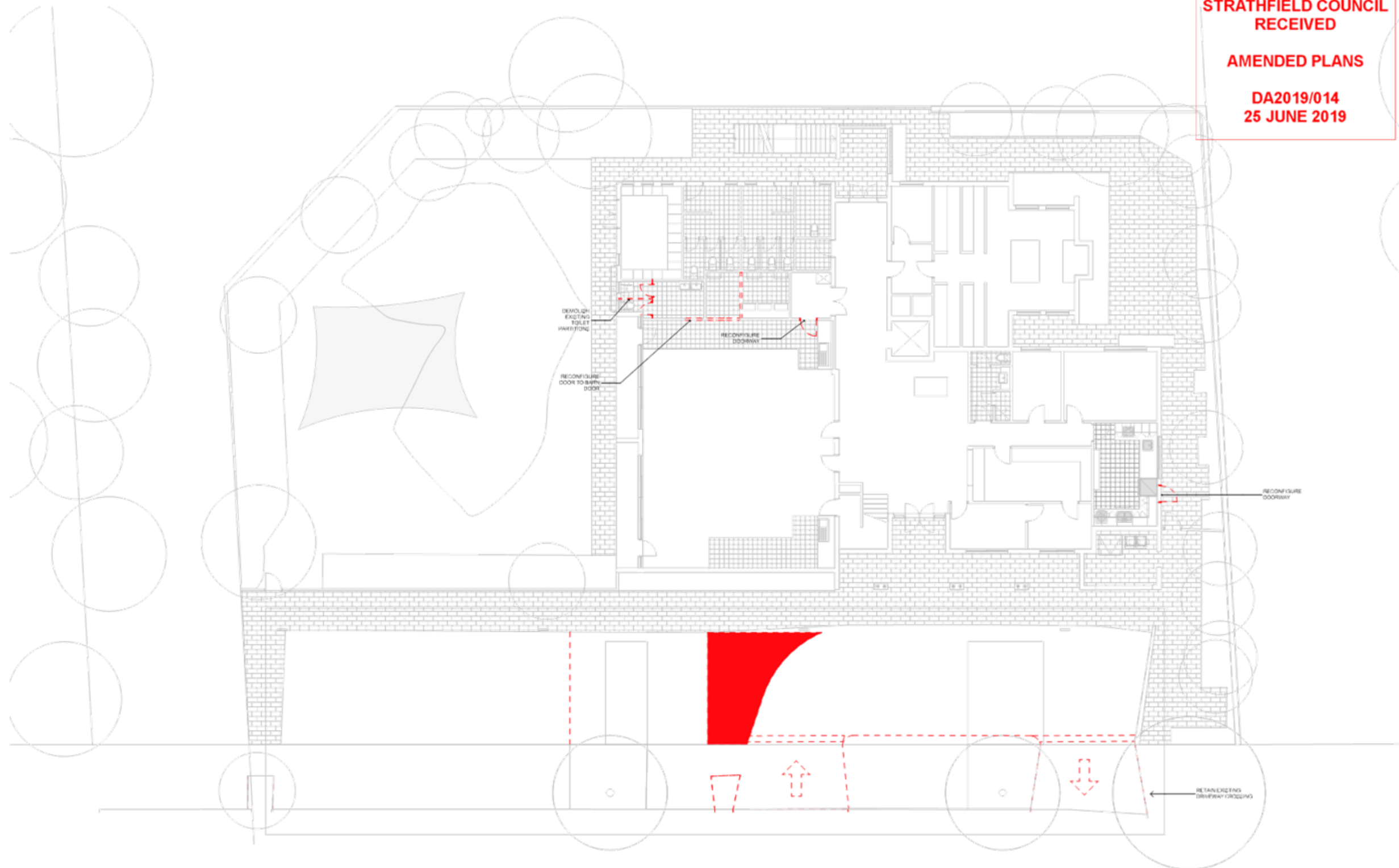
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**01** **DEMOLITION PLAN**  
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--- TO BE DEMOLISHED

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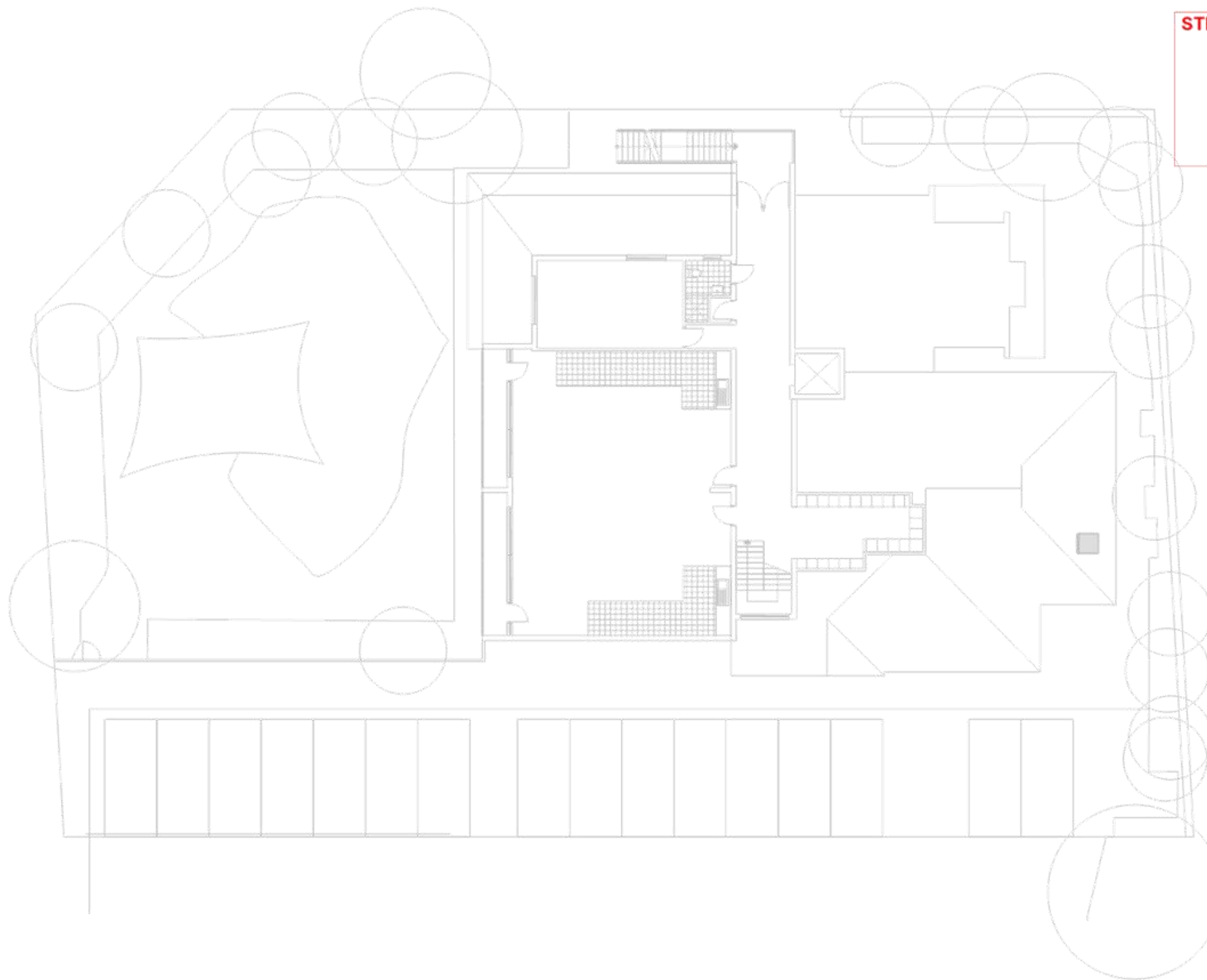
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CHILD CARE CENTRE		
DATE:	REV:	NOTES:
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18/08/19	B	COUNCIL RFI'S
28/08/19	C	COUNCIL RFI'S

3 ELLIOT STREET, BELFIELD	
STAGE:	DRAWING TITLE:
SKETCH DESIGN	DEMOLITION PLAN
SCALE: 1:200	CLIENT: #Client Company
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**02** DEMOLITION PLAN FIRST FLOOR  
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DATE:	REV:	NOTES:	STAGE:	DRAWING TITLE:
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28/06/19	C	COUNCIL RFLY		
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				DRAWING No: <b>002</b>
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DATE:	REV:	NOTES:	STAGE:	DRAWING TITLE:
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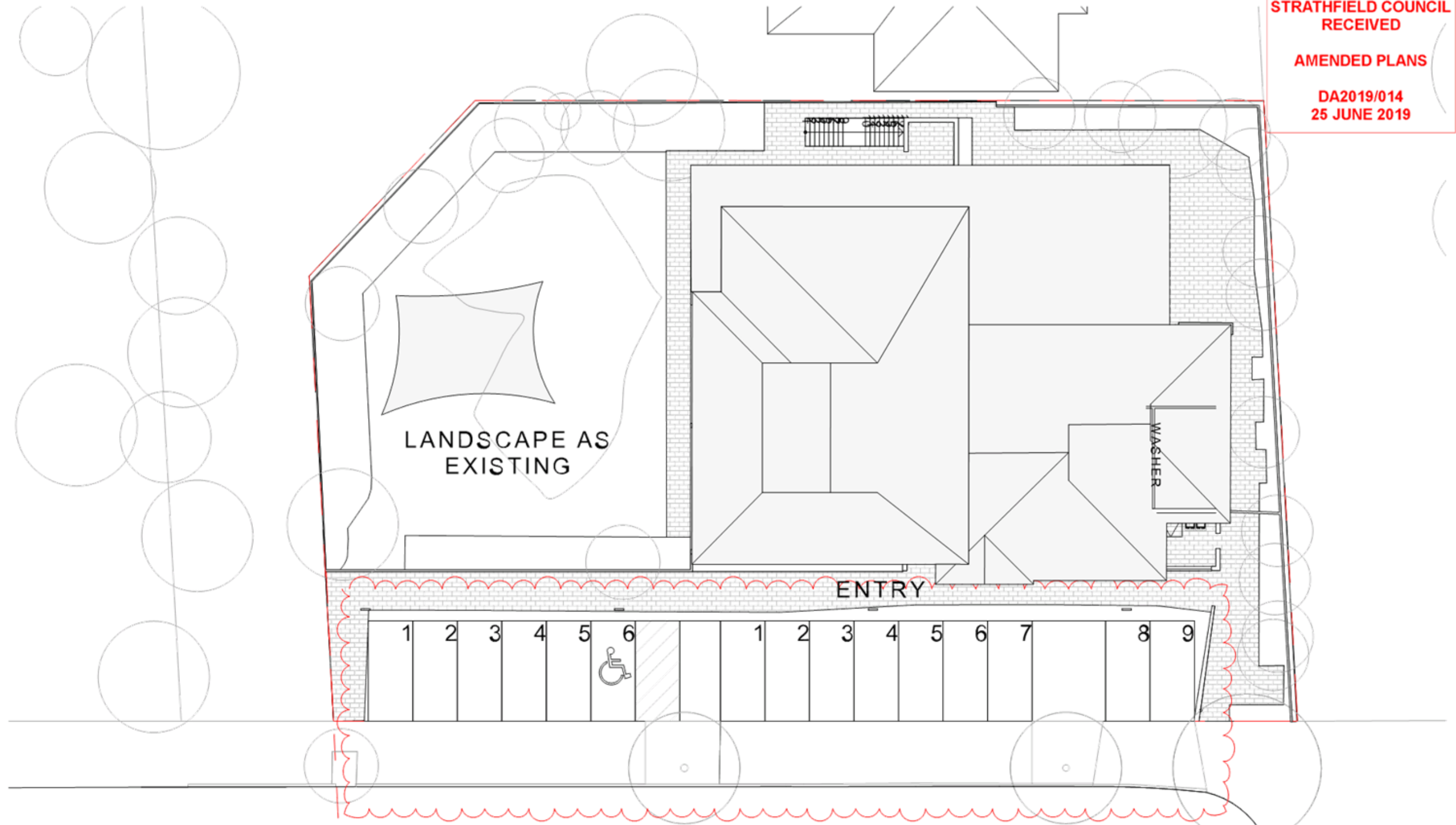
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**SITE ANALYSIS**  
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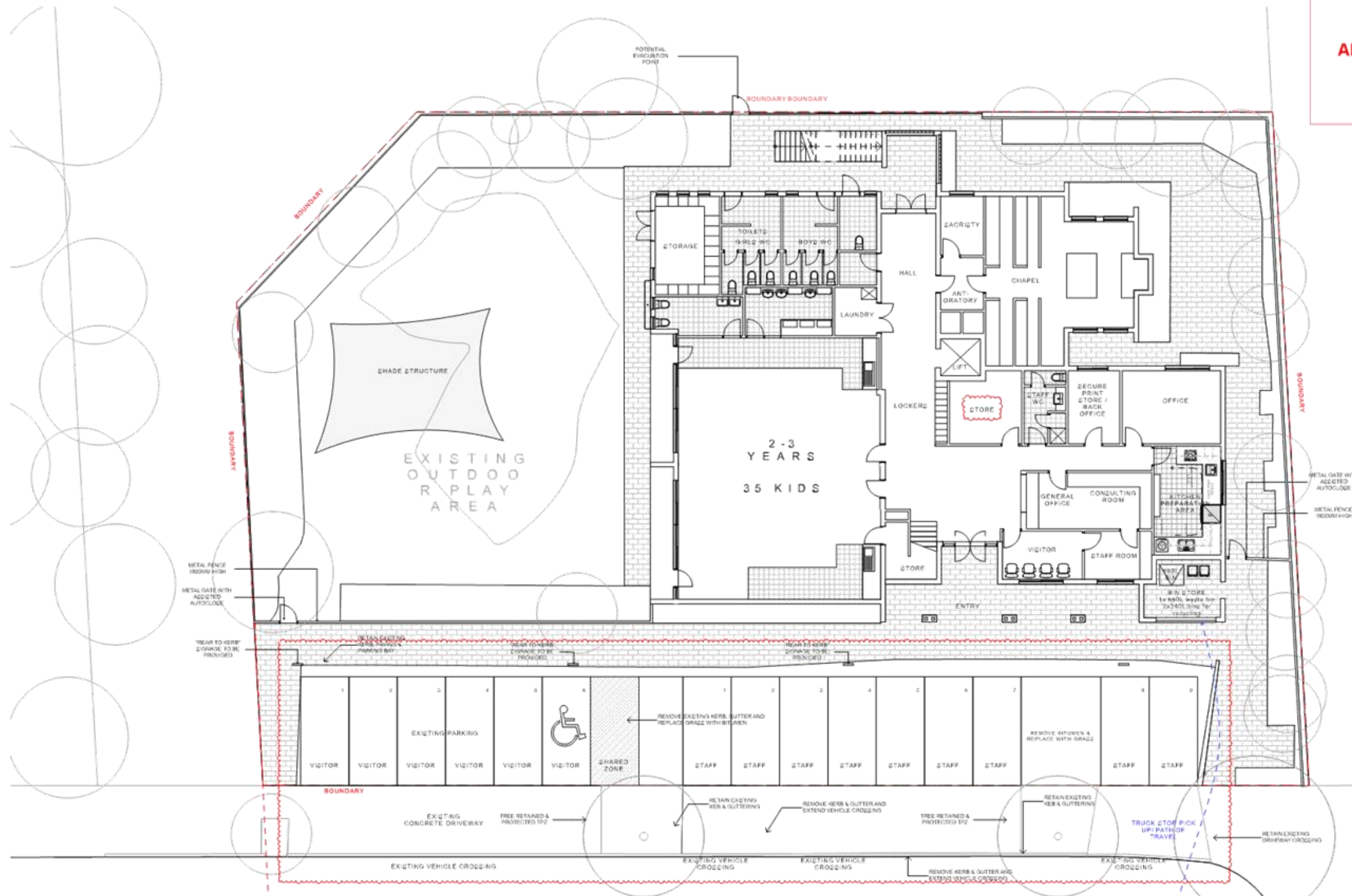
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CHILD CARE CENTRE			3 ELLIOT STREET, BELFIELD		PROJECT No: 18074
REV	DATE	COMMENTS	STAGE: <b>SKETCH DESIGN</b>	DRAWING TITLE: <b>SITE PLAN</b>	DRAWING No: <b>103</b>
			SCALE (1:200)	CLIENT: #Client Company	CHECKED: HHH
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**01** **GROUND FLOOR**  
1:200

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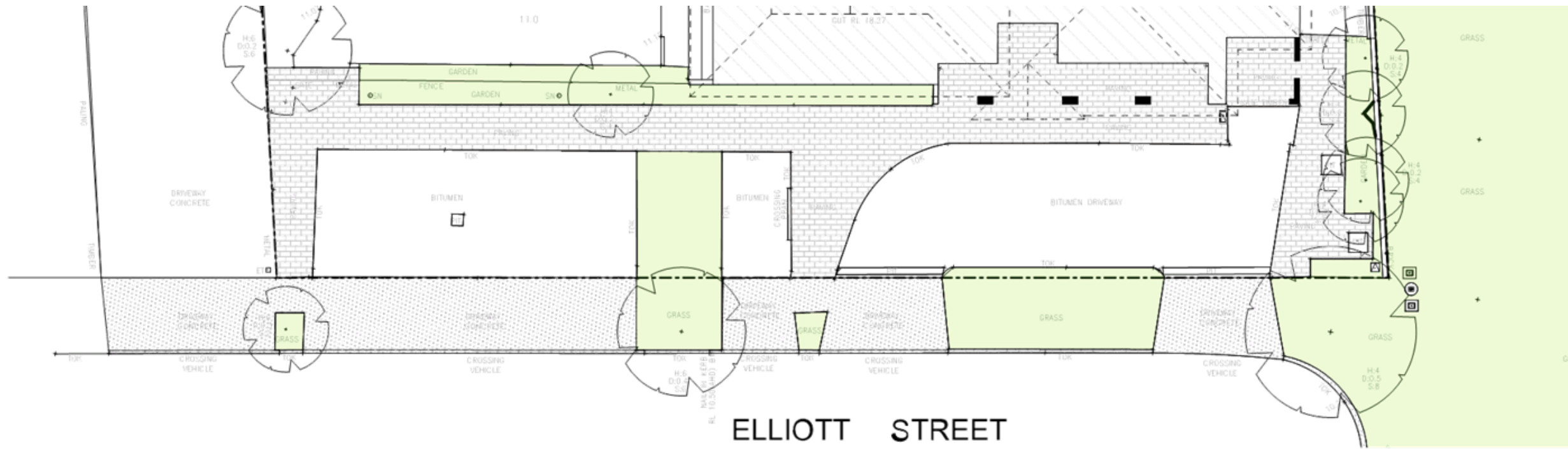
CHILD CARE CENTRE		
DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/03/19	B	COUNCIL RFLY
28/08/19	C	COUNCIL RFLY

<b>3 ELLIOT STREET, BELFIELD</b>	
STAGE:	<b>SKETCH DESIGN</b>
DRAWING TITLE:	<b>GROUND FLOOR</b>
CLIENT: #Client Company	CHECKED: HHH

PROJECT No:	<b>18074</b>
DRAWING No:	<b>104</b>
REVISION:	<b>C</b>

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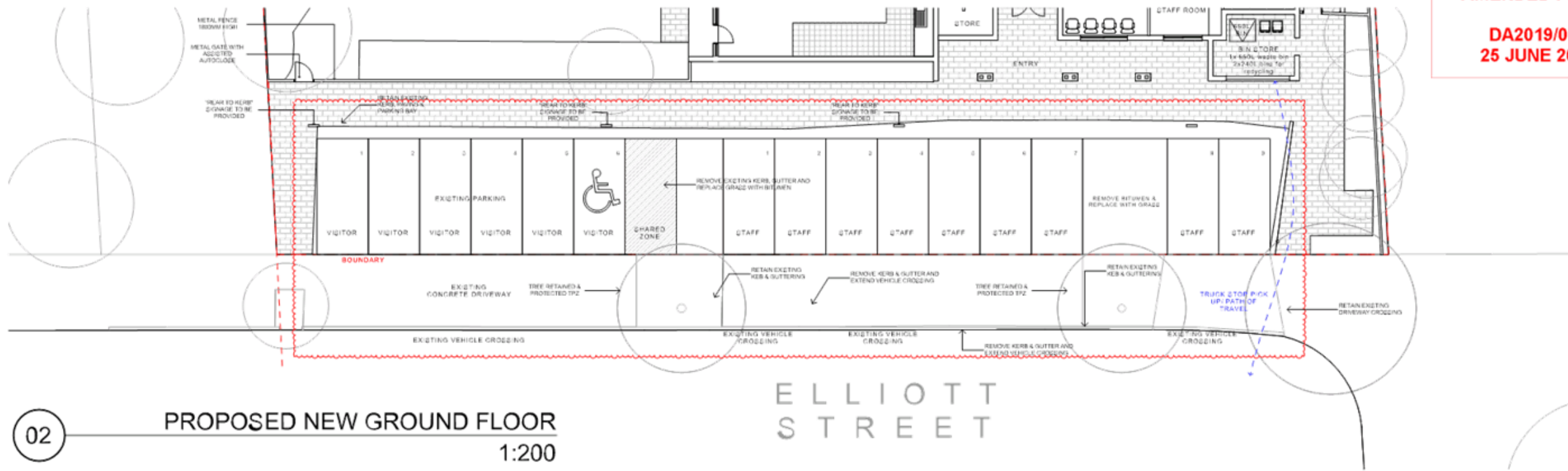


1. EXISTING GROUND FLOOR  
1:200

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02 PROPOSED NEW GROUND FLOOR  
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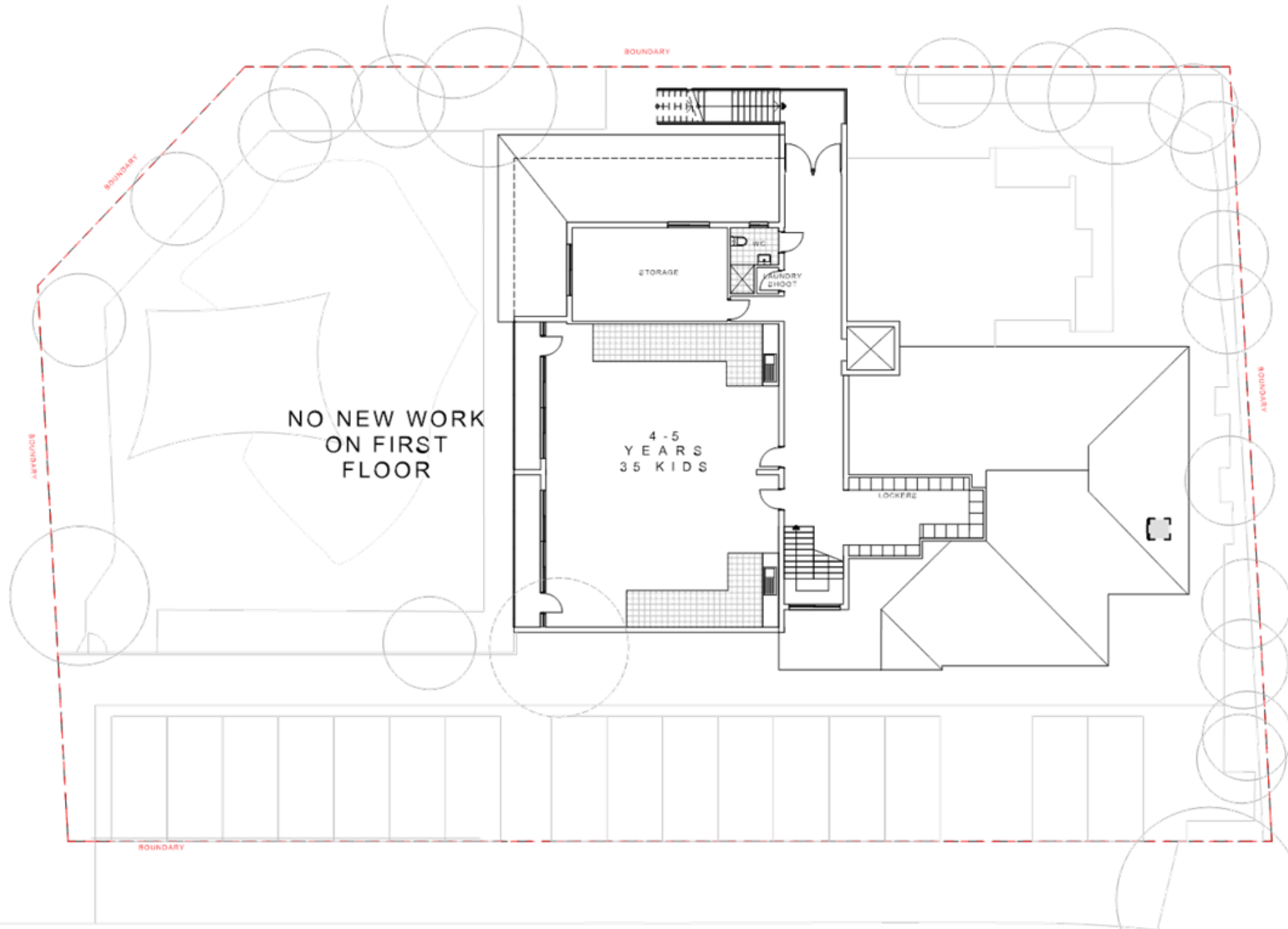
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CHILD CARE CENTRE		
DATE	REV	NOTES
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18/08/19	B	COUNCIL RFI'S
28/08/19	C	COUNCIL RFI'S

3 ELLIOT STREET, BELFIELD	
STAGE	DRAWING TITLE
SKETCH DESIGN	EXISTING / PROPOSED STREETSCAPE
SCALE 1:50	CLIENT #Client Company
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PROJECT No: 18074	
DRAWING No:	REVISION:
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**DA2019/014  
25 JUNE 2019**

01

**FIRST FLOOR**  
1:200

ELLIOTT  
STREET

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LEGEND:

DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/08/19	B	COUNCIL RFL'S
28/08/19	C	COUNCIL RFL'S

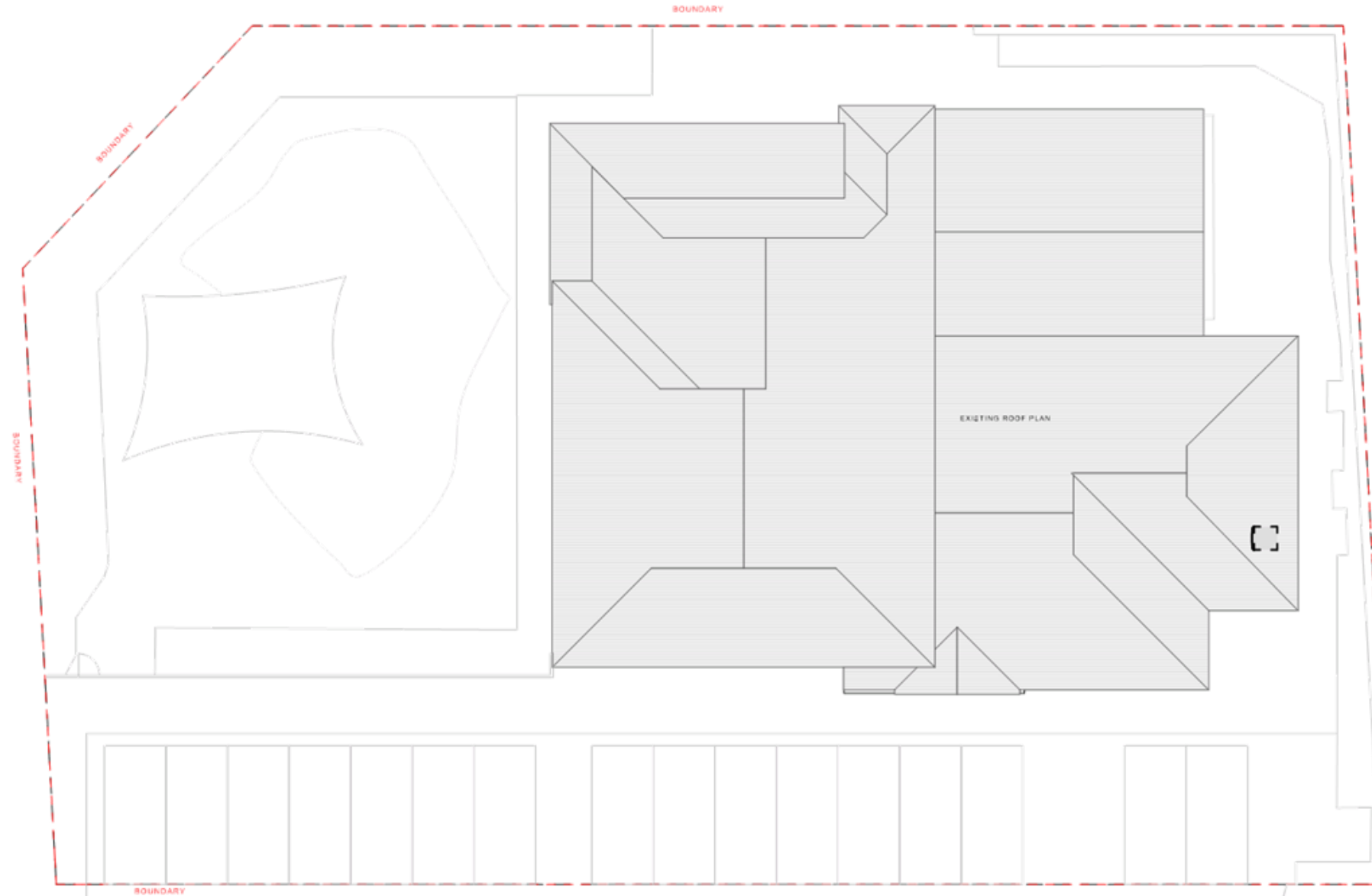
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SCALE: 1:200	CLIENT: #Client Company
CHECKED: HHH	

NOT FOR CONSTRUCTION

PROJECT No: 18074

DRAWING No: **105**

REVISION: **C**



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25 JUNE 2019**

01

**ROOF**  
1:200

ELLIOTT  
STREET

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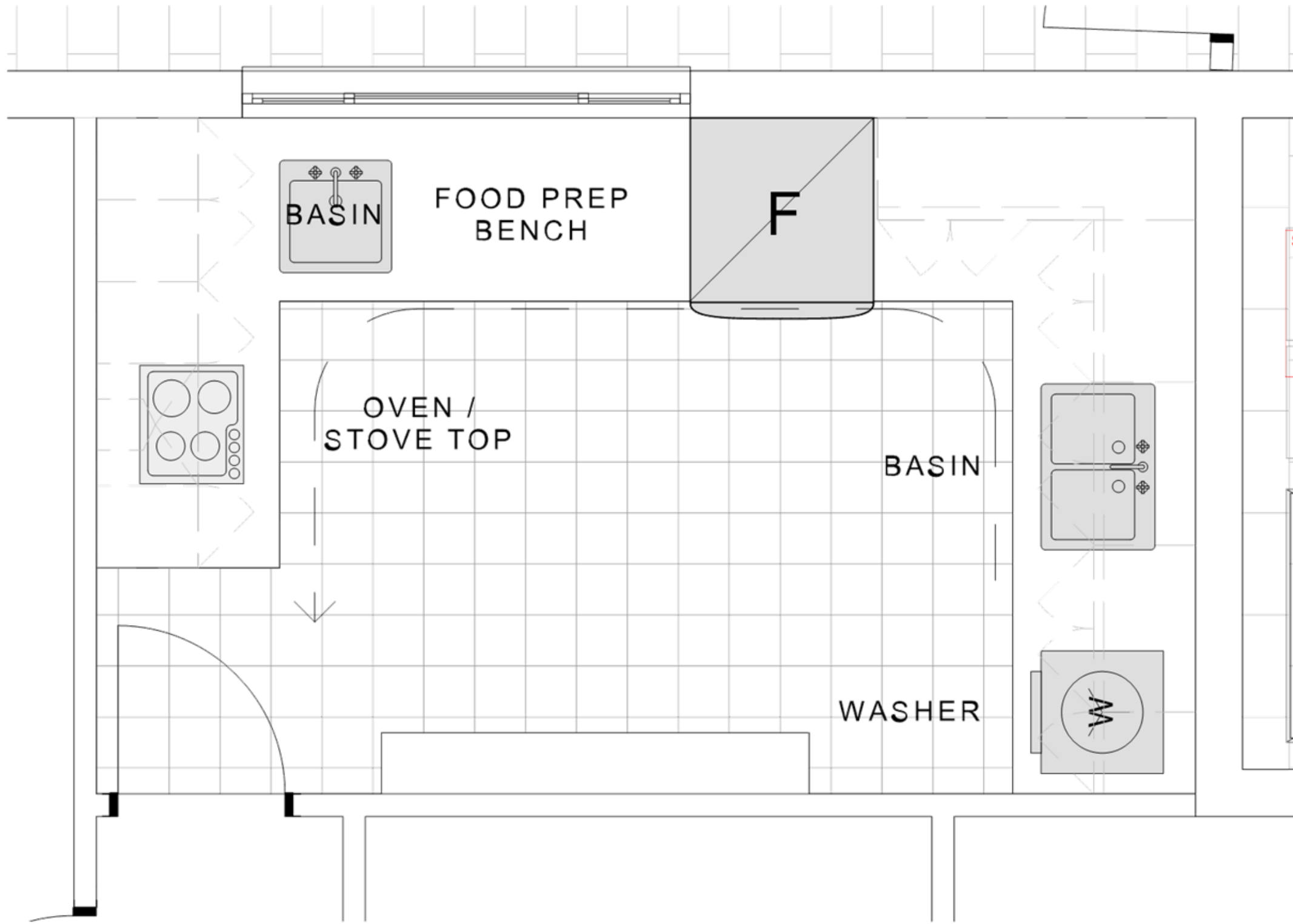
LEGEND:

DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/08/19	B	COUNCIL REVIEW
28/08/19	C	COUNCIL REVIEW

STAGE: <b>SKETCH DESIGN</b>	DRAWING TITLE: <b>ROOF PLAN</b>
SCALE: 1:200	CLIENT: #Client Company
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PROJECT No: 18074	DRAWING No: 106
REVISION: C	

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1.

**KITCHEN LAYOUT**  
1:20

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**CHILDCARE CENTRE**

DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/08/19	B	COUNCIL REVIEW
28/08/19	C	COUNCIL REVIEW

**3 ELLIOT STREET, BELFIELD**

STAGE: <b>SKETCH DESIGN</b>	DRAWING TITLE: <b>KITCHEN LAYOUT</b>
SCALE (A3): 1:20	CLIENT: #Client Company
	CHECKED: HHH

PROJECT No: **18074**

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NORTH  
1:200

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**DA2019/014  
25 JUNE 2019**



02

EAST  
1:200

**LEGEND**

- MT-01 COLOURBOND METAL ROOF SHEETING
- MT-02 COLOURBOND METAL FENCING
- AWF ALUMINIUM WINDOW FRAME
- ASD ALUMINIUM SLIDING DOOR
- GBLK-01 GLASS BLOCK
- TFD TIMBER FRAME DOOR
- BWK-01 FACE BRICKWORK
- RBWK-01 RENDERED BRICKWORK
- BAL-01 STEEL BALUSTRADE
- PLD PANEL LIFT GARAGE DOOR

NOTE: SEE MATERIALS BOARD FOR FINISHES

NOT FOI  
CONSTRUCTION

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**CHILD CARE CENTRE**

DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/03/19	B	COUNCIL RFL'S
28/08/19	C	COUNCIL RFL'S

**3 ELLIOT STREET, BELFIELD**

STAGE:  
**SKETCH  
DESIGN**

SCALE: 1:50

**DRAWING TITLE:  
N+E ELEVATIONS**

CLIENT: #Client Company  
CHECKED: HHH

PROJECT No: **18074**

DRAWING No: **200**

REVISION: **C**



01

SOUTH  
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**AMENDED PLANS**

**DA2019/014  
25 JUNE 2019**



02

WEST  
1:200

**LEGEND**

- MT-01 COLOURBOND METAL ROOF SHEETING
- MT-02 COLOURBOND METAL FENCING
- AWF ALUMINIUM WINDOW FRAME
- ASD ALUMINIUM SLIDING DOOR
- GBLK-01 GLASS BLOCK
- TFD TIMBER FRAME DOOR
- BWK-01 FACE BRICKWORK
- RBWK-01 RENDERED BRICKWORK
- BAL-01 STEEL BALUSTRADE
- PLD PANEL LIFT GARAGE DOOR

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 17/12/19  
 18/03/19  
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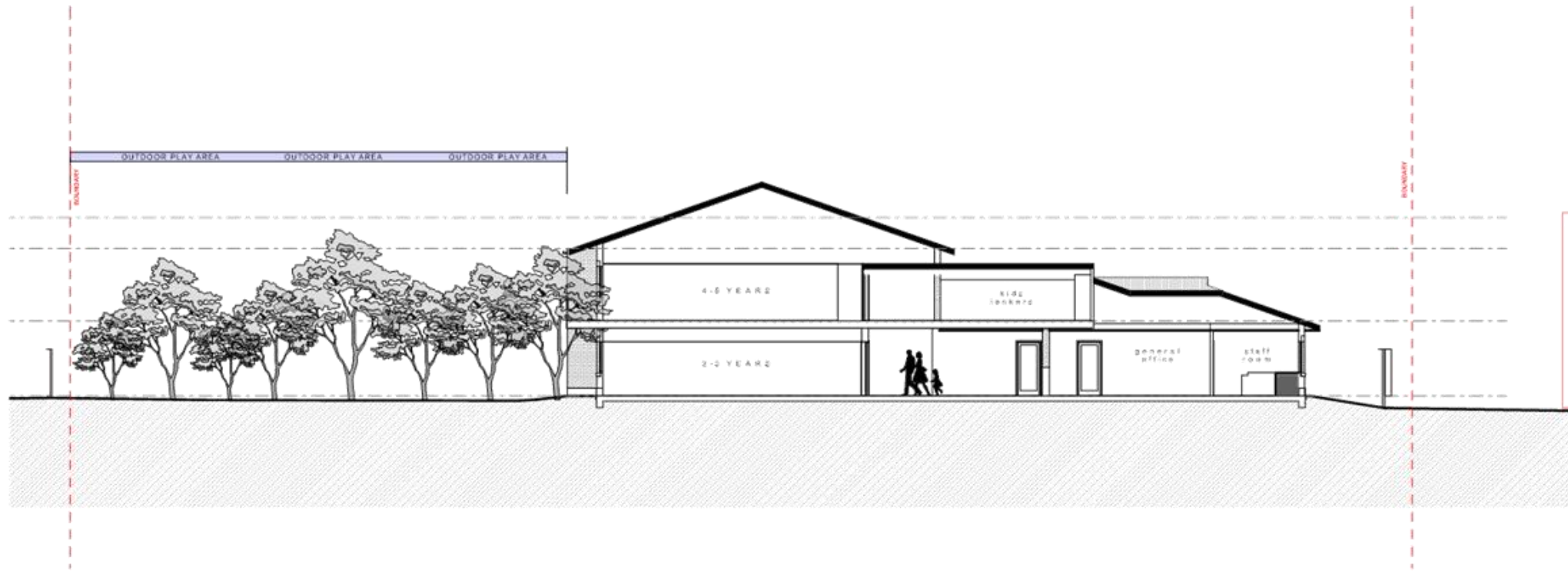
DATE	REV	NOTES
17/12/19	A	ISSUE FOR DA
18/03/19	B	COUNCIL RFLY
28/09/19	C	COUNCIL RFLY

<b>CHILD CARE CENTRE</b>	<b>3 ELLIOT STREET, BELFIELD</b>
STAGE: <b>SKETCH DESIGN</b>	DRAWING TITLE: <b>S+W ELEVATIONS</b>
SCALE: 1/50	CLIENT: #Client Company

PROJECT No: <b>18074</b>	DRAWING No: <b>201</b>
REVISION: <b>C</b>	CHECKED: <b>HHH</b>

LEGEND





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25 JUNE 2019**

01

Section 1  
1:200

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CHILD CARE CENTRE		
DATE	REV	NOTES
17/12/18	A	ISSUE FOR DA
18/03/19	B	COUNCIL RFLY
28/06/19	C	COUNCIL RFLY

3 ELLIOT STREET, BELFIELD	
STAGE	DRAWING TITLE
SKETCH DESIGN	SECTIONS
SCALE 1/30	CLIENT: #Client Company
	CHECKED: HHH

PROJECT No: 18074
DRAWING No: <b>301</b>
REVISION: <b>C</b>

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**TO:** Strathfield Local Planning Panel Meeting - 4 July 2019  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** DA2017/030/01 - SUITE 1, BUILDING I, 81-86 COURALLIE AVENUE,  
HOMEBUSH WEST  
LOT 881 SP 97492  
**DA NO.** DA2017/030/01

## SUMMARY

**Proposal:** Section 4.55(2) modification to increase the number of children from 60 to 89 and extend the outdoor play area at an existing child care centre.

**Applicant:** Corona Projects Pty Ltd

**Owner:** Hanmari Pty Ltd

**Date of lodgement:** 17 April 2019

**Notification period:** 30 April 2019 to 16 May 2019

**Submissions received:** Eight (8) written submissions received.

**Assessment officer:** ND

**Estimated cost of works:** Nil

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

**Heritage:** No

**Flood affected:** Yes

**Is a Clause 4.6 variation proposed?** No

**Reason for referral to SLPP** Contentious development – eight (8) unresolved objections received.

**RECOMMENDATION OF OFFICER:** **REFUSAL**

## EXECUTIVE SUMMARY

- 1.0 On 20 December 2016, Council approved Development Application No 2016/119 for the use of four (4) commercial tenancies as a child care centre.
- 2.0 On 1 June 2017, Council approved DA2017/030 for the fit-out and use of a tenancy as a child care centre.
- 3.0 The subject application was lodged under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, which sought to increase the number of children from 60 to 89 and expand the outdoor play area.
- 4.0 In accordance with Part L of the Strathfield Development Control Plan 2005 the application was notified and advertised. Eight (8) written submissions were received raising concerns regarding noise emitted from children at the premises and traffic congestion.
- 5.0 During assessment, additional information was requested regarding the permissibility of the proposed additional car parking spaces, compliance with the relevant food safety standards and deficiencies in the acoustic report.

DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)

- 6.0 The proposed modification is considered to result in the location of a child care centre on an unsuitable site. The application has not adequately demonstrated that the anticipated traffic, noise and food safety impacts generated by the increase in children and staff at the child care centre can be mitigated to an acceptable level and not adversely impact on the residential amenity of the residents at Centenary Park.
- 7.0 The subject modification application cannot be supported and is recommended for refusal.

## BACKGROUND

- 12 June 2007:** Council granted approval for Stages 1D and 1E of Centenary Park residential estate.
- 20 December 2016:** Council granted approval to Development Application No. 2016/119 for the use of four (4) commercial tenancies as a child care centre.
- 1 June 2017:** Council granted approval to Development Application No. 2017/030 for the fit-out and use of a vacant tenancy (strata lot 170) as a child care centre including associated landscaping works and signage.
- 23 January 2018:** Modification application DA0405/176/09 to delete a second level of basement car parking underneath Building 6 was approved by the Land and Environment Court New South Wales. A car parking schedule for the entire Centenary Park Complex including visitor parking was approved under the Court Case.
- 21 March 2018:** IDAP granted approval to Development Application No. 2017/140 for the strata subdivision of approved residential flat buildings 2, 3 and 4 of Stage 1D.
- 17 April 2019:** The current modification application (DA2017/030/01) was lodged under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
- 30 April to 16 May 2019:** The application was notified and advertised in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. Eight (8) written submissions were received as a result.
- 29 May 2019:** A letter was sent to the applicant identifying a number of proposed car parking spaces are not allocated to the child care centre under the approved Strata Plan (DA2017/140). An amended parking scheme demonstrating the permissibility of use of the additional proposed car parking spaces was required.
- 7 June 2019:** A letter was sent to the applicant to address issues regarding the Acoustic Report and the adequacy of the kitchen.
- 19 June 2019:** Correspondence was received from the applicant responding to the issues raised in the letters sent on the 29 May and 7 June including comments on the acoustic and kitchen layout and an amended Traffic and Parking Impact Report.
- 21 June 2019:** Amended car parking plans were submitted to Council.

## DESCRIPTION OF THE SITE AND LOCALITY

DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)

The subject site is located at 81-86 Courallie Avenue (formerly 78 Marlborough Road), Homebush West and it is commonly known as Centenary Park. The site has a curvilinear shape and an area of approximately 6.9 hectares. The existing child care centre is located within Suite 1 of Building I at the southern end of the Centenary Park complex (Figure 1 and 2).

Centenary Park is bordered to the south and west by the western railway line, and is located 1.3km from Lidcombe Train Station and 700m from Flemington Train Station. A number of residential flat buildings and townhouses within the development have been constructed and are now occupied. The immediately surrounding area comprises industrial development with low and medium density residential development to the east.



**Figure 1:** Locality plan. The Centenary Park complex is outlined in yellow and the child care centre tenancy in red.



DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)



**Figure 2:** View of the existing child care centre from Courallie Avenue.

## DESCRIPTION OF THE PROPOSED MODIFICATION(S)

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

- Increase the capacity of the child care centre from 60 to 89 children permitted on site at any one time as follows:
  - 0-1 years age group = 12 children
  - 1-2 years age group = 12 children
  - 2-3 years age group = 20 children
  - 3-4 years age group = 10 children
  - 4-5 years age group = 25 children
- Extension of the existing outdoor play area by a further 54m<sup>2</sup> to a total area of 630m<sup>2</sup> ;
- Increase the number of staff permitted at the centre from 11 to 20;
- Provide an additional 13 car parking spaces, resulting in a total of 31 parking spaces.

DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
 Lot 881 SP 97492 (Cont'd)



Figure 3: Proposed floor plan.

**REFERRALS**

**INTERNAL REFERRALS**

**Traffic Comments**

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

*“The number of parking spaces provided for an Expansion of an existing Child Care Centre is insufficient according to Part E of Strathfield Consolidated Development Control Plan, Condition 142 (Appeal No.276724) & Child Care Planning Guideline – Provision of Parking facilities.*

*Outlined Parking spaces of 14 standard, 1 for people with disabilities, 3 spaces for children drop-off and pick-up conform within guidelines but parking spaces 13 over 211 on street spaces is not applicable since that proposed Parking spaces are not specifically dedicated to the Child Care Centre as required.”*

**Environmental Health Comments**

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

“Acoustic Report

- *Monitoring of noise influencing weather is not provided. The report must show how noise influencing weather (wind and rain) was monitored and averaged over 15min periods, which periods of noise monitoring were weather impacted and subsequently disregarded, and if any readings were required to be retaken.*
- *The report uses the Noise Amenity Level of Urban. The nearest residential receivers are zoned R3 and the acoustical environment of the area lacks the characteristics for qualifications as ‘Urban’. The appropriate noise amenity criteria is “Suburban” and should be  $L_{Aeq15min} 53dB$ .*
- *The report needs to provide references for the assumptions of the source sound power levels.*
- *The report seeks compliance with the AAC guidelines. These guidelines allow for emission of noise substantially above that permitted by the NSW EPA NPfI. Table 4.2 shows the noise at the nearest residential receivers exceed the NPfI amenity criteria. The amenity criteria prevents noise creep in an area. The report has not justified deviation from this standard and must demonstrate compliance with the Noise Policy for Industry.*

DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)

*The acoustic report cannot be considered satisfactory until it demonstrates, in accordance with the NPfI 2017 how wind and rain were monitored, and the impact of wind and rain was managed in accordance with the NPfI 2017.*

*The acoustic report identifies that children playing in the outdoor play areas 01, 02 and 03 exceed the project noise trigger level for the site as determined the NPfI 2017.*

Food Preparation

*Food is prepared on site for consumption by the children. The existing area does not have hot water to the hand wash basin. The area is small, operating at capacity with a poor flow of activities – food preparation is undertaken next to dirty utensil storage, the dishwashing is in the middle of preparation areas. Food being prepared crisscrosses the room with several potential points of cross contamination. A good flow has food moving from receipt to storage to preparation to dispatch/service, with dishwashing and chemical storage areas located away from the areas where food is handled.*

*The size of the room is small, about 6.75m<sup>2</sup>, containing cold storage, freezer storage, dry storage, preparation areas, ovens, stoves, sinks and dishwashers. Doubling the size of food production in an already overloaded and poor flow food preparation area increases the risk of contamination and foodborne illness.*

*In this regard, the applicant will need to redesign the food preparation area and demonstrate:*

- 1. Adequate size for the activities being undertaken. This includes adequate storage and preparation space for activities on the busiest times and days.*
- 2. Good layout and flow of activities through the premises,*

*Further guidance can be found in the [Guide to the Food Safety Standards](#) (specifically Division 2 Clause 3 on pages 102 to 104) and Australian Standard 4674-2004 (specifically Section 2.1).*

Recommendation

*Approval for the application cannot be recommended until the applicant demonstrates:*

- 1. Noise from the proposed activity will comply with the requirements NSW EPA Noise Policy for Industry.*
- 2. The food preparation area has adequate space for the proposed activities and a good flow of activities through the area to prevent cross contamination.”*

During the assessment process the applicant submitted additional information to address the above comments. Upon reviewing the additional information, Council's Environmental Health Officer provided the following comments:

*“The purpose of this memo is to comment on the additional information supplied by the applicant. The application is to increase the numbers of children in the centre from 60 to 89. This application was considered in regards to food safety and noise impacts to surrounding premises.*

Food Safety

*The applicant responded “Child care centres in NSW do not need to comply with the Australian Food Safety Standards as a ‘food business’ referred to in Council’s letter and in particular to Standard 3.3.1. Effectively there is no requirement to provide a commercial kitchen / commercial grade appliances.”*

*In the main this statement is incorrect. Children’s services that provide food in NSW are required to comply with the Food Act 2003 and the Food Safety Standards. Children care centres do not have to comply with Standard 3.2.1. (the standard requiring food safety plans).*

*While not considered a vulnerable population for the purposes of the Food Regulation 2015 (and having to comply with Standard 3.2.1.), children are more vulnerable to the likelihood and effects of foodborne illness than the general population. The World Health Organisation states:*

*“Infants, young children, pregnant women, the elderly and those with an underlying illness are particularly vulnerable.”*

*Source: <https://www.who.int/news-room/fact-sheets/detail/food-safety>*



DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)

*Given the increased risk, it is not reasonable to suggest a food business providing food to 89 children each day should be permitted operate from a commercial kitchen with commercial grade appliances.*

*The business has a kitchen of about 18 square metres. Inspection by Council officers found the size to be inadequate and layout to be poor, particularly in regards to the flow of food. The applicant is required to comply with Clause 3 of Food Safety Standard 3.2.3, which states:*

*“3 General requirements*

*The design and construction of food premises must –*

- (a) be appropriate for the activities for which the premises are used;*
- (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities;*
- (c) permit the food premises to be effectively cleaned and, if necessary, sanitised; and*
- (d) to the extent that is practicable –*
  - (i) exclude dirt, dust, fumes, smoke and other contaminants;*
  - (ii) not permit the entry of pests; and*
  - (ii) not provide harbourage for pests.”*

*The applicant has failed to demonstrate the operation will comply with Clause 3(a) and 3(b).*

*Australian Standard 4674-2004 Design Construction and Fitout of Food Premises provides further detail on the design of a food business to avoid cross contamination. Further interpretation is provided in the Guide to the Food Safety Standards 2016. The design and layout of the kitchen does not satisfy the requirements of either of these documents.*

*Acoustic Environment*

*The applicant was advised:*

*“Monitoring of noise influencing weather is not provided. The report must show how noise influencing weather (wind and rain) was monitored and averaged over 15min periods, which periods of noise monitoring were weather impacted and subsequently disregarded, and if any readings were required to be retaken”*

*In response the applicant advised that the information could be provided. The information was not attached. This information is needed to assess whether the background readings are a true reflection of the background noise environment and further assessment cannot be made in absence of the information.*

*Conclusion*

*The applicant was requested to provide additional information in regards to food safety and the acoustic report. The applicant incorrectly stated that they are not required to comply with the Food Safety Standards, and did not provide the requested information on noise influencing weather.*

*Recommendation*

*Approval for the application cannot be recommended until the applicant demonstrates:*

- 1. That background noise readings were conducted in accordance with the NSW EPA Noise Policy for Industry, particularly in relation to measurement and impact of noise influencing weather.*
- 2. Noise from the proposed activity will comply with the requirements NSW EPA Noise Policy for Industry.*
- 3. The food preparation area has adequate space for the proposed activities and a good flow of activities through the area to prevent cross contamination.”*

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

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

DA2017/030/01 - Suite 1, Building I, 81-86 Courallie Avenue, Homebush West  
Lot 881 SP 97492 (Cont'd)

#### 4.55 Modifications Of Consents - Generally

##### (2) Other Modifications

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

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

**Comment:** The use of the site as a child care centre remains unchanged. The modification seeks to utilise previously unused outdoor space and increase the number of child care places from 60 to 89. Accordingly the proposed development as modified is considered to be substantially the same as that which was originally approved.

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

**Comment:** No concurrence was required under the original development consent and the subject modification application.

*(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** In accordance with Part L of the SDCDP 2005 the application was notified from 30 April 2019 to 14 May 2019.

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

**Comment:** Eight (8) submissions were received as a result of the notification period. The issues raised in the submissions are discussed later in this report.

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

**Comment:** An assessment of the application as modified against the matters referred in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 is contained in this report. In accordance with Clause 4.55(3), the Recommendation Report of the original development application (DA2017/030) was considered. Section 79(1)(c) Suitability of the Site for the Development of the recommendation report stated:

*"The proposed development is considered to be suitable to the site in that the proposed child care centre will be complementary to the future residential uses upon the site. By limiting the maximum number of children permissible to a total of 60 children, the noise impact, traffic and waste management will be more feasible, considering the location of the proposed child care centre."*

The development as modified will increase the parking demands of the child care centre. The application states that an additional 13 car parking space have been allocated to the child care centre in the adjoining basement car parking to accommodate the additional car parking demands.

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However, insufficient information has been submitted with the application confirming the permissibility of the use of the additional car parking spaces. The existing car parking provisions of the site are inadequate to cater for the likely and anticipated additional demand without adversely affecting surround road networks.

In regards to noise impacts, Council is not satisfied that the increase in children numbers will not result in additional acoustic impacts onto the adjoining residential units as that which was approved under the original development consent.

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

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

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

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

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

This State Environmental Planning Policy aims to facilitate the effective delivery of educational establishments and early education and care facilities across NSW.

Clause 22 of the state policy prescribes that a consent authority must not grant consent to a development for the purpose of a centre-based child care facility, except with the concurrence of the regulatory authority, if:

- The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations; or
- The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those regulations.

Clause 107(2) of the Education and Care Services National Regulations prescribes as follows:

*The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.*

Based on the above requirement, 289.25m<sup>2</sup> of unencumbered indoor space is required for the number of children proposed. The proposed building provides 292m<sup>2</sup> of unencumbered indoor space and therefore complies with the minimum area requirement.

Clause 108(2) of Education and Care Services National Regulations prescribes as follows:

*The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.*

Based on the above requirement, 623m<sup>2</sup> of unencumbered outdoor space is required for the number of children proposed. The proposal provides 630m<sup>2</sup> of unencumbered outdoor space and therefore complies with the minimum area requirement.

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Clause 23 of the state policy prescribes as follows:

*Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.*

An assessment of the proposal against the relevant matters for consideration as prescribed in Part 2, 3 and 4 of the Child Care Planning Guidelines are as follows:

Matter for Consideration	Comment
<b>3.5 Visual and Acoustic Privacy</b>	
<p>C24 <i>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i></p> <p><i>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</i></p> <ul style="list-style-type: none"> <li><i>• identify an appropriate noise level for a child care facility located in residential and other zones</i></li> <li><i>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</i></li> <li><i>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</i></li> </ul>	<p>The subject application was accompanied by an Acoustic Report providing an assessment of external noise intrusion into the child care centre as well as an assessment of contributed noise emission levels from the centre to nearby residential units. During the assessment process additional information was requested regarding the monitoring of noise influencing weather to ensure that background noise readings were conducted in accordance with the NSW EPA Noise Policy for Industry. Information satisfactorily addressed the deficiencies identified was not received.</p> <p>Further, the submitted Acoustic Report recommended the installation of an acoustic barrier over the additional outdoor area proposed in Outdoor Play Area 03 to achieve compliance with the relevant noise regulations. As the proposed acoustic barrier is to be located on top of the existing boundary fence, permission must be obtained from the Owner's Corporation prior to installation.</p> <p>As such, the objective of C24 is not satisfied in that the impact of the expanded child care centre on the acoustic privacy of the neighbouring residents has the potential to operate at an unacceptable level.</p>
<b>3.6 Noise and Air Pollution</b>	
<p>C25 <i>Objective: To ensure that outside noise levels on the facility are minimized to acceptable levels.</i></p> <p><i>Adopt design solutions to minimise the impacts</i></p>	<p>The child care centre has appropriately designed to minimise the impact of external noise sources including the railway corridor and industrial land uses surrounding the centre. The objective is</p>

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	<p><i>of noise, such as:</i></p> <ul style="list-style-type: none"> <li>• <i>creating physical separation between buildings and the noise source</i></li> <li>• <i>orienting the facility perpendicular to the noise source and where possible buffered by other uses</i></li> <li>• <i>using landscaping to reduce the perception of noise</i></li> <li>• <i>limiting the number and size of openings facing noise sources</i></li> <li>• <i>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</i></li> <li>• <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i></li> <li>• <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i></li> </ul>	<p>satisfied.</p>
<b>3.8 Traffic, Parking and Pedestrian Circulation</b>		
<p>C31</p>	<p><u>Objective:</u> <i>To provide parking that satisfies the needs of users and demand generated by the centre.</i></p> <p><i>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</i></p> <p><i>A reduction in car parking rates may be considered where:</i></p> <ul style="list-style-type: none"> <li>• <i>the proposal is an adaptive re-use of a heritage item</i></li> <li>• <i>the site is in a B8 Metropolitan Zone or other high density business or residential zone</i></li> <li>• <i>the site is in proximity to high frequency and well connected public transport</i></li> <li>• <i>the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</i></li> <li>• <i>there is sufficient on street parking available at appropriate times within proximity of the site</i></li> </ul>	<p>Under Part E 'Child Care Centres' of the SCDCP 2005, car parking shall be provided at a rate of one (1) space per employee and one (1) visitor space per eight (8) children. In accordance with the prescribed car parking rates, the centre is to provide 31 spaces (20 staff and 11 visitors).</p> <p>The existing child care centre provides 15 off-street car parking spaces located in the basement level below the centre building and three (3) on-street pick-up/drop-off spaces. The amended architectural plans state "13 other car spaces are allocated to the child care centre and these are distributed in adjoining basement car parking. Total car parking spaces allocated to child care centre: 31." However, the allocation of car parking spaces amongst the visitor parking in the adjoining basement is contrary to Condition No. 142 of development consent DA0405/176.</p>
<p>C33</p>	<p><i>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.</i></p> <p><i>The study should also address any proposed variations to parking rates and demonstrate that:</i></p> <ul style="list-style-type: none"> <li>• <i>the amenity of the surrounding area will not</i></li> </ul>	<p>The Traffic and Parking Study included a prediction of the future parking demands of the child care centre based on the parking behavior of the current operations. The report states that the future staff parking demand will be 13 cars (based on 18 staff) and 6 cars for visitors/customers based on the current parking behaviour at the centre.</p>

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	<p><i>be affected</i></p> <ul style="list-style-type: none"> <li><i>• there will be no impacts on the safe operation of the surrounding road network</i></li> </ul>	<p>However, it is noted that Special Condition No. 1 of the parent consent (DA2017/030) required that a maximum of 30 children (50% of the maximum capacity) are to be non-residents of the site. The application proposes to increase the number of children at the centre at any one time from 60 to 89 making no reference to the split of enrollment to residents and non-residents of Centenary Park. As such, the assumptions on car parking behaviour that have been used to predict the future parking demand of the expanded centre is incorrect.</p>
C38	<p><u>Objective:</u> <i>To provide a safe and connected environment for pedestrians both on and around the site.</i></p> <p><i>Car parking design should:</i></p> <ul style="list-style-type: none"> <li><i>• include a child safe fence to separate car parking areas from the building entrance and play areas</i></li> <li><i>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</i></li> <li><i>• include wheelchair and pram accessible parking</i></li> </ul>	<p>On and off-street car parking places are appropriately separated from the main entrance of the child care centre by means of a child safe fence.</p>

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

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

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	<b>Yes</b>
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	<b>Yes</b>
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	<b>Yes</b>
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	<b>No</b>
(f)	<i>To identify and protect environmental and cultural heritage</i>	<b>N/A</b>
(g)	<i>To promote opportunities for social, cultural and community activities</i>	<b>N/A</b>
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>N/A</b>

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**Comments:** The proposal is inconsistent with Cl. 1.2(2)(e) of SLEP 2012, in that the proposed increase in capacity of children and staff at the child care centre will generate additional parking demands that can not be satisfactorily accommodated without resulting in consequential adverse impacts.

### Permissibility

The subject site is zoned R3 Medium Density Residential under Strathfield Local Environmental Plan 2012. 'Child care centres' are permissible within the R3 Medium Density Residential zone with consent and are defined under the SLEP 2012 as follows:

**"centre-based child care facility means:**

- a) A building or place used for the education and care of children that provides any one or more of the following:
  - i) Long day care,
  - ii) Occasional child care,
  - iii) Out-of-school-hours care (including vacation care),
  - iv) Preschool care, or
- b) An approved family day care venue.

The subject modification application seeks to increase the number of children at an existing child care centre and is consistent with the definition above.

### Zone Objectives

The modification(s) sought as part of this application are consistent with the objectives of the R3 Medium Density Residential Zone.

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 development is consistent with the relevant zone objectives in that it provides a service to meet the day to days needs of the community.

### Part 4: Principal development standards

The subject application does not propose any works that increase the gross floor area of the building.

### Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed modification.

### Part 6: Local Provisions

There are no provisions contained within Part 6 of the SLEP 2012 that are applicable to the proposed modification.

### 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.



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

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

An assessment against the relevant provisions relating to child care centres is as follows.

#### 1.2: Objectives of Part E

1.2	Objectives	Satisfactory
A.	To encourage the provision of child care centres to meet the needs of the community and ensure that such centres will be appropriate for the purpose and provide a functional and pleasant environment for users.	Yes
B.	To ensure that there is a consistent approach to the provision, construction and approval of child care centres.	Yes
C.	To ensure that child care centres are compatible with neighbouring land uses.	Yes
D.	To ensure the amenity of adjoining neighbours is retained (including protection of privacy, access to property, etc) and is not detrimentally affected by noise emissions from the site.	No
E.	To ensure child care centres are located with adequate, convenient and safe parking for visitors that do not impose on any residential neighbourhoods or commercial areas.	No
F.	To ensure that child care centres integrate into existing residential environments and are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.	Yes
G.	To provide child care centres that are located or designed so as not to pose a health risk to children using the centre.	No
H.	To retain and protect significant existing vegetation in the Strathfield Municipality.	Yes

**Comments:** The proposed modification is inconsistent with the objectives in that insufficient information is submitted which substantiates that additional traffic demands and noise levels generated can not be mitigated. The size and layout of the kitchen is not suitable and is not of a size which could accommodate the catering needs of the proposed increase children capacity to an acceptable food safety standard.

#### 5.6: Traffic, Parking and Access

5.6	Objectives	Satisfactory
A.	To ensure that the relationship between child care centres and adjoining land uses are favourable in terms of parking, traffic and vehicular access	No
B.	To ensure that a child care centre is safe for children	

5.6	Guidelines	Complies
1	Car parking shall be provided at a rate of 1 space per employee (stack parking is permitted for staff parking) and 1 visitor space per 8 children or part thereof (stack parking is not permitted for parents or guardians).	No
3	Dimensions of parking spaces and vehicle access areas shall comply with Part I - Provision of Off-street Parking Facilities.	N/A

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4	The centre has been designed to allow the safe drop off and collection of children and safe movement and parking of staff, parents, visitors and service vehicles.	Yes
5	Parking spaces and vehicle access points are located to ensure the safe movement of children to and from the centre.	Yes
6	Standing areas for the dropping off and collecting of children have been provided.	Yes
7	All vehicles shall move in a forward direction on the site at all times.	N/A
8	Access for people with disabilities provided to allow continuous wheelchair access from the street, car park, building entry and into individual playrooms and toilets.	Yes
9	Parking and vehicle access areas separated from any area used by children by safety fencing and gates	Yes

**Comments:** The application proposes an increase in the maximum capacity of the existing child care centre from 60 to 89 children and 11 to 20 staff. In accordance with Section 5.6 of the SDCDP 2005, a total of 31 car parking spaces are to be provided. As previously detailed, the existing centre provides 15 off-street car parking spaces in the basement and three (3) pick-up/drop-off spaces on the street in front of the centre entrance. Amended plans submitted during the assessment process stated “13 other car spaces are allocated to the child care centre and these are distributed in adjoining basement car parking” and confirmed in the Traffic and Parking Impacts Report stating “13 car parking spaces for visitors (new allocation within 211 available parking spaces”. However, car parking in the adjoining basement is allocated to residents and visitors in the parking schedule approved by DA0405/176/09 in the Land and Environment Court. Specifically Condition 142 states, “The Owners Corporation must maintain 120 visitors parking spaces on grade at street level and 52 in the basement level in Stage 1D, denoted as common property upon the Strata Plan. The Owners Corporation must not by any amendment to the Strata Plan or strata scheme or by an strata by-law, allocate any visitor parking for the exclusive use of any person, entity or other lot within the strata scheme.” Consequently, it can not be substantiated that the proposed 13 additional car parking spaces can be used to meet the parking demands of proposal. Accordingly, the application does not meet the minimum parking requirements under the SDCDP 2005.

### 5.9: Noise

5.9	Objectives	Satisfactory
A.	To protect neighbours from excessive noise by ensuring that noise from a child care centre is not created by additional traffic, activities on and off the site and children’s activities on site.	Yes
5.9	Guidelines	Complies
	Protecting Neighbours from Excessive Noise	
1	Access points are located so as to minimise disruption to neighbours	Yes
2	Playground areas are appropriately located	No
3	Appropriate location of windows and doors	Yes

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4	No public address systems have been installed at the centre	N/A
5	The use of fencing and landscaping to reduce the impact of noise	No
6	The proposed hours of operation, particularly the impact of early morning starting times	N/A

**Comments:** As previously discussed, the Acoustic Report accompanying the subject application contains multiple deficiencies that have been inadequately addressed. The report identifies that children playing in the outdoor play areas 01, 02 and 03 exceed the project noise trigger level for the site as determined in the NSW EPA Noise Policy for Industry 2017. To minimise noise levels in outdoor play area 03 (Figure 4), the submitted Acoustic Report *recommends* “roof cover or awning extending from the top of the existing boundary fence extending for a distance of 1.2m over the additional outdoor area of Play Area 03. They would be required on both the northern fence and the southern fence of the additional outdoor area.” The recommended acoustic barriers are to be located from the top of the existing boundary of the existing 1.8m boundary fence, thereby requiring approval from the Owner’s Corporation as the boundary fence is categorised as common property. As the modification application was not submitted with the seal of the Owner’s Corporation it cannot be assumed that approval for the installation of the acoustic barrier is acceptable.



**Figure 4:** Outdoor play area 03 and nearby residential units.

**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*.

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#### **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*.

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

#### **4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

##### **Traffic and Parking**

The lack of available car parking and traffic congestion in Centenary Park was raised by residents to Council on multiple occasions and has also been raised in the submissions received as a result of the modification application. As discussed, it cannot be substantiated that the proposed 13 additional car parking spaces required to meet the minimum car parking requirements for child care centre under the SDCDP 2005 can be used. Further, the predicted future parking demand of the expanded centre in the Traffic and Parking Impacts Report is founded on the assumption that Special Condition No. 1 of the parent consent requiring that no more than 50% of the maximum capacity of children are to be non-residents of Centenary Park is to be carried onto the proposed capacity increase. Hence, the proposal fails to demonstrate that the expanded child care will not adversely impact the road network in Centenary Park.

##### **Kitchen – Food Safety**

During the assessment process additional information was requested to ensure that the kitchen of the child care centre can meet food safety standards required at the proposed 89 children capacity. An inspection by Council's Environmental Health Officer found that the size of the kitchen is inadequate and of a poor layout. The additional information submitted by the applicant to address the issues raised by Council's Environmental Health Officer are insufficient. The proposal fails to demonstrate that the operation of the kitchen under the proposed increase children capacity does not comply with the Australian Food Safety Standards and the *Food Act 1993* to prevent food cross contamination.

##### **Noise**

The subject application was accompanied by an Acoustic Impact Report. Additional information was requested during the assessment process to demonstrate how noise, influencing weather, was monitored. The information was not provided to a satisfactory level. Additionally, the report stated that additional roof covers and awning over outdoor play area 03 are required to minimise the noise emitted from the play area in order to achieve compliance with the relevant noise policies. The recommended acoustic barriers to be located on top of the existing 1.8m boundary fence, thereby requiring approval from the Owner's Corporation as the boundary fence is categorised as common property. It cannot be assumed that permission from the Owner's Corporation is granted to install the acoustic barriers. Whilst the Acoustic Report addresses the exceedance of the project noise trigger level in 'outdoor play area 03, predicted exceedances in outdoor play areas '01' and '02' against the Noise Policy for Industry 2017 has not been satisfied.

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Accordingly, the application has not demonstrated that the proposed increase in children numbers will not result in adverse noise impacts onto the surrounding residents.

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

The proposed modification is unsuitable for the site in that the application has not adequately demonstrated that the anticipated traffic, noise and food safety impacts generated by the increase in children and staff at the child care centre are to be minimised to an acceptable level and not adversely impact on the residential amenity of the residents at Centenary Park. The site of the child care centre is not suitable for the proposed 89 children capacity.

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

The application was publicly notified from 30 April 2019 to 16 May 2019 in accordance with Part L of the SCDCP 2005. Eight (8) written submissions were received as a result. These issues raised in these submissions are outlined and addressed as follows:

##### *1. Parking*

*The increase in the number of children will cause parking issues. Parents living within walking distance also drop off their children. Car parking is already an issue in the complex. The increase in children will worsen the situation.*

Assessment Officer's Comment: The provision of car parking spaces to meet the needs of the child care centre as modified in the subject application has been assessed in this report as not adequate. The subject application is recommended for refusal.

##### *2. Ownership of car parking spaces*

*The submitted plans proposed an additional 12 car parking spaces in the basement and two (2) on-street. The car parking spaces located in the basement are allocated to residential units and the two (2) on-street to the visitor parking and not the child care centre.*

Assessment Officer's Comment: A letter was sent to the applicant raising concerns regarding the ownership and permissibility of the proposed additional car parking spaces. Whilst amended plans were subsequently submitted proposing 13 additional car parking spaces in the adjoining basement located underneath Building 5 (also known as Building J), the permissibility of their use has been raised in this report.

##### *3. Noise*

*Concern is raised regarding the current level of noise emitted from the existing child care centre. The proposed increase in children numbers will worsen the situation. Children noises can be heard inside even with the windows and doors closed.*

Assessment Officer's Comments: Insufficient information demonstrating that the increase in children numbers comply with the requirements of the NSW EPA Noise Policy for Industry has been submitted. The application is recommended for refusal.

##### *4. Child care centre size*

*Concern is raised that the size of the existing child care centre is not sufficient for the proposed number of children.*

Assessment Officer's Comments: The subject application has assessed against the minimum indoor and outdoor area requirements under the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the Education and Care Services National Regulations.

##### *5. Owner's Corporation approval*

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*The development application has not obtained permission for lodgement from the Owners Corporation.*

Assessment Officer's Comment: The permission of the Owner's Corporation is not required for the lodgement of the application as the proposal does not affect common property.

*6. Child care centre demand*

*There is another child care centre in the complex in a less congested area and is running below its capacity. The other centre could fill the demand for children spaces that the centre has identified.*

Assessment Officer's Comment: The availability of another child care centre in Centenary Park to absorb the demand for spaces being experienced at the subject child care centre is not a legislative consideration in the assessment of the modification application.

*7. Centenary Park enrolment allocation*

*The original development consent required that 50% of enrollments had to be from children living in Centenary Park and 50% outside of the complex. There is no mention of this being carried forward with the subject application.*

Assessment Officer's Comment: This concern is noted and addressed within the assessment of the application.

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

The proposed modification is contrary to the public interest in that it will result in unreasonable impacts on the amenity of the neighbourhood in terms of noise emissions, parking demands and traffic flow.

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

This application does not trigger any modifications or changes to the original condition of consent requiring the payment of contribution fees.

### **CONCLUSION**

This application has been assessed having regard to the relevant matters for consideration under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Strathfield Consolidated Development Control Plan 2005, Child Care Planning Guidelines and the issues raised in the public submissions.

The application is considered to be unsatisfactory for the numerous reasons discussed in this report and is therefore recommended for refusal.

### **PEER REVIEW**

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



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## RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2017/030 to increase the number of children from 60 to 89 at an approved child care centre at Suite 1, Building I, 81-86 Courallie Avenue, Homebush West be **REFUSED** for the following reasons:

1. The proposed modification is likely to result in adverse noise emissions that will unreasonably impact on the amenity of the adjoining residential units contrary to Part E of the Strathfield Consolidated Development Control Plan and the Child Care Planning Guidelines accompanying the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

(Section 4.15(1)(a)(iii) and Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).

2. The proposed modification is likely to result in unreasonable adverse impacts on the operational efficiency of the surrounding road network by reason of increased traffic congestion contrary to Part M of the Strathfield Consolidated Development Control Plan and the Child Care Planning Guidelines accompanying the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

(Section 4.15(1)(a)(i), Section 4.15(1)(a)(iii) and Section 4.15(1)(b), & of the *Environmental Planning and Assessment Act 1979*).

3. The proposal does not include sufficient car parking spaces in accordance with the provisions of Part E of the Strathfield Consolidated Development Control Plan 2005. In this regards the proposed 13 car parking spaces in the basement are contrary to development consent DA0405/176 (as modified).

(Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.)

4. The Acoustic Report submitted with the application does not demonstrate that the increase in children can achieve compliance with the requirements of the NSW EPA Noise Policy for Industry.

(Section 4.15(1)(b) and Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.)

5. The proposed capacity of the child care centre is not suitable for the site having regard to the inadequate area of the kitchen to ensure good flow of food activities and prevent cross contamination.

(Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.)

6. The proposed modification is not considered to be in the public interest (Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*).

## ATTACHMENTS

1. [Architectural Plans](#)



**STRATHFIELD COUNCIL  
RECEIVED**  
**AMENDED PLANS**  
DA2017/030/01  
21 JUNE 2019



**OUTDOOR PLAY AREA**

- EXISTING CHILD CARE CENTRE INTERIOR UNALTERED
- EXTERNAL PLAY AREAS TO CHILD CARE CENTRE  
CALCULATION: NUMBER OF CHILDREN X 7M<sup>2</sup>  
M X 7 = 388M<sup>2</sup> REQUIRED (MINIMUM)  
OUTDOOR AREA 01 = 150M<sup>2</sup>  
OUTDOOR AREA 02 = 180M<sup>2</sup>  
OUTDOOR AREA 03 = 250M<sup>2</sup>  
**TOTAL AREA = 580M<sup>2</sup>**
- OUTDOOR PLAY AREA DESIGNATED WITH A GREY HATCH BEHIND INDICATES AREA PART OF EXISTING CHILD CARE CENTRE OPERATOR'S LEASE AND ACTIVATED AS PART OF SUBJECT DA TO SUPPORT THE INCREASED CHILD OCCUPANCY NUMBERS  
EXISTINGGRESS FACILITY AND FENCING AROUND PERIMETER TO REMAIN UNALTERED

**LEGEND**

**ABBREVIATIONS**

AL	WALL	CL	CONCRETE
AN	WALL	FL	FLOOR
AP	WALL	LP	LOWEST FINISH FLOOR
AS	WALL	NS	NATURAL CONSTRUCTION
BS	WALL	NS	NATURAL CONSTRUCTION
CS	WALL	NS	NATURAL CONSTRUCTION
DS	WALL	NS	NATURAL CONSTRUCTION
ES	WALL	NS	NATURAL CONSTRUCTION
FS	WALL	NS	NATURAL CONSTRUCTION
GS	WALL	NS	NATURAL CONSTRUCTION
HS	WALL	NS	NATURAL CONSTRUCTION
IS	WALL	NS	NATURAL CONSTRUCTION
JS	WALL	NS	NATURAL CONSTRUCTION
KS	WALL	NS	NATURAL CONSTRUCTION
LS	WALL	NS	NATURAL CONSTRUCTION
MS	WALL	NS	NATURAL CONSTRUCTION
NS	WALL	NS	NATURAL CONSTRUCTION
OS	WALL	NS	NATURAL CONSTRUCTION
PS	WALL	NS	NATURAL CONSTRUCTION
QS	WALL	NS	NATURAL CONSTRUCTION
RS	WALL	NS	NATURAL CONSTRUCTION
TS	WALL	NS	NATURAL CONSTRUCTION
US	WALL	NS	NATURAL CONSTRUCTION
VS	WALL	NS	NATURAL CONSTRUCTION
WS	WALL	NS	NATURAL CONSTRUCTION
XS	WALL	NS	NATURAL CONSTRUCTION
YS	WALL	NS	NATURAL CONSTRUCTION
ZS	WALL	NS	NATURAL CONSTRUCTION

**MATERIALS AND FINISHES**

AF	FLYING
AP	PLASTERBOARD
AS	PERFORATED
BS	REINFORCED CONCRETE
CS	GLASS
DS	TIMBER
ES	TIMBER
FS	TIMBER
GS	TIMBER
HS	TIMBER
IS	TIMBER
JS	TIMBER
KS	TIMBER
LS	TIMBER
MS	TIMBER
NS	TIMBER
OS	TIMBER
PS	TIMBER
QS	TIMBER
RS	TIMBER
TS	TIMBER
US	TIMBER
VS	TIMBER
WS	TIMBER
XS	TIMBER
YS	TIMBER
ZS	TIMBER

REV.	DATE	DESCRIPTION	CHECK

**DRAWING TITLE:**  
**GROUND FLOOR PLAN AND  
OUTDOOR PLAY AREA**

**CLIENT:**  
**OZ EDUCATION HOMEBUSH**

**PROJECT:**  
**OZ EDUCATION HOMEBUSH  
BLOCK B4  
81-86 COURALLIE AVENUE  
HOMEBUSH WEST**

STAGE:	SCALE:	DATE:	DRAWN:
DA	1:200 AT A2	JUNE 2019	KM

**DRAWING NO.:** DA GF02  
**REV.:** A

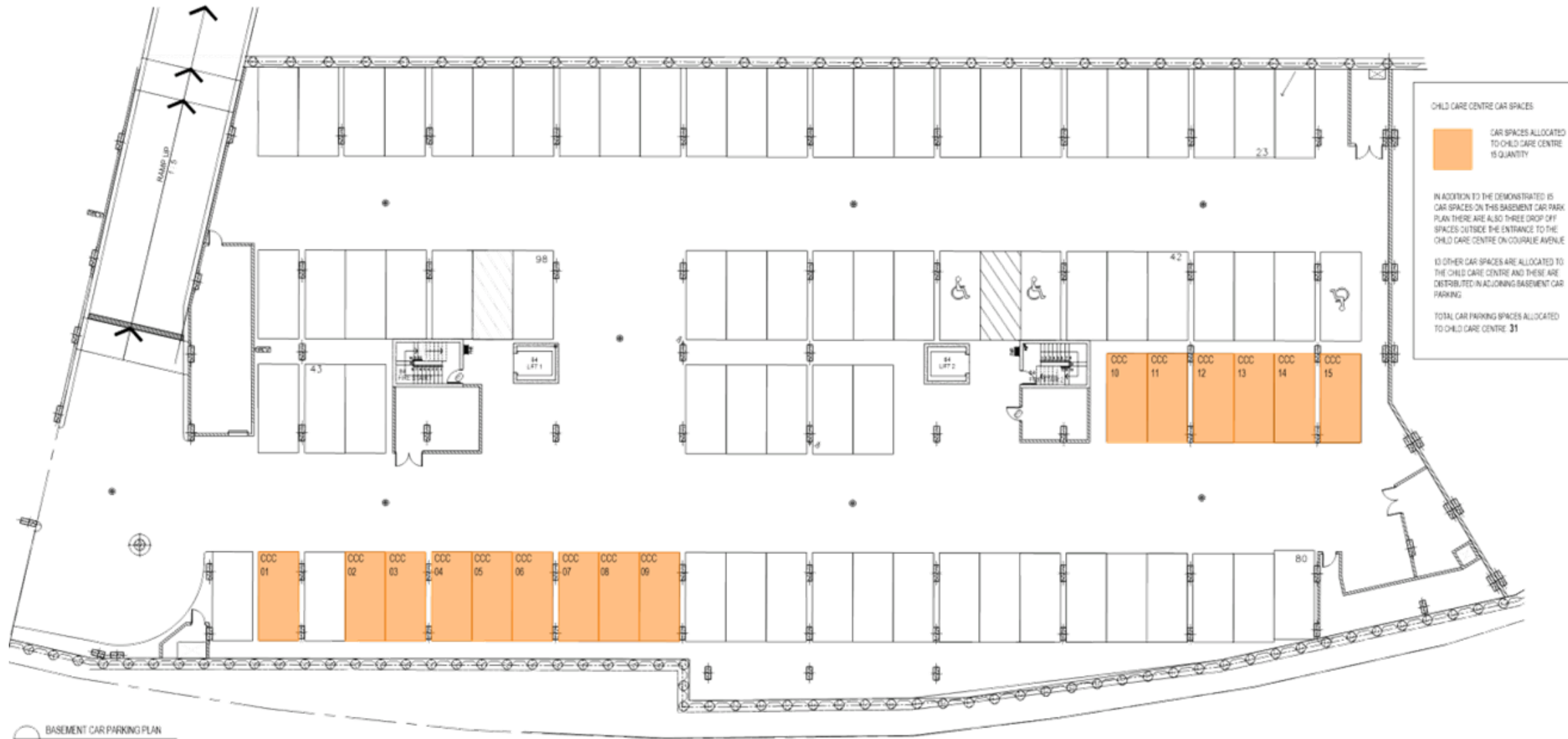
**NOMINATED ARCHITECT:**  
KRISTINA MITKOVSKI NSW REG. NO. 7998

**LEAD CONSULTANT:**

**two form**  
**ARCHITECTURE + INTERIOR DESIGN**

Suite 203 level 2 24 Charles Street Parramatta NSW 2150  
p 62 9999 8921 e info@twoform.com.au twoform.com.au

Check and verify all dimensions on site and with surveyor and/or contractor for double  
check and proceed further. Do not reuse old drawings. Drawings shall not be used for  
construction purposes unless issued by the architect for such purposes. The registration of  
architects and symbols shall be appropriate. All Copyright 2019 © Two Form Pty Ltd.



**LEGEND**

**ABBREVIATIONS**

AL	ALUMINIUM ANGLE	JA	JUNCTION
AS	AUSTRIAN STANDARD	JFL	LOWER FLOOR ANGLE
AW	AUSTRIAN WINDOW	LFL	LOWER FLOOR
BA	BALCONY	MC	MASONRY CONSTRUCTION
BE	BENCH	NS	NATURAL SOLUBLE LEVEL
BO	BORDER	NSL	NATURAL SOLUBLE LEVEL
BR	BRAKE	NPT	NATURAL SOLUBLE LEVEL
BS	BRAKE BAND	NPTL	NATURAL SOLUBLE LEVEL
BT	BRAKE TIGHTENING	NPTL	NATURAL SOLUBLE LEVEL
CA	CANTILEVER	NPTL	NATURAL SOLUBLE LEVEL
CB	CANTILEVER BRACKET	NPTL	NATURAL SOLUBLE LEVEL
CC	CANTILEVER COLUMN	NPTL	NATURAL SOLUBLE LEVEL
CD	CANTILEVER DECK	NPTL	NATURAL SOLUBLE LEVEL
CE	CANTILEVER END	NPTL	NATURAL SOLUBLE LEVEL
CF	CANTILEVER FINISH	NPTL	NATURAL SOLUBLE LEVEL
CG	CANTILEVER GIRDER	NPTL	NATURAL SOLUBLE LEVEL
CH	CANTILEVER HEAD	NPTL	NATURAL SOLUBLE LEVEL
CI	CANTILEVER INLET	NPTL	NATURAL SOLUBLE LEVEL
CJ	CANTILEVER JOIST	NPTL	NATURAL SOLUBLE LEVEL
CK	CANTILEVER KEEL	NPTL	NATURAL SOLUBLE LEVEL
CL	CANTILEVER LATH	NPTL	NATURAL SOLUBLE LEVEL
CM	CANTILEVER MEMBER	NPTL	NATURAL SOLUBLE LEVEL
CN	CANTILEVER NAIL	NPTL	NATURAL SOLUBLE LEVEL
CO	CANTILEVER OUTLET	NPTL	NATURAL SOLUBLE LEVEL
CP	CANTILEVER PLATE	NPTL	NATURAL SOLUBLE LEVEL
CQ	CANTILEVER POST	NPTL	NATURAL SOLUBLE LEVEL
CR	CANTILEVER RAIL	NPTL	NATURAL SOLUBLE LEVEL
CS	CANTILEVER SCREW	NPTL	NATURAL SOLUBLE LEVEL
CT	CANTILEVER TIE	NPTL	NATURAL SOLUBLE LEVEL
CU	CANTILEVER U-BOLTS	NPTL	NATURAL SOLUBLE LEVEL
CV	CANTILEVER V-BOLTS	NPTL	NATURAL SOLUBLE LEVEL
CW	CANTILEVER WIRE	NPTL	NATURAL SOLUBLE LEVEL
CX	CANTILEVER WOOD	NPTL	NATURAL SOLUBLE LEVEL
CY	CANTILEVER YIELD	NPTL	NATURAL SOLUBLE LEVEL
CZ	CANTILEVER ZINC	NPTL	NATURAL SOLUBLE LEVEL

**MATERIALS AND FINISHES**

FA	FAHNE	PA	PAINT
FB	FLAT ROOF	PB	PLASTERBOARD
FC	FLOOR	PC	CONCRETE
FD	FLOOR FINISH	PD	PAINT
FE	FLOOR FINISH	PE	PAINT
FF	FLOOR FINISH	PF	PAINT
FG	FLOOR FINISH	PG	PAINT
FH	FLOOR FINISH	PH	PAINT
FI	FLOOR FINISH	PI	PAINT
FJ	FLOOR FINISH	PJ	PAINT
FK	FLOOR FINISH	PK	PAINT
FL	FLOOR FINISH	PL	PAINT
FM	FLOOR FINISH	PM	PAINT
FN	FLOOR FINISH	PN	PAINT
FO	FLOOR FINISH	PO	PAINT
FP	FLOOR FINISH	PP	PAINT
FQ	FLOOR FINISH	PQ	PAINT
FR	FLOOR FINISH	PR	PAINT
FS	FLOOR FINISH	PS	PAINT
FT	FLOOR FINISH	PT	PAINT
FU	FLOOR FINISH	PU	PAINT
FV	FLOOR FINISH	PV	PAINT
FW	FLOOR FINISH	PW	PAINT
FX	FLOOR FINISH	PX	PAINT
FY	FLOOR FINISH	PY	PAINT
FZ	FLOOR FINISH	PZ	PAINT

REV	DATE	DESCRIPTION	CHECK

**DRAWING TITLE**

**CAR PARKING PLAN AND DROP OFF ZONE PLAN**

**CLIENT:**

**OZ EDUCATION HOMEBUSH**

**PROJECT:**

**OZ EDUCATION HOMEBUSH**  
 BLOCK B4  
 81-86 COURALLIE AVENUE  
 HOMEBUSH WEST

STAGE	SCALE	DATE	DRAWN
DA	1:200 AT A2	JUNE 2019	KM

**DRAWING NO.:** DA CP01

**REV.:** A

**NOMINATED ARCHITECT**  
 KRISTINA MITKOVIKI NSW REG. NO. 7998

**LEAD CONSULTANT:**

**two form**  
 ARCHITECTURE + INTERIOR DESIGN

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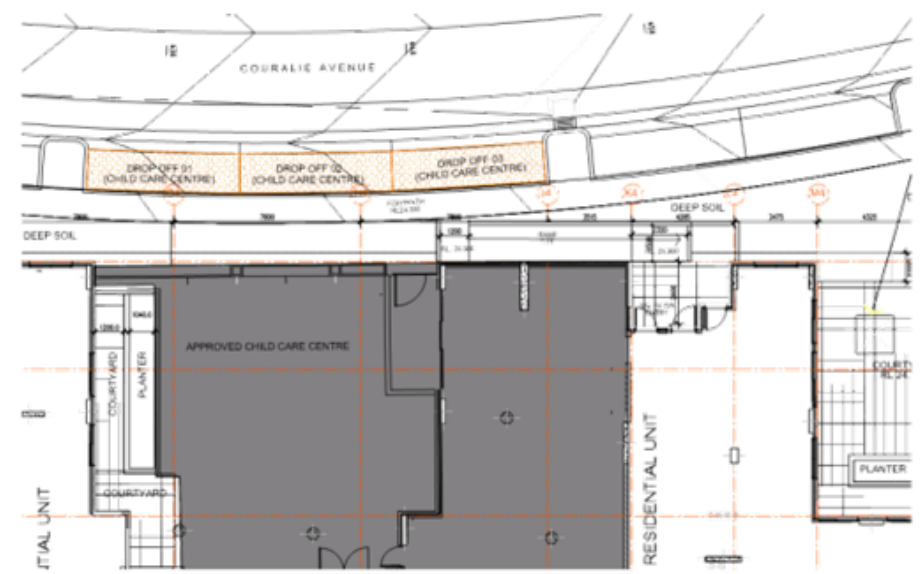
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**STRATHFIELD COUNCIL RECEIVED**

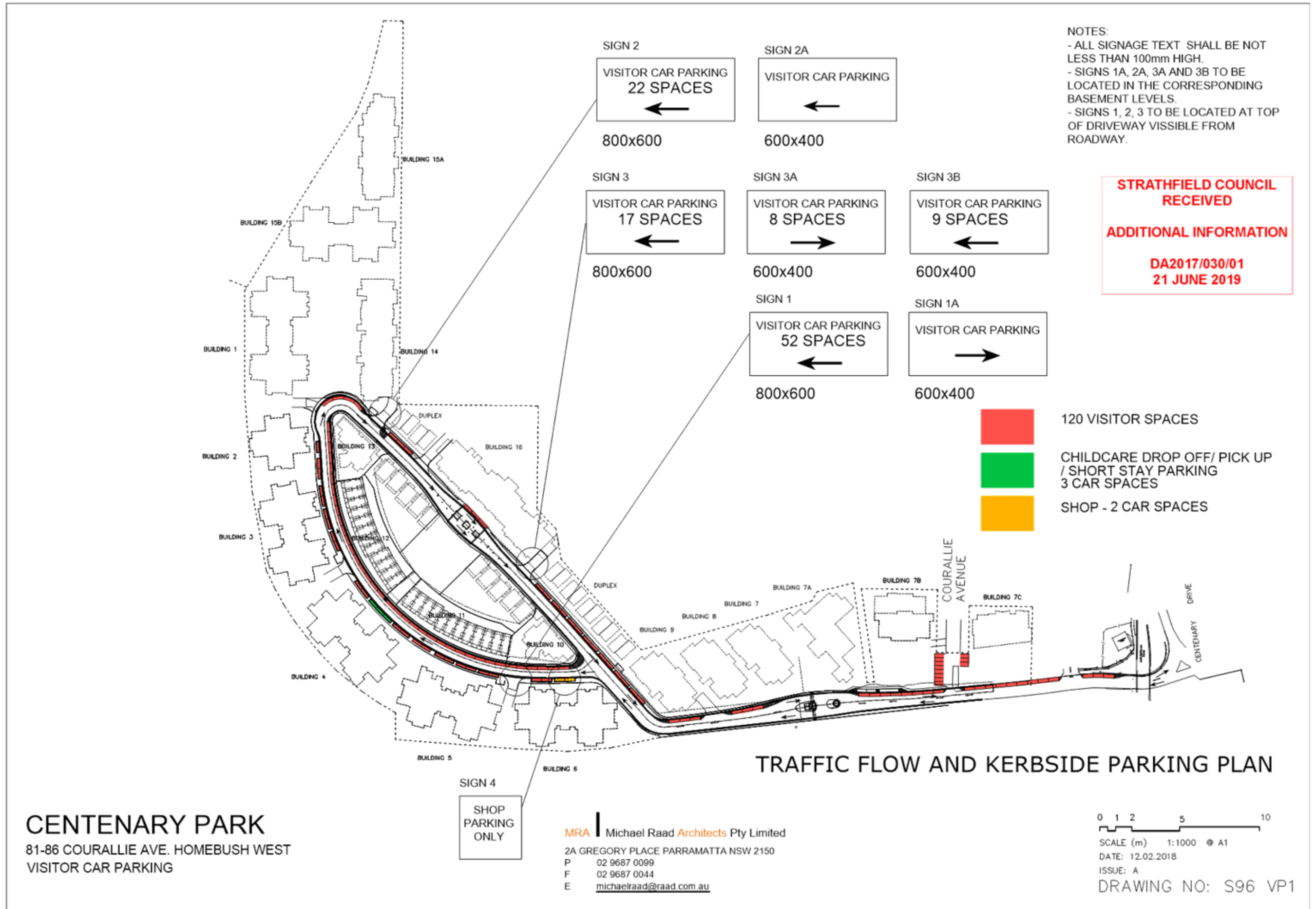
**AMENDED PLANS**

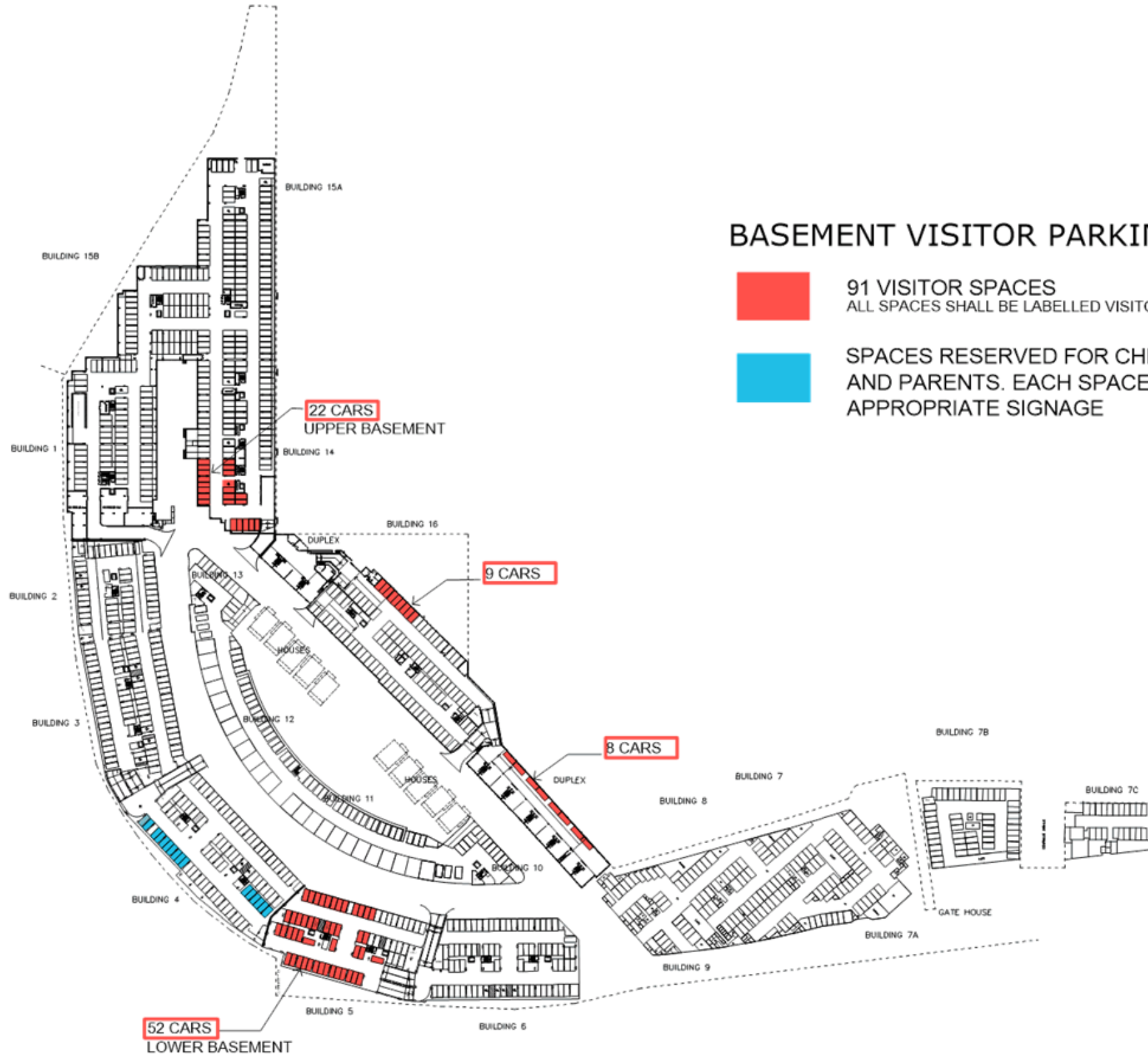
**DA2017/030/01**  
**21 JUNE 2019**

**BASEMENT CAR PARKING PLAN**  
 SCALE 1:200 AT A2









### BASEMENT VISITOR PARKING PLAN

- 91 VISITOR SPACES  
ALL SPACES SHALL BE LABELLED VISITOR
- SPACES RESERVED FOR CHILDCARE STAFF  
AND PARENTS. EACH SPACE SHALL HAVE  
APPROPRIATE SIGNAGE

**STRATHFIELD COUNCIL  
RECEIVED**

**ADDITIONAL INFORMATION**

**DA2017/030/01  
21 JUNE 2019**

**CENTENARY PARK**  
81-86 COURALLIE AVE. HOMEBUSH WEST  
BASEMENT VISITOR PARKING PLAN

**MRA** | Michael Raad Architects Pty Limited  
2A GREGORY PLACE PARRAMATTA NSW 2150  
P 02 9687 0099  
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E [michaelraad@raad.com.au](mailto:michaelraad@raad.com.au)

0 1 2 5 10  
SCALE (m) 1:1000 @ A1  
DATE: 12.02.2018  
ISSUE: A  
DRAWING NO: S96 VP2



**TO:** Strathfield Local Planning Panel Meeting - 4 July 2019  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2018/074 - 440 LIVERPOOL ROAD, STRATHFIELD SOUTH  
LOT 1 DP 10655 & LOT 2 DP 10655  
**DA NO.** DA2018/074

## SUMMARY

**Proposal:** Demolition of existing structures and construction of a three (3) to four (4) storey boarding house development comprised of 40 lodger rooms and one (1) double manager's apartment, accommodating up to 82 people.

**Applicant:** Environa Studio

**Owner:** Uniting Church in Australia

**Date of lodgement:** 29 May 2018

**Notification period:** First round: 12 June - 5 July 2018  
Second round: 19 March - 12 April 2019

**Submissions received:** First round: 25 submissions  
Second round: 26 submissions (nine (9) resubmissions)

**Assessment officer:** ER

**Estimated cost of works:** \$5,219,639.00

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

**Heritage:** Yes – (SHR 01630 – State Heritage Register) - Sydney Water Pressure Tunnel

**Flood affected:** No  
Yes – Cl.4.3 Height of Buildings

**Is a Clause 4.6 variation proposed?** 12.87m (excluding lift overrun) (35% variation)  
13.28m (including lift overrun) (37.8% variation)

**Extent of the variation supported?** No

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

**Reason for SLPP referral:** a) Variation to Cl.4.3 - Height of Buildings Development Standard greater than 10%  
b) Contentious development – Application received more than 10 submissions in both rounds of notification

**RECOMMENDATION OF OFFICER:** DEFERRED COMMENCEMENT

DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

## EXECUTIVE SUMMARY

On 29 May 2018, DA2018/074 was lodged for the demolition of existing structures and construction of a part three (3), part four (4) storey boarding house development comprising 40 lodger rooms and one (1) manager's apartment, accommodating 81 boarders pursuant to the Affordable Rental Housing SEPP 2009.

The application was notified to all adjoining and nearby property owners in accordance with Council's notification policy, with 25 submissions received. The main concerns raised include non-compliance with the LEP height standard, traffic and parking impacts, inconsistency with the character of the local area, privacy and overshadowing impacts, noise impacts, and suitability of land use. A detailed response to each of the matters raised is provided later in this report.

The application was referred to the Strathfield Design Review Panel (DRP) who provided independent technical advice on the design quality of the proposal. The Panel supported a height encroachment along Liverpool Road, recommending additional height be located along Liverpool Road and the height, bulk and scale of the development being stepped back towards the low-density residential dwellings on Frances Avenue.

Consideration of Council's issues, the submissions of objection and the recommendations of the Design Review Panel, resulted in the submission of an amended scheme that was re-notified and continued to receive community dissatisfaction. The amended scheme adopted many of the recommendations of the DRP including a breach in the maximum building height that results in a substantial numerical variation from Council's LEP.

The revised scheme was presented to the Design Review Panel on 14 November 2018 for independent comment on the design response to the original matters raised by the Panel. The Panel was generally supportive of the schematic, supporting the re-distribution of building bulk across the subject site and the breach in height of buildings development standard.

Further amendments were made to the proposal with the key changes being, an increase in the number of boarding rooms from 32 to 40 rooms, an additional storey to the part of the building fronting Liverpool Road, enclosure of the ground floor parking area, increased setbacks to the southern boundary and reorganisation of the foyer, lift and circulation spaces. Additionally the amended Statement of Environmental Effects indicated that the boarding house would be operated by Uniting Synod, a non-for-profit organisation that it a direct provider of rental housing to tenants.

The application was re-notified in a second round, receiving 26 objections, nine of which objected in the first round of notification. The issues raised included increased traffic and strain on parking in the surrounding area, overdevelopment of the site in respects to density and increase in antisocial behavior.

The amended plans and supporting documentation have satisfactorily addressed the concerns raised by Council. The amended proposal is considered to be suitable to the R3 – Medium Density Residential zoning of the site and with deletion of the fourth level fronting Liverpool Road, is considered to achieve an appropriate transition in height, bulk and scale to adjoining land zoned R2 Low Density Residential.

The site is burdened by Sydney Water owned pressure tunnel and shafts (from Potts Hill Road to Waterloo Pumping Station), which traverse the site in an east/west direction and are listed on the *State Heritage Register* under the *NSW Heritage Act 1977*. The Statement of Environmental Effects notes contact with Sydney Water, who advised the Pressure Tunnel is well below the site and outside the State Heritage curtilage for the Pressure Tunnel and Shafts.

The proposal is acceptable against the relevant considerations under SEPP (Affordable Rental Housing) 2009, SEPP 55 (Remediation of Land), SEPP (BASIX) 2004, SEPP (Vegetation in non-

**DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)**

rural areas) 2017, Strathfield LEP 2012, and Strathfield Consolidated DCP 2005. The application has been reviewed by Council's internal referral staff, which have raised no objections to the proposal, subject to recommended conditions of consent.

The application is recommended for approval by way of Deferred Commencement, subject to conditions.

**BACKGROUND**

- 28 May 2018** Lodgment of DA2018/074 which proposed the demolition of existing place of public worship and associated structures and construction of a part three (3), part four (4) storey boarding house development containing 40 lodger rooms and one (1) manager's apartment, accommodating 81 boarders pursuant to the Affordable Rental Housing SEPP 2009.
- 12 June - 5 July 2018** The application was notified and advertised for a period of 21 days in accordance with Council's SCDCP, 25 submissions were received as a result.
- 22 August 2018** The application was referred to the Strathfield Design Review Panel (DRP) to obtain independent technical advice on the design quality of the proposal. Key issues raised by the Panel included, the height of the building, the relationship of the proposal to the southern adjoining building, design aesthetic of building's corner treatment and alternative design options including relocation of height encroachment to Liverpool Road with a stepped built form towards Frances Avenue.
- 11 September 2018** Council met with the applicant to discuss the comments and recommendations of the Design Review Panel. The applicant was advised that substantial changes would warrant re-notification of the application given the substantial public interest in the proposal.
- 14 November 2018** Schematic plans were reviewed at a second meeting with the Design Review Panel. The applicant's response to the DRP's original comments and recommendations were considered and a block study of surrounding building heights within the vicinity of the subject site was provided. The block study affirmed that additional height was acceptable on a corner site fronting Liverpool Road.
- 7 March 2019** Amended plans were received which adopted the comments and recommendations of the Design Review Panel and Council's concerns. Key changes included:
- Increase in the number of boarding rooms from 32 to 40 rooms,
  - Additional storey to the part of the building fronting Liverpool Road, resulting in a part three (3), part four (4) storey building;
  - Enclosure of the ground floor parking area;
  - Increased setbacks to the southern boundary; and
  - Reorganisation of the foyer, lift and circulation spaces
- 19 March – 12 April** The amended plans were re-notified in accordance with Council's SCDCP requirements, 26 submissions were received as a result, nine of which were submitters in the first round of notification.

DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

5 April 2019

An amended Acoustic Report to reflect the additional storey, and an amended Arborist Report were submitted.

## DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lots 1 and Lot 2 in DP 10655 and is commonly known as 440 Liverpool Road, Strathfield South. The site is located on the south-western corner of Liverpool Road and Frances Avenue and has a total area of 1359.5m<sup>2</sup>.

The site is irregular in shape and has a total primary frontage of 29.72m to Liverpool Road to the north, and a secondary frontage to Frances Avenue of 43.87m.

The site has a cross fall from north to south of between approximately 350mm and 1.2m.

Existing development on the site comprises the South Strathfield Uniting Church building and the associated hall. There are a number of large trees located within the front setback and a number of trees visible the Frances Avenue, located centrally within the secondary frontage.

The site is not identified as a heritage item pursuant to Schedule 5 of the Strathfield Local Environmental Plan 2012 (SLEP). However, a Sydney Water Pressure Tunnel is located below the site and generally runs in an east-west direction adjacent to the southern (rear) boundary. The Pressure Tunnel is identified as a heritage item with State significance. The heritage inventory describes the curtilage of the item as a distance of 3 metres around the existing infrastructure. Information obtained from Sydney Water indicates the tunnel is located around 29 metres below ground level.

The surrounding area is predominately residential in nature, including single storey dwelling houses along Frances Avenue, a mixture of one - two storey dwelling houses and residential flat buildings (three- four storeys in height) along Liverpool Road. However, adjoining the site to the west along Liverpool Road is a single storey commercial building currently vacant but was previously occupied by 'Greencross Vets'.

A cadastral map, aerial image and photographs of the subject site and neighbouring sites are illustrated as follows in Figures 1-7.



DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

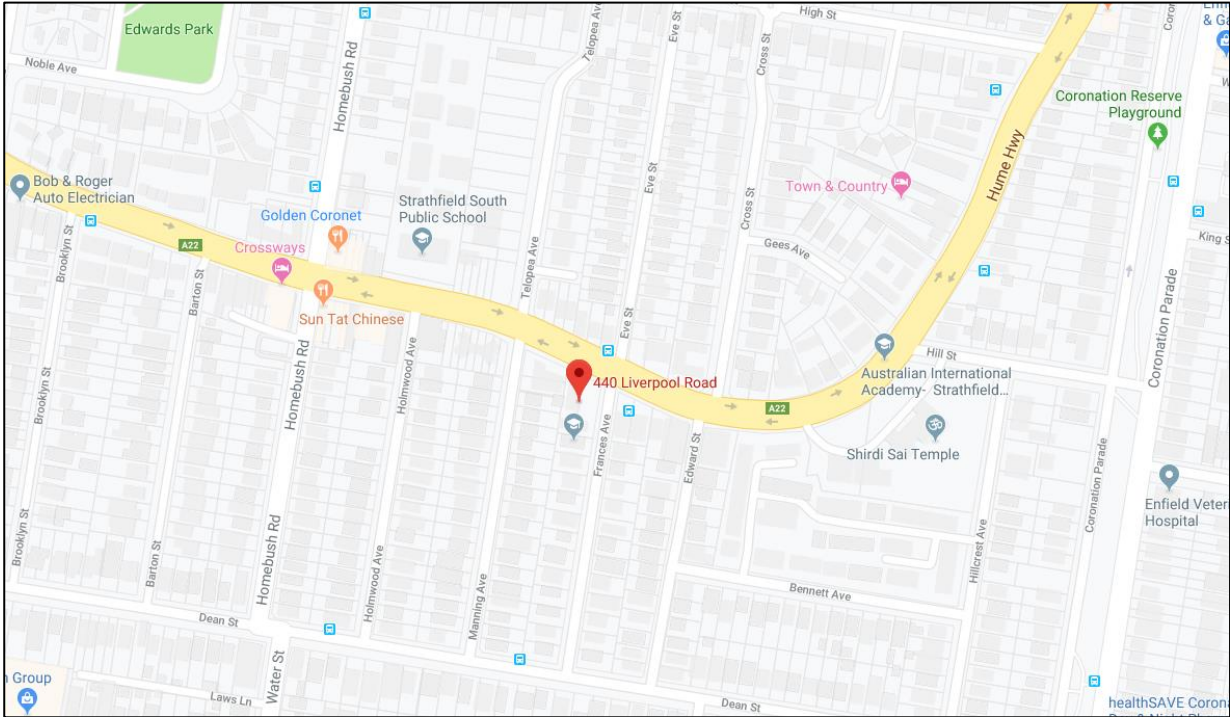


Figure 1: Locality plan including subject site identified by the red marker.

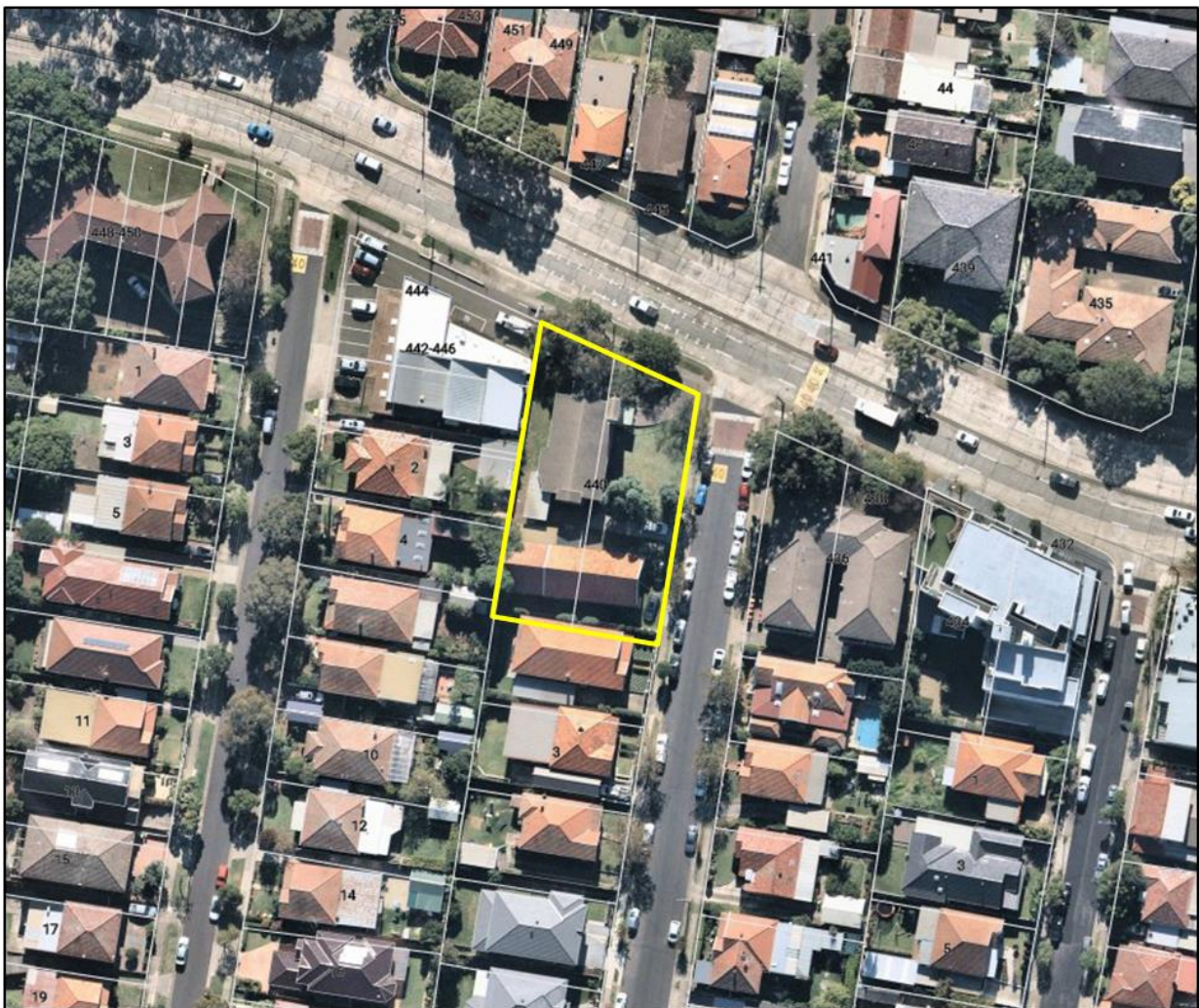


Figure 2: Aerial photograph of wider locality and the subject site outlined in yellow (dated 12 May 2019)



DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)



*Figure 3: Westerly view of the subject site (and Church building) across Frances Avenue.*



*Figure 4: Westerly view of the subject site (and hall building) across Frances Avenue.*



DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)



*Figure 5: South-easterly view along Liverpool Road from north western corner of Liverpool Road & Frances Avenue*



*Figure 6: South-easterly view along Liverpool Road from in front of site.*



DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)



Figure 7: Westerly view along Frances Avenue of No. 1 Frances Avenue.



Figure 8: Southerly view of Frances Avenue from Liverpool Road.

## PROPERTY BURDENS AND CONSTRAINTS

A Sydney Water owned pressure tunnel and shafts from Potts Hill Road to Waterloo Pumping Station traverse the site in an east/west direction and are listed on the State Heritage Register under the NSW Heritage Act 1977, as shown at **Figure 9**.

DA2018/074 - 440 Liverpool Road, Strathfield South  
 Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)



Figure 9: State Heritage listed Pressure Tunnel and Shafts (marked in purple), which traverses the site (outlined in red)

The Statement of Environmental Effects notes contact with Sydney Water, who advised the Pressure Tunnel is well below the site and outside the State Heritage curtilage for the Pressure Tunnel and Shafts. It is noted that the curtilage of the item is 3000mm surrounding the infrastructure and the tunnel is approximately 29 metres below ground level. Nonetheless, a condition is recommended which requires written confirmation from Sydney Water that the proposed development will not have any adverse impact on the Pressure tunnel and shafts.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks consent for the demolition of existing place of public worship and associated buildings and structures and the construction of a part three (3) part four (4) storey boarding house development comprising 40 lodger rooms and one (1) manager’s apartment, accommodating 81 boarders with associated landscaping and site works.

Specific elements of the proposal, as amended involve:

Ground floor level

- 16 x vehicle spaces (including 2 accessible);
- 8 x motorcycle spaces;
- 8 x bicycle spaces;
- Lift and stair access;
- Residential bin storage and utilities area;
- 1 x Managers room with office;
- 1 x communal bathroom;
- 1 x communal laundry;
- 1 x communal room with kitchen and attached open communal space;



DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

Level 1

- 17 double rooms (ranging in size from 14 x 25sqm, 1x 25.9sqm and 2 x 33sqm);

Level 2

- 17 double rooms (ranging in size from 14 x 25sqm, 1x 25.9sqm and 2 x 33sqm);

Level 4

- 6 double rooms (ranging in size from 5 x 25sqm, 1x 25.9sqm);

External works

- Landscaping;
- Rain water tank (3,800 litres);
- Court yard (Private Open Space);

The total capacity of the boarding house accommodates 82 lodgers in 40 double boarding rooms plus the Manager's double room accommodation.

A Plan of Management accompanies the application.



Figure 10: Photomontage of the proposed development (amended design) as viewed from Liverpool Road.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

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

*"I have reviewed the stormwater drainage concept plan prepared by ACOR Consultants issue E drawing no. C1-C5 project no. CC180198 dated 06.03.2019 and can advise the following:*

- *In accordance with Section 4.2 of Council's stormwater management code all developments/building works other than for single residential dwelling projects where proposed increased paved and/or roofed areas exceed 100m<sup>2</sup> require OSD storage to limit discharge from specified developments/building works to pre-development conditions.*
- *In accordance with Section 4.9 of Council's stormwater management code all developments/building works other than single residential developments are required to connect directly to Council pipe or channel system.*

DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

*Based on issues highlighted above, the concept plan is not feasible and cannot be supported in its current format."*

Council's Engineer recommended Deferred Commencement conditions regarding stormwater management and connection to Council pipe or channel system, to address the outstanding matters and provide a scheme worthy of favourable consideration.

### Waste Comments

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

*"Council do not service boarding houses, so the applicant must engage a suitable waste contractor to collect all waste from the property.*

- a) *Waste collection must occur onsite. Plans must be updated to show the following:*
- *Waste vehicle standing area (provide evidence of height, width and length)*
    - *W – 3.6m*
    - *H – 3.6m*
    - *L – 14m*
    - *Include path of travel of waste collection vehicle; ensure turning circle, height and width requirements are met throughout entire path of travel and **indicated on architectural plans** as per section 3.3 and appendix E of part H of the Strathfield DCP.*
  - *Allocation of bin numbers and storage space must address the following waste generation rates (based on 41 rooms):*
    - *2460L of waste per week*
    - *820L of recycling per week*
  - *The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins and be designed in accordance with Appendix D of part H of the Strathfield DCP:*
    - *240L bin must have 1.1m<sup>2</sup> of space per bin*
    - *660L bin must have 2.03m<sup>2</sup> of space per bin*
- b) *A bulky waste storage room must be included in the plans, measuring minimum 16.4m<sup>2</sup>.*
- c) *Residential units shall be insulated from noise if adjacent to or above:*
- *Waste and recycling storage facilities,*
  - *Chute and compaction systems,*
  - *Waste and recycling collection and vehicles access points.*

*Waste management plan and Architectural plans must be updated to address the above comments."*

Council's Waste Officer raise a few objections to the proposal, subject to the imposition of recommended conditions of consent.

### Landscaping Comments

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

*"The proposed demolition and development on the site will improve landscape amenity in the area by removing defective and senescent trees which will be replaced with landscaping sympathetic to the existing streetscape. Tree management in accordance with the Arborist report submitted is acceptable."*

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

### Traffic Comments

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

DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

*"I have the following comments for the proposed forty (40) Boarding Rooms and one level parking:*

*a) RMS consultation for State Roads:*

*As this property is within 100m of Liverpool Road there has been be a detailed consultation with Roads and Maritime Services. Traffic Impact Assessment Report provided by the applicant has not provided details for queuing assessment. The RMS therefore has requested to widen the first six metres of the driveway to 5.5 metre from the property boundary to allow simultaneous entry and exit of vehicles in a view to prevent queueing back to state road. Revised plans to be forwarded to Traffic Team for review if the queuing assessment is not available.*

*b) Off-Street Parking:*

*Dimensions of the car spaces, accessible car spaces and shared area are not shown on the plans. The dimensions need to be shown on the plans and be in accordance with AS 2890.1: 2004 and AS 2890.6: 2004. Plans to be amended and send to Council for review.*

*c) Traffic Impact Assessment Report:*

*The applicant provided an initial Traffic Impacts Assessment Report to justify the number of parking provided on the architectural plans. In accordance with SEPP ARH 2009 the provided parking spaces would be sufficient, although not complying with Strathfield Council DCP. The Report is noted and accepted with the improvements to include details of queuing assessment.*

Council's Traffic Engineer recommended deferred commencement conditions regarding widening of the driveway should the proposal be approved. The reorganisation of the parking area is not to reduce the size of the bin store and ensure an adequate area is provided to accommodate the waste generated by the site.

### **Heritage Comments**

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

*"The subject site is not a listed heritage item under Schedule 5 of the Strathfield Local Environmental Plan 2012, and is not located within a heritage conservation area. The site is not located within the vicinity of any heritage items listed under the SLEP2012. The site is located above the State Heritage Register-listed Pressure tunnel and shafts (SHR 01630).*

*As the works associated with the development are not proposed to be carried out within the identified curtilage of the SHR item, the development application is not integrated development under s4.46 of the Environmental Planning and Assessment Act 1979 and s51 of the Heritage Act 1977. As the development is not located within the visual curtilage of the access shafts and is unlikely to affect the Item, a DA referral to the Office of Environment and Heritage is not required.*

*The proposal does not seek consent for excavation for a basement associated with this development and, given the distance of the site from the vertical shafts associated with the pressure tunnel and depth of the tunnel at the site being 29.2m, the proposal would be unlikely to impact upon the item.*

*Based on the information currently available, the proposal raises no concerns on heritage grounds and no special conditions are required."*

Council's Heritage Advisor raised no objections to the proposal, subject to the imposition of recommended conditions of consent.



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### Environmental Health Comments

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

*“Comments dated - 27 March 2019:*

*Acoustic measurements were carried out between Friday 27 April 2018 and Tuesday 8 May 2018. SLR stated that a calibration of the logger was confirmed prior to and following measurements, however did not provide any detail of the calibration. It stated that readings affected by adverse weather conditions were disregarded; no detail was reported of these readings. In accordance with Section B1.3 of the Industrial Noise Policy, Fact Sheet B, if any day has more than 8 excluded measurements due to weather events, re-monitoring for each wind affected period of each day must be undertaken, unless the noise assessment report fully justifies how the wind affected data will not affect the results. This refers to over 8 excluded measurements on Friday, 4 May 2018.*

*Additionally, the report did not specify which policy the measurements were taken in accordance with. It also did not specify which receiver location was used to assess the amenity noise levels.*

*Comments dated - 24 June 2019:*

*The acoustic report dated 27 March 2019 submitted by SLR Consulting Australia for proposed boarding house, 438-440 Liverpool Rd, Strathfield South (“the Report”) was submitted as an extension of the submitter’s original report dated 29 May 2018. The Report contains information regarding glass partition and window glazing recommendations. The Report does not identify the items that were required to be addressed from the internal referral EHO comments dated 27 March 2019.*

*The first and second acoustic reports cannot demonstrate that the outstanding items from EHO comments dated 27 March 2019 were addressed. The Report does not satisfactorily demonstrate the proposal will not cause an offensive noise to the surrounding residences and area.”*

Council's Environmental Health Officer recommended deferred commencement conditions regarding additional acoustic assessment should the proposal be approved.

### EXTERNAL REFERRALS

#### Roads and Maritime Services (RMS) NSW

The application was referred to RMS. The following comments have been received on the 22 June 2018.

*“Roads and Maritime has reviewed the submitted application and raises no objection to the application.*

*Roads and Maritime has the following comments for Council’s consideration in the determination of the application:*

- a) *A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*
- b) *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Liverpool Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*

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- c) *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Liverpool Road.*
- d) *The proposed development should be designed such that road traffic noise from Liverpool Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007."*

### NSW Police

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

*"The evaluation identified objectives, design features and social conditions that are likely to impact crime opportunity at the development site. They include:*

1. *Business Identification: To assist emergency services to locate the business it is requested for the street number to be clearly displayed at the front of the premises*
2. *Lighting: The objective of security lighting to deny criminals the advantage of being able to operate unobserved. However, if the area does not have any guardians to overlook and view the area, then lighting will only help a criminal see what they are doing not deter them. Ensure that light levels are appropriate for the users, activities and tasks of an area. Higher lighting levels may be required for vulnerable areas. Adequate, uniform lighting should cover the entire property.*
3. *Closed Circuit Television: Closed Circuit Television (CCTV) can enhance the physical security of the location and assist in the identification of people involved in anti-social or criminal behaviour. It can act as a deterrent and improve surveillance. Cameras should be installed in and around all premises, especially at entry/exit points to maximise surveillance opportunities.*
  - *Digital and monitored technology should be used to record images from the cameras*
  - *Installed surveillance equipment should be maintained in working order and regularly maintained and tested.*
4. *Signage: Warning signs should be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures*  
*Example: Warning: these premises are under constant surveillance*  
*Warning: don't leave valuables inside your vehicle*  
*Directional signage should also be posted at decision making points (eg. Entry/egress points) to provide guidance to patrons whilst driving their vehicles. Knowing how and where to enter, exit and find assistance within a car park can impact perceptions of safety, victim vulnerability and crime opportunity.*
5. *Landscaping: Trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business. Any obstacle or rubbish should be removed from the property boundaries, footpaths, driveways, car parks and buildings to restrict concealment and prevent offenders scaling any building within the confines of the site.*
6. *Design Features: The design features will ensure no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.*
7. *Fire and Safety Measures: Provide adequate fire safety measures to prevent the start and spread of fire, and to ensure and promote the safety of occupants.*

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8. *Crowd Management: Police have concerns how the management will address potential issues that may arise as a result of congregation of large groups, issues include anti-social behaviour and excessive noise. Police suggest the management should place restrictions on the residents and their guests, within the house rules, to limit the amount of persons congregating at one time, and particularly when alcohol is involved. For example: no parties or large gathering to be held within the premises, both internally and externally.*
  
9. *House Rules: Police suggest along with a list of house rules that the management have the residents sign an agreement upon commencement of their stay with regards to their behaviour and that breaches of these rules will result in eviction. Police suggest the list of house rules should be displayed around the entire premises, including in the common room areas and within each room.*

*Recommendations from Police include:*

- *A limit to the number of invited guests per resident.*
  - *Restriction on in house parties/gatherings.*
  - *Residence is strictly drug free, residents suspected of using illegal drugs could face eviction.*
  - *Residents to consider neighbours at all times, in relation to noise.*
  - *All complaints to be made to caretaker or owner of the premises.*
10. *Caretaker: Police recommend that there be a live in caretaker at the premises to ensure house rules and other policies are adhered too. Police also request the contact details of the caretaker and owner to be provided to police in case of an emergency or a community complaint. These details should be updated if changes in management occur."*

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

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

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

The following environmental planning instruments are relevant to the assessment of the proposal:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Strathfield Local Environmental Plan 2012

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

Clause 7(1) of SEPP 55 prescribes as follows, with respect to consideration of contamination and remediation in determining development applications:

*A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

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- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site is currently used as a place of public worship and includes a church building and hall used for congregation. The current use is not a contaminating use and a search of the site's history has found no evidence that the site is contaminated, nor that the site has previously been used for a contaminating use.

The proposal is considered to be acceptable with regards to requirement of the SEPP 55.

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

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) provides that the consent authority must not grant consent to development that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Vehicle access is obtained from the secondary frontage of the subject site being, Frances Avenue. The application was referred to the RMS for comment and review where the width of the proposed driveway was raised as a matter of concern. The concerns relate to the proposed 4000mm width of the driveway as in the opinion of the RMS, would prevent simultaneous entry and exit of vehicles to the development and may result in vehicles queuing up to Liverpool Road. It is considered that such an instance could compromise the safety of Liverpool Road (a classified road). It is noted the submitted Traffic Study detailed the undertaking of a queuing assessment however, the details of the findings were not provided. These concerns were reiterated by Council's Traffic Engineer. RMS and Council's Traffic Engineer both recommend the driveway width be increased to 5500mm for the first 6000mm from the property boundary to enable simultaneous entry and exit of vehicles from the site.

As such, a Deferred Commencement condition is recommended to widen the driveway to the north, a minimum of 5500mm for the first 6000mm from the property boundary. This will necessitate a reallocation of the at-grade parking area and may result in the deletion of a car parking space. The re-organisation of the parking area is not to reduce the size of the bin store and ensure an adequate area is provided to accommodate the waste generated by the site.

Clause 102 of the Infrastructure SEPP provides that the consent authority must not grant consent to development that is on land in or adjacent to the road corridor of a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) unless it is satisfied that the appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) *In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am,*

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(b) *Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.*

The applicant has submitted an Acoustic Report and updates Acoustic Information. Council's Environmental Health Team have commented on the proposal and noted the report does not satisfactorily demonstrate the proposal will not cause an offensive noise to the surrounding residences and area. A deferred commencement condition is recommended requiring an amended Acoustic Report to be submitted which amongst other things, is required to demonstrate compliance with Clause 102 of the Infrastructure SEPP. The recommendations of the report will need to be incorporated in the design and construction of the proposed boarding house.

Overall, it is considered that Clause 101 and 102 of the Infrastructure SEPP have been satisfied, subject to the imposition of the recommended conditions of consent.

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

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

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

An Arboricultural Impact Assessment Report was prepared by RainTree Consulting. This supports the removal of nine (9) trees from the subject site. The report identifies the tree being either in poor health, of low retention value or located within the buildable area. Trees numbered 5 and 6 are proposed to be removed to accommodate new planting of higher quality. The removal of these trees is supported by Council's Tree Officer.

There are five (5) trees on neighbouring sites identified by the Arborist Report. The report concluded that the proposed design will increase the available growing area of these trees by incorporating 3000mm boundary setbacks, an improvement to the existing site conditions (currently 1200mm setbacks).

The Arborist Report also concludes that the existing street trees located on the public verge are unlikely to be unaffected by the proposal, with the exception of tree 15 where, the proposed driveway access would encroach less than 10% into the tree protection zone. This encroachment is unlikely to adversely impact on the health of the tree despite the Deferred Commencement condition as this street tree is located adjacent to the southern driveway entry.

Council's Tree Officer agreed with the recommendations of the Arborist Report and conditions of consent are proposed to ensure compliance with the recommendations of the Arborist Report, the landscaping plan and associated replacement planting.

A Deferred Commencement condition requires the redesign of the stormwater management plan and will require a redesign of the landscape plan to show the location of piping across the site. A condition of consent is recommended requiring confirmation from a suitably qualified Arborist that this amended stormwater design will not impact on the health of any proposed trees or existing retained trees either on the site or adjoining sites.

Therefore, the proposed development is acceptable with regards to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

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



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Clause 29 of SEPP (ARH) 2009 sets out the matters, which cannot be used as grounds for refusal, if satisfied. Clause 30 sets out the specific development standards for boarding houses. An assessment of the proposed development against Clause 29 and 30 of SEPP (ARH) 2009 is contained below:

Clause	Control	Proposed	Complies
29(1)(c) FSR	<p>Maximum FSR is existing maximum FSR under an EP1 plus a bonus FSR of 0.5:1 if RFB's are permissible in the zone.</p> <p>FSR of 0.65:1 is permissible under SLEP 2012. A bonus FSR of 0.5:1 applies. Totaling a FSR of 1.15:1 (1575.15sqm)</p>	<p>The proposed FSR of 1.13:1 (Gross Floor Area = 1548.7sqm).</p>	Yes
29(2)(a) Height	<p>Maximum height permitted under an EPI.</p> <p>9.5m maximum height under SLEP</p>	<p>12.87m (excluding lift) (35% variation)</p> <p>13.28m (including lift) (37.8% variation)</p> <p>9.91m (based on Deferred Commencement recommendation to delete the fourth floor resulting in a revised variation of 4.3%)</p>	No
29(2)(b) Landscaping to front	<p>Landscaping treatment of front setback to be compatible with streetscape.</p>	<p>Stepped setback along the southern boundary from 3200mm to 4500mm near Frances Avenue.</p> <p>The building has a larger western side setback to the adjoining dwellings of 3000mm - 3210mm and 2000mm from the commercial building at 442-446 Liverpool Road.</p> <p>1100mm setback from Liverpool Road allows for vegetation screening for the caretakers apartment and communal room.</p> <p>The landscaping is consistent with the DRP advice and is acceptable having regard to the prevailing streetscape character.</p> <p>Plantings are proposed within the front setback area. A condition is recommended to require suitable trees to enhance the streetscape amenity.</p>	Yes
29(2)(c) Sunlight	<p>Communal living spaces to receive thee (3) hours sunlight mid-winter.</p>	<p>The proposed communal room in the north-eastern</p>	Yes

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		<p>corner of the building will receive in excess of three hours solar access during mid-winter.</p> <p>The private open space in the centre of the site will receive at least three hours of solar access from 12pm onwards.</p>	
29(2)(d) Private open space	<p>Minimum 20m<sup>2</sup> (at least 3m wide) for lodgers.</p> <p>Minimum 8m<sup>2</sup> (at least 2.5m wide) for manager.</p>	<p>A communal open space area of 105.9sqm is provided at ground floor level directly adjoining the communal room.</p> <p>A private open space area of 88sqm is provided at the rear of the site along the western boundary and a 27.3sqm terrace on the northern side of the communal room.</p> <p>The manager room has 17sqm of private open space off a private balcony.</p> <p>Balconies are provided to 31 of the 41 units on site and will enhance the internal amenity of these rooms.</p>	Yes
29(2)(e)(iia) Car parking	<p>The site is located in an accessible area (the site is located within 40m walking distance from a bus stop, which meets the frequency requirements under the Policy).</p> <p>Car parking requirement is 0.2 x space for each boarding room in the case of development carried out by on behalf of social housing provider in an accessible area. This triggers a requirement of (0.2 x 40) = 8 spaces.</p> <p>Not more than 1 space for each person employed in connection with the development who resides on the site.</p>	<p>16 spaces (including 2 accessible car spaces) are provided with three (3) car spaces accessible on Frances Avenue.</p> <p>The applicant states the boarding house is to be operated by Uniting Synod, which is a non-for profit organisation for rental housing tenants. However, documents attesting this have not been submitted to Council.</p> <p>A Deferred Commencement condition D2 requires the registration of the not-for-profit social housing provider on site to be finalised prior to activation of the consent.</p> <p>A Deferred Commencement condition D1 requires the driveway for the property be increased to 5500mm wide, resulting in a loss of one (1) car space on site with 15</p>	<p>Yes</p> <p>Yes</p>

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		spaces in total. A further six (6) units are to be removed as a result of the deletion of the fourth level, resulting in a requirement for seven (7) vehicle spaces to be provided. The development will sufficiently satisfy this requirement.	
29(2)(f) Minimum accommodation size	Minimum accommodation size (excluding kitchenette and bathroom):  12m <sup>2</sup> for single lodger 16m <sup>2</sup> for doubles	No single rooms are provided on site.  Double rooms = - 19sqm - 23sqm - 25.9sqm (excluding kitchenette and ensuite bathroom)	Yes
30(a) Communal living room	At least one communal living room if greater than five rooms proposed.	A communal room of 63.2sqm is proposed	Yes
30(b) Maximum room size	25m <sup>2</sup> (excluding kitchenette and bathroom)	Maximum room size is 26msqm (excluding kitchenette and ensuite shown below) in units 16, 17, 33 and 34.  A Deferred Commencement requirement reduces the size of these rooms to less than 25sqm.	No (Deferred Commencement condition D1 will require these units to be no greater than 25sqm)
30(c) Occupancy	Maximum 2 persons per room	Rooms will accommodate a maximum of 2 lodgers.	Yes (Condition 9 for the approved use as a boarding house)
30(d) Internal amenities	Adequate bathroom and kitchen facilities to be provided	Each boarding room contains an ensuite bathroom and kitchenette	Yes
30(e) Boarding house manager	On-site manager required for 20 or more lodgers	Proposed capacity is 80 lodgers, however six (6) units on level four are required to be removed by the Deferred Commencement condition resulting in a capacity of 68 lodgers.  One double Manager's room is proposed adjacent the foyer on ground floor.	Yes
30(h) Motorcycle and bicycle parking	0.2 bicycle and motorcycle spaces per room. (8 of each for 40 units) (6.8 of each for 34 units)	8 bicycle spaces + 8 motorcycle spaces proposed	Yes
30A Design	Design compatible with local area	The proposed development is considered to be contextually appropriate in terms of land-use, bulk and	Yes

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		<p>scale positioned on Liverpool Road.</p> <p>The development has been amended after receiving comments from the Design Review Panel and the building is considered to provide an appropriate transition to adjoining low density residential land to the south and west through positioning most of the bulk of the development on Liverpool Road.</p> <p>Images below demonstrate how the architectural plans responded to the DRP comments.</p>	
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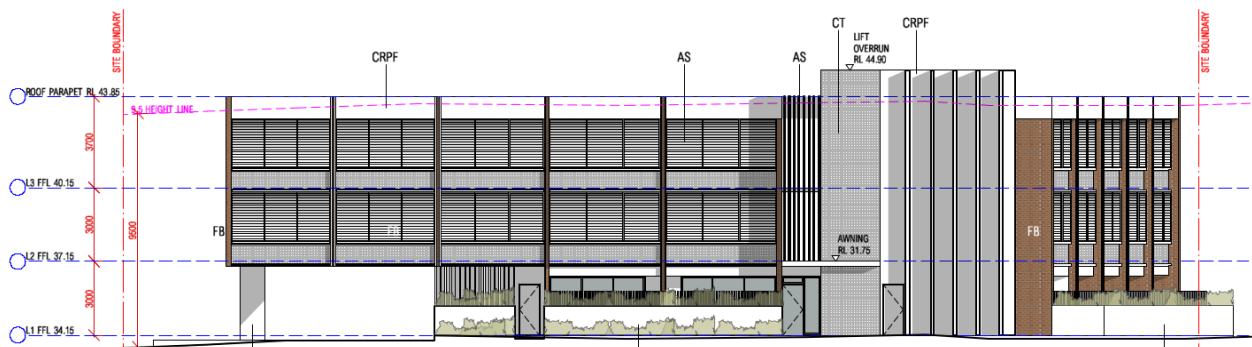


Figure 11: Originally proposed eastern elevation along Frances Avenue.

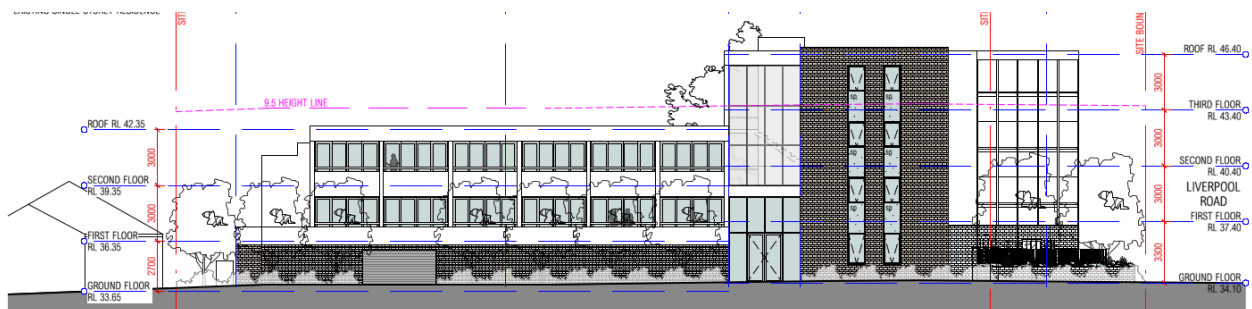


Figure 12: Amended eastern elevation along Frances Avenue.

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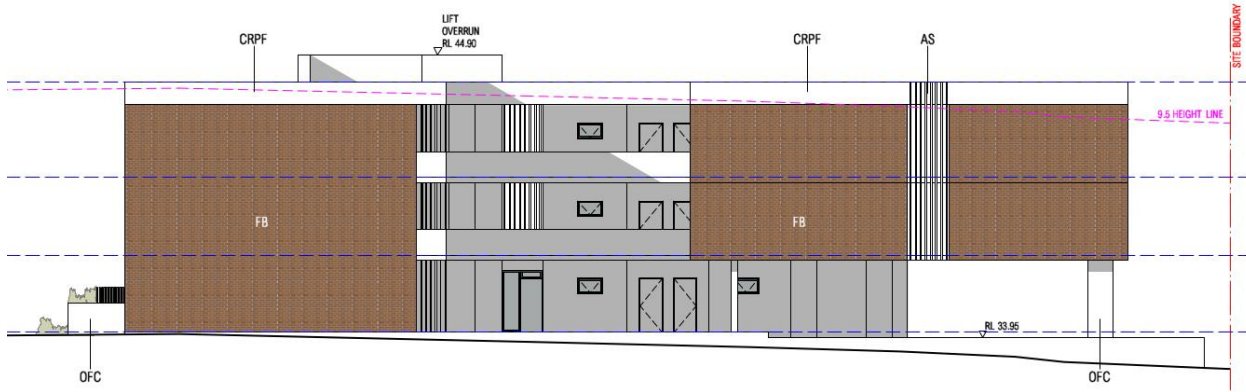


Figure 13: Originally proposed western elevation.

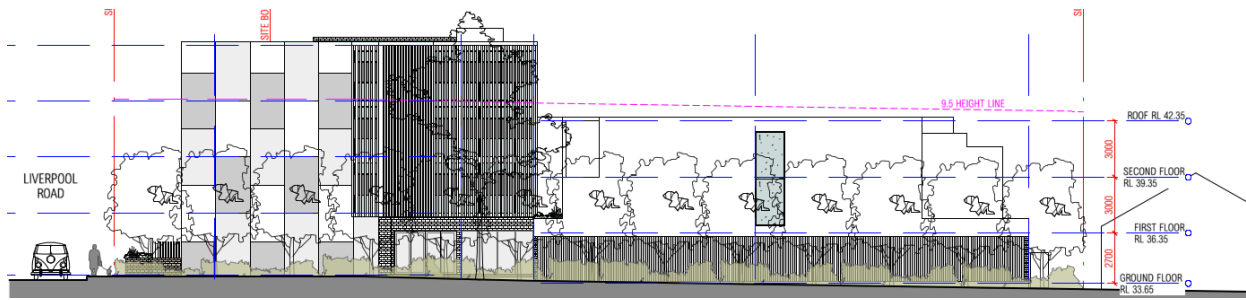


Figure 14: Amended western elevation.



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## STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

<b>Cl. 1.2(2)</b>	<b>Aims</b>	<b>Complies</b>
(a)	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	N/A
(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	N/A

**Comments:** The proposed development is well designed, providing a balance in traditional and contemporary aesthetic in the use of a simple colour palette and a legible built form influenced by the form of the existing church building proposed to be demolished. The boarding house use is considered suitable for its location, adding to the diversity of land uses within the vicinity and being within walking distance to multiple schools, parks and transportation nodes.

### Permissibility

The subject site is Zoned R3 Medium Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. 'Boarding Houses' are permissible within the R3 Medium Density Residential zone with consent and are defined under *SLEP 2012* as follows:

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

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

The proposed development for the purpose of a boarding house containing 40 double lodger rooms and one manager's room is consistent with the definition above.

### Zone Objectives

An assessment of the proposal against the objectives of the R3 Medium Density Residential zone is included below:

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

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

**Comments:** The proposed boarding house is considered to satisfy the objectives of the R3 Medium Density Residential zone in that the proposal provides housing in an accessible location, within walking distance to Homebush Train Station, shops and schools.

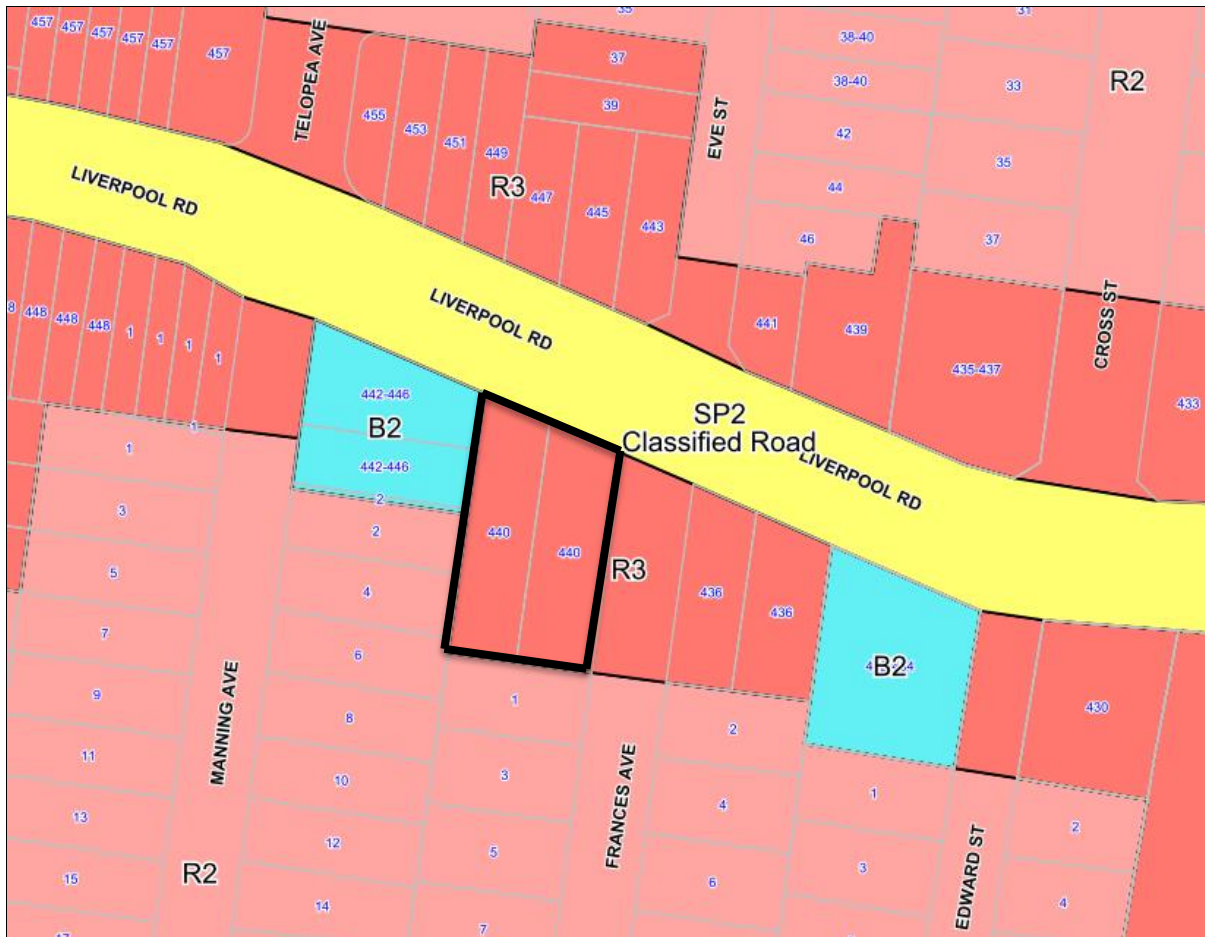


Figure 15: Zoning map including the subject site (as outlined in black).

**Part 4: Principal development standards**

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

**Height of building**

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	12.87m - excluding lift (35% variation to development standard)  13.28m - including lift (37.8% variation to development standard)  9.91m - on the basis of imposition	No

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of the Deferred Commencement recommendation (4.3% variation to development standard)

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

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

**Floor space ratio**

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

**Clause 4.6 Exceptions to Development Standards**

The provisions of this clause prescribe partly as follows:

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

As outlined above, the proposal contravenes the building height development standard, as prescribed in clause 4.3. The applicant provides written requests in accordance with sub-clause (3) along with the other matters for consideration outlined in sub-clause (4) and relevant court proceedings as follows:

A maximum building height of 9.5m is prescribed for the site pursuant to SLEP 2012. The upper-most storey of part of the building fronting Liverpool Road, exceeds the maximum building height by 3370mm, resulting in a contravention of 35%. Should the lift overrun be included, the development standard is further exceeded by up to 3780mm (a contravention of 37.8%). It is noted that the three-storey component of the building alone, fully complies with the maximum building height prescribed for the site.

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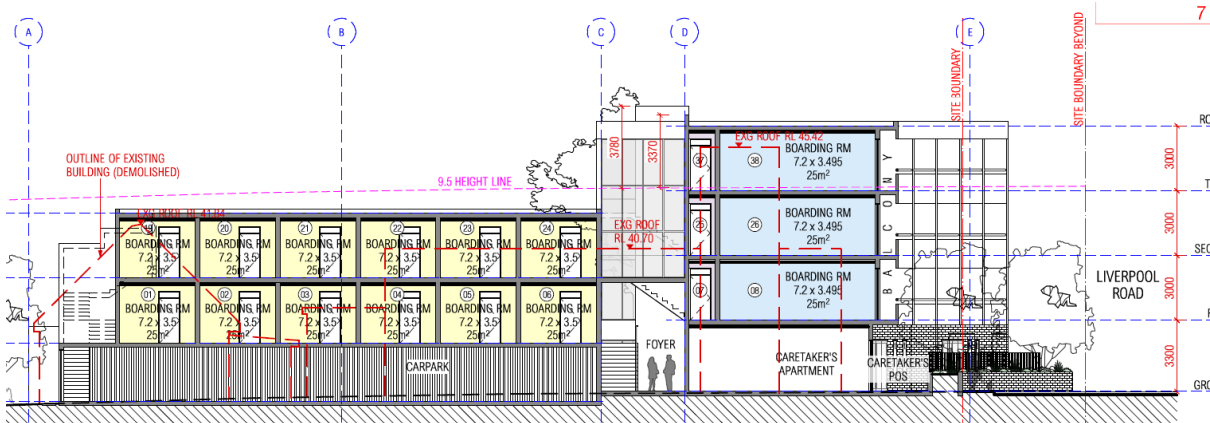


Figure 16: Extract of proposed section BB highlighting the building height non-compliance.

Whilst the proposal may arguably be consistent with the objectives of the development standard and the objectives for development within the R3 - Medium Density Residential zoning of the site, the applicant's written request does not adequately demonstrate that there are sufficient environmental planning grounds to justify contravening the standard.

The breach of the height standard does not arise because of a topographical challenge or other site constraints, but rather arises because of the applicant's desire to increase the residential density of the site by way of adding another floor level of residential accommodation above a compliant built form.

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

- a) "The three storey component of the development fully complies with the 9.5 metre height limit. A variation to the height limit is proposed for the four-storey element on the northern portion of the site, adjacent to the adjoining land which is zoned B2 Local Centre and has a height limit of 13 metres.
- b) Section BB shows the greatest variation with the parapet of the four-storey component of the building exceeding the height limit by 3.37 metres (a 35% variation to the standard) and the lift overrun exceeding the height limit by 3.78 metres (a 37.8% variation to the standard)
- c) A streetscape study shows the significant difference in the maximum height permitted on the subject site (9.5 metres) and the adjoining site at 442-446 Liverpool Road (13 metres). The streetscape study also shows the considerable variation in the heights of buildings permitted along the southern side of Liverpool Road in the vicinity of the site and the lack of any clear correlation, logic or consistency in the zoning of the site and the maximum height permitted.
- d) Strict compliance with the LEP height of buildings standard for the subject site and the adjoining site will result in an awkward transition between the sites and a compromised streetscape outcome for this portion of Liverpool Road.
- e) The streetscape analysis also shows Council has varied the height standard previously with newer developments clearly exceeding the height standard.
- f) Given the adjoining site to the west has a maximum height of 13 metres and that development opposite the site and further east have a maximum height of 11 metres, the proposed variation to the height control to allow for the building to have a height of approximately 13 metres for the portion of the site adjoining the B2 zone is entirely compatible with the future scale of development along this part of Liverpool Road.
- g) A 9.5 metre height limit applies to the land zoned R2 Low Density Residential to the south and southwest of the site. The southern part of the proposed development, adjacent to the R2 zoned land complies with the 9.5 metre height limit.
- h) The proposed development involves the consolidation of two allotments which creates an optimal lot size for a medium density development.

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- i) The GFA complies with the maximum permitted by the ARH SEPP. The development will contribute to the diversity of development types and sizes along Liverpool Road.
- j) The proposed development is consistent with the objectives of the R3 zone and the heights of development permitted along Liverpool Road in the vicinity of the site.
- k) The additional height does not result in any unreasonable or non-complying impacts on the amenity of the adjoining properties
- l) The height of the building could be reduced by reducing the floor to ceiling heights however, this would reduce the amenity of each room without any notable improvement to the streetscape or the amenity of the adjoining properties
- m) The proposed variation in part results from the provision of additional floor space on the site which is permitted by the ARG SEPP to encourage the provision of boarding houses as a form of affordable housing in the locality. Requiring compliance with the height standard would reduce the incentive to provide affordable housing and hinder the attainment of the aims of the ARH SEPP
- n) The proposal is consistent with the emerging character of the development in Strathfield South
- o) The variation allows for the most efficient and economic use of the land.
- p) The proposal includes a substantial courtyard on the eastern side of the building to reduce the visual impact of the building on the development to the west and allow for more north facing rooms rather than rooms facing the side boundaries. A more regular distribution of massing on the site would result in a greater number of rooms facing the side boundaries.
- q) Given that Clause 29(1) of the ARH SEPP permits an additional 0.5:1 of floor space on the site it is reasonable to expect that in providing the additional floor space on the site variations to other applicable planning provisions, such as the building envelope and building height, may be required. In fact clause 29(1) of the ARH SEPP provides that a consent authority must not refuse consent to development to which Division 3 applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus 0.5:1" (emphasis added).



Figure 17: Extract of streetscape study.

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

- The maximum building height prescribed by Clause 4.3 is comparative to that at No 436 Liverpool Road on the adjacent corner of the intersection of Liverpool Road and Frances Avenue. This neighbouring site remains underdeveloped and there remains opportunity for these two sites to have complementary building heights on the corner; providing a gateway to the residential development zoned for a lower density, south of these sites.



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- The shadow diagrams submitted indicate that the additional overshadowing is more significant than negligible. The fact that there is additional overshadowing does not assist the applicant's case for contravening the standard. Additional overshadowing will be received by the western adjoining properties in the morning, and also the northern facing rooms in the three-storey component of the building. Satisfaction of the objectives of the standard is not sufficient justification alone, given that this threshold test is a separate matter for Council's consideration.
- The proposal will have greater overshadowing, visual bulk and traffic impacts when compared to a building of a compliant building height; such that adjoining residents and the general public would actually benefit from insisting upon strict compliance with the building height standard.
- The additional height will result in additional visual and massing bulk along the western elevation of this part of the building (with an unarticulated façade) which will be highly visible from Liverpool Road.
- The breach of the height standard does not arise because of some topographical challenge or other site constraint, but rather arises because of the applicant's desire to increase the residential density of the site by way of adding another floor level of residential accommodation above the roof of the building

It is noted that the extent of the contravention is excessive at 35-37.8%. A Deferred Commencement condition is recommended to include the deletion of the fourth-storey to the part of the building fronting Liverpool Road. This would result in a contravention of the height standard by 410mm, resulting in an overall maximum building height of 9.91m. The only part of the building which would exceed the building height is the lift overrun and potentially the roof parapet, resulting in a 4.3% contravention. A variation of 4.3% is supported as it is relatively minor, allows for a 3-storey building which accords with the objectives of the zone, and it responds to the height of neighbouring properties in the R3, B2 and R2 zones. The extent of the additional overshadowing and visual bulk caused by this additional height is anticipated to be very minor at 9.91m (based on the Deferred Commencement recommendation – 4.3% variation)

### **Part 5: Miscellaneous Provisions**

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

#### **5.10 Heritage Conservation**

Clause 5.10 of the SLEP 2012 requires consideration be given to the potential impacts of the development upon heritage items within the vicinity of the subject site including the associated fabric, settings and views. The subject site is not a listed heritage item under Schedule 5 of the Strathfield Local Environmental Plan 2012, and is not located within a heritage conservation area. The site is not located within the vicinity of any heritage items listed under the SLEP 2012.

However, the site is located above the State Heritage Register-listed Pressure tunnel and shafts (SHR 01630). The SHR statement of significance states,

*“the Pressure Tunnel is of high historical and technical significance as it represents a successful engineering response to the difficulties of increasing the volume of water from the Potts Hill Reservoir to the Pumping Station at Waterloo, a historically critical link in the water supply of Sydney. It is the third largest pressure tunnel in the world, representing a significant achievement in the provision of a dependable water supply by the Government and Water Board during the inter-war period.”*

The tunnel is described in the State Heritage Register (SHR) as follows:

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*“Beginning at Potts Hill, the tunnel passes under the suburbs of Chullora, Bankstown, Enfield, Canterbury, Ashfield, Petersham, Marrickville, Erskineville, and Waterloo at a depth below ground level varying for 15m to 67m beneath high ground at Ashfield. Its maximum grade is 1 in 100, and its minimum is 1 in 2000. Its total length is approximately 16 kilometres.”*

The SHR provides the following information regarding the item's curtilage:

*“The physical boundary curtilage of the Pressure Tunnel is to be taken as a distance of 3 metres around the existing infrastructure (NB this is not necessarily all owned by Sydney Water). The infrastructure associated with this item includes the original fabric and archaeological evidence including but not limited to the tunnel, vertical shafts and buildings attached to the shafts. The visual curtilage is restricted to the shafts from which access may be gained. Most of the pipeline is located below ground.”*

The subject site is located between two of the vertical shafts associated with the pressure tunnel. Shaft 5 is located to the west of the site and comprises the dewatering shaft at Therry St and discharges into the Cooks River. The alternate shaft is located on Coronation Parade to the east of the site. The development application was accompanied by a diagram provided by Sydney Water specifying the depth of the Pressure tunnel at the subject site, with a depth of at least 29.2m. Council's Heritage Advisor determines that as the works associated with the development are not proposed to be carried out within the identified curtilage of the SHR item, the development application is not Integrated Development under s4.46 of the Environmental Planning and Assessment Act 1979 and Section 51 of the Heritage Act 1977. As the development is not located within the visual curtilage of the access shafts and is unlikely to affect the item, referral to the Office of Environment and Heritage was not required.

Council's Heritage Advisor raised no objection to the proposal on heritage grounds. Overall, it is satisfied that the proposed development achieves the objectives of Clause 5.10 Heritage Conservation of the SLEP 2012.

## **Part 6: Local Provisions**

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

### **6.1 Acid sulfate soils**

The subject site is identified as having Class 5 soils and is located approximately 450m of Class 4 soils (i.e. within the 500m specified by this Clause). Given the separation of the site from Class 4 land and that the proposal does not involve a basement or any significant excavation works, the development is not anticipated to lower the water table below 1 metre AHD. The proposal was not required to be accompanied by an Acid Sulfate Soils Management Plan and is considered to satisfy the requirements of Clause 6.1 of the SLEP 2012.

### **6.2 Earthworks**

The proposed development does not involve a basement or any earthworks which are likely to cause disruption of, or any detrimental effect on, drainage patterns, soil stability in the locality of the development. The site is not located within close proximity to waterways, drinking water catchments or environmentally sensitive areas. The extent of earthworks will not have adverse impacts on the amenity of adjoining properties.

The proposal does not seek consent for excavation for a basement associated with this development and, given the distance of the site from the vertical shafts associated with the pressure tunnel and depth of the tunnel at the site being 29.2m, the proposal would be unlikely to impact upon the State Heritage Register-listed Pressure tunnel and shafts (SHR 01630).

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The proposal has satisfied the requirements of Clause 6.2.

#### **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.

The subject site is considered to be adequately serviced for the purposes of the proposed development.

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

Not applicable.

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

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

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

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

A *Waste Management Plan* has been submitted with the application. This proposes kerbside collection of waste, and bases the number of bins proposed on a *typical occupancy* rate of 82 lodgers (or 70 lodges according to the deferred commencement).

Section 3.3.1(a) of Part H of SCDCP 2005 states the following:

*"Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, mixed use and commercial development must provide onsite, underground collection of waste."*

Section 3.3.2 sets out the circumstances in which an exemption to underground collection may be considered:

*"On a merit basis, Council may consider alternative onsite collection arrangements to underground waste collection, provided the applicant can justify this departure with relevant reports. Only in exceptional circumstances will Council consider kerb-side collection for the above development types."*

*A decision to support an exemption to underground or onsite collection will be based on assessment of a range of factors, such as ability to comply with the broader objectives of the SCDCP, site constraints, locality constraints, scale of the development and alternative options."*

Section 3.3.3(a) states that where an exemption for onsite collection is deemed appropriate, alternative solutions including a loading dock facility or collection from an on-site, at grade location where bins are transferred to the collection area, may be considered.

Due to the physical constraints of the site, the alternative onsite collection arrangements above are not viable.

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Whilst Section 3.3.1(a) does not strictly apply to *Boarding houses*, due to the high-traffic volume along Liverpool Road and Frances Avenue the number of boarding rooms proposed, kerbside collection is not considered appropriate. In this regard, it is recommended that bins are collected directly from the bin store using a private waste contractor.

A condition is recommended, which requires evidence of a service agreement between the applicant and a private waste contractor to be provided. Furthermore, plans are to be detailed showing compliance with relevant Australian Standards and evidence that vehicles are able to exit the site in a forward direction.

In accordance with Part H of the SCDCP 2005, waste storage is to be provided at the following weekly rates:

**General Waste:** 60L / occupant space

**Recycling:** 20L / occupant space

Having regard to the above rates and based on a maximum of 41 rooms, 2460L (11 x 240L general waste bins) and 1260L (6 x 240L recycling bins) are required.

The proposed bin store is capable of accommodating 17 X 240L bins with 18.4sqm of allocated bin storage. A condition is recommended to require the bin store to be amended to meet Council's requirements.

## **PART Q – URBAN DESIGN**

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

### **2.1: Public Domain and Place Making**

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

**Comments:** The proposed corner building responds to both the Liverpool Road and Frances Avenue frontages as opportunities for engagement with the public domains. The development

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provides sufficiently large setbacks for landscaping and access ways around the site. The mass of the development mainly faces Liverpool Road and steps down to a single storey form adjacent to No.1 Frances Avenue. Entry to the boarding house is legible and clearly visible from Frances Avenue by large glass doors and windows into the foyer. Balconies facing Frances Avenue and Liverpool Road provide passive surveillance opportunities to the public domain.

**2.2: Streetscape**

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

**Comments:** The proposed building is orientated to address the corner and both street frontages (Liverpool Road and Frances Avenue); stepping down in height along Frances Avenue. This is in response to the site's sensitive southern boundary interface and the Design Review Panel's recommendations. The amended proposal imparts a softer, stepped transition which is more sympathetic with the typical built forms located in the R2 Low Density Residential zone. Whilst the massing of the amended scheme which comprises 4 storeys fronting Liverpool Road, stepping to 3 storeys in the centre and a single level podium adjacent to the southern boundary is appropriate contextually, would provide a positive urban design outcome and has merit in principle, SLEP2012 limits the height of buildings to 9.5m and by numerics alone, prevents development of this scale or composition. The Deferred Commencement conditions involve the deletion of the fourth level to reduce the extent of numerical non-compliance (4.3% variation) and a coherent corner presentation.



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The colour palette and external finishes is reflective of the numerous brick dwellings in Frances Avenue. The solid brick corner element of the building and use of contrasting brickwork is supported.

**2.3: Siting**

<b>2.3.1 Development Controls</b>		<b>Complies</b>
.1.	<i>Development must respond to the scale of surrounding buildings and definition of the street networks and public spaces.</i>	<b>Yes</b>
.2.	<i>The distinctive and valued character of the surrounding area, particularly those elements that contribute to a sense of place and identity, must be protected and enhanced.</i>	<b>Yes</b>
.3.	<i>Building forms (including heights and massing) are to be arranged to reinforce the future desired structure and character of the area</i>	<b>Yes</b>
.4.	<i>Buildings must address the street, laneway, new through-site link or open space.</i>	<b>Yes</b>
.5.	<i>Street edges must be defined with low rise buildings or appropriately scaled podiums to create a pedestrian scale and active frontages at street level.</i>	<b>Yes</b>
.6.	<i>Appropriate building separation must be provided to protect privacy and solar access to private property and the Public Domain.</i>	<b>Yes</b>
.7.	<i>Building corners on key streets must be emphasised to signify key intersections and enhance Public Domain legibility.</i>	<b>Yes</b>

**Comments:** It is noted that the streetscape is undergoing a transition with recently constructed residential flat buildings along Liverpool Road, which are larger in scale than the existing low-rise medium density residential flat buildings and detached dwelling houses located along Frances Avenue. The northern elevation of the building is treated as the main building façade incorporating prominent landscaping and greenway around the site. The street edge is activated through the ground floor balconies, with a 1300mm front setback, communal living room and a legible entrance.

**2.4: Building Envelope**

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

**Comments:** The deletion of the fourth level by way of Deferred Commencement condition D1 will reduce the visual bulk principally from Liverpool Road. The amended building envelope of three storeys along Liverpool Road in combination with generous setbacks across the site is an appropriate response for existing single storey dwellings along Frances Avenue. Compatibility of the proposed building envelope with the future character of the streetscape has been previously discussed.

**2.5: Building Massing and Scale**

<b>2.5.1 Objectives</b>		<b>Satisfactory</b>
A.	To ensure buildings are compatible in form relative to the spatial characteristics of the local	<b>Yes</b>

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

**Comments:** The mass of the development is appropriately distributed along Liverpool Road representing a form typical of development in a R3 medium density zone. Orientation of the balconies to Liverpool Road and Frances Avenue creates a sense of openness and connectedness with public spaces. The stepped down mass along the western elevation appropriately responds to the residential zoning and character to the west. The building adopts a 3000mm – 4000mm front setback along Frances Avenue, similar to No.1 Frances Avenue. A 1300mm front setback to Liverpool Road is in keeping with the existing apartment buildings and buildings along Liverpool Road.

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

<b>2.7.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.	Yes
B.	To encourage contemporary designs which integrate with the appearance of the streetscape.	Yes
C.	To provide attractive building facades which establish identity and contribute to the streetscape.	Yes
<b>2.7.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1.	Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings	Yes
.2.	Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.	Yes
.3.	Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture	Yes
.4.	Alterations and additions must be compatible with design elements of the existing building.	Yes

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.5.	<i>Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain</i>	<b>Yes</b>
.6.	<i>Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.</i>	<b>Yes</b>
.7.	<i>New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council</i>	<b>Yes</b>
.8.	<i>Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey</i>	<b>Yes</b>
.11.	<i>For commercial and mixed-use development: – ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and – awnings or colonnades for weather protection and shade must be provided along active frontages.</i>	<b>Yes</b>
.12.	<i>Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.</i>	<b>Yes</b>
.13.	<i>Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.</i>	<b>Yes</b>
.14.	<i>Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.</i>	<b>Yes</b>
.15.	<i>Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.</i>	<b>Yes</b>

**Comments:** Consistent with the recommendations of the Design Review Panel, the orientation and facade treatment of the proposal provides an architectural expression to the corner of the building serving a transition from the higher density developments fronting Liverpool Road and the residential zone to the south. During the assessment process exposed facebrick was incorporated to a larger degree, particularly along the street frontage so as to be in keeping with the dominant building material of the locality and the original place of public worship. The ground floor provides an active frontage in the provision of balconies facing the street frontages, a prominent residential entrance and larger street setbacks to allow for landscaping and greenery.

The waste storage and collection areas are integrated into the main ground floor car park so as not to be visible from the streetscape or necessitate the collection of bins collection near the driveway entrance.

## **2.8: Roof Forms**

<b>2.8.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To treat roof spaces and forms as an important element of the overall building appearance.</i>	<b>Yes</b>
<b>B.</b>	<i>To encourage roof forms that provide continuity and consistent character in the streetscape.</i>	<b>Yes</b>
<b>C.</b>	<i>To encourage roof designs that integrate with the building composition and form.</i>	<b>Yes</b>
<b>2.8.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>.1.</b>	<i>Plant and lift overrun structures must be incorporated into the roof design. Plant equipment, vents or lift over-runs or solar energy and stormwater collectors are to be designed to avoid</i>	<b>Yes</b>

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	<i>visibility from the surrounding spaces and buildings.</i>	
<b>.3.</b>	<i>The proposed roof form shall minimise the appearance of bulk and scale of the building and be treated as an important architectural element in the street, which can reinforce continuity and character</i>	<b>Yes</b>
<b>.4.</b>	<i>Roof forms are to respond to the neighbouring roofs, in particular in terms of scale and pitch. Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</i>	<b>Yes</b>
<b>.5.</b>	<i>Roofs must be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces, however, this does not justify a roof form that is inconsistent with the prevailing streetscape character.</i>	<b>Yes</b>

**Comments:** The proposal includes a 400mm parapet to reduce the visibility of the lift overrun positioned in the middle of the component of the building fronting Liverpool Road. The proposed flat roof is consistent with nearby three storey developments.

### 3.2: Building Entries

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

**Comments:** The entrance is suitably separated from the driveway for pedestrian safety and incorporates a landscape component clearly visible from the public domain. Although the lobby is directly visible from Frances Avenue, the caretakers apartment, communal living room and multiple lodger rooms are located nearby, encouraging surveillance and a safe environment.

### 3.3: Visual and Acoustic Privacy

<b>3.3.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure that visual privacy is provided both within a development and between a development and its neighbours.</i>	<b>Yes</b>
<b>C.</b>	<i>To ensure that the siting and design of development minimises the impacts of noise transmission between properties.</i>	<b>Yes</b>
<b>3.3.2</b>	<b>Development Controls</b>	<b>Complies</b>
<b>.1</b>	<i>New development must ensure adequate visual and acoustic privacy levels for neighbours and residents</i>	<b>Yes</b>
<b>.2</b>	<i>Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.</i>	<b>Yes</b>
<b>.3</b>	<i>The internal layout of buildings must be designed to minimise overlooking of living areas,</i>	<b>Yes</b>

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	<i>private open spaces and adjoining school yards.</i>	
.4	<i>Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards</i>	Yes
.5	<i>The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas (refer Figure 9).</i>	Yes
.6	<i>Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards (refer Figure 10).</i>	Yes
.7	<i>The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings</i>	Yes
.8	<i>Appropriate building materials shall be used to provide acoustic privacy.</i>	Yes

**Comments:**The private open spaces are adequately separated from neighbouring residences private open spaces and windows. To maintain visual privacy between rooms, the windows from rooms generally face a street frontage, resulting in eight (8) southwards facing windows which enjoy a 8.7m side setback from the shared boundary.

**3.4: Acoustic Amenity and Air Quality**

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

**Comments:** The subject site has a frontage to a state road. Rooms are not located on ground floor to avoid direct road noise and are elevated from the principal source. In accordance with the DRP’s recommendation, the carpark is to extend closer to the southern boundary while increasing the setback of the upper floors. The carpark is to be enclosed to reduce headlights spill, noise and



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vehicle fumes likely to adversely impact the amenity of the boarders within the development and adjoining development to the south and west.

### 3.5: Solar Access and Cross Ventilation

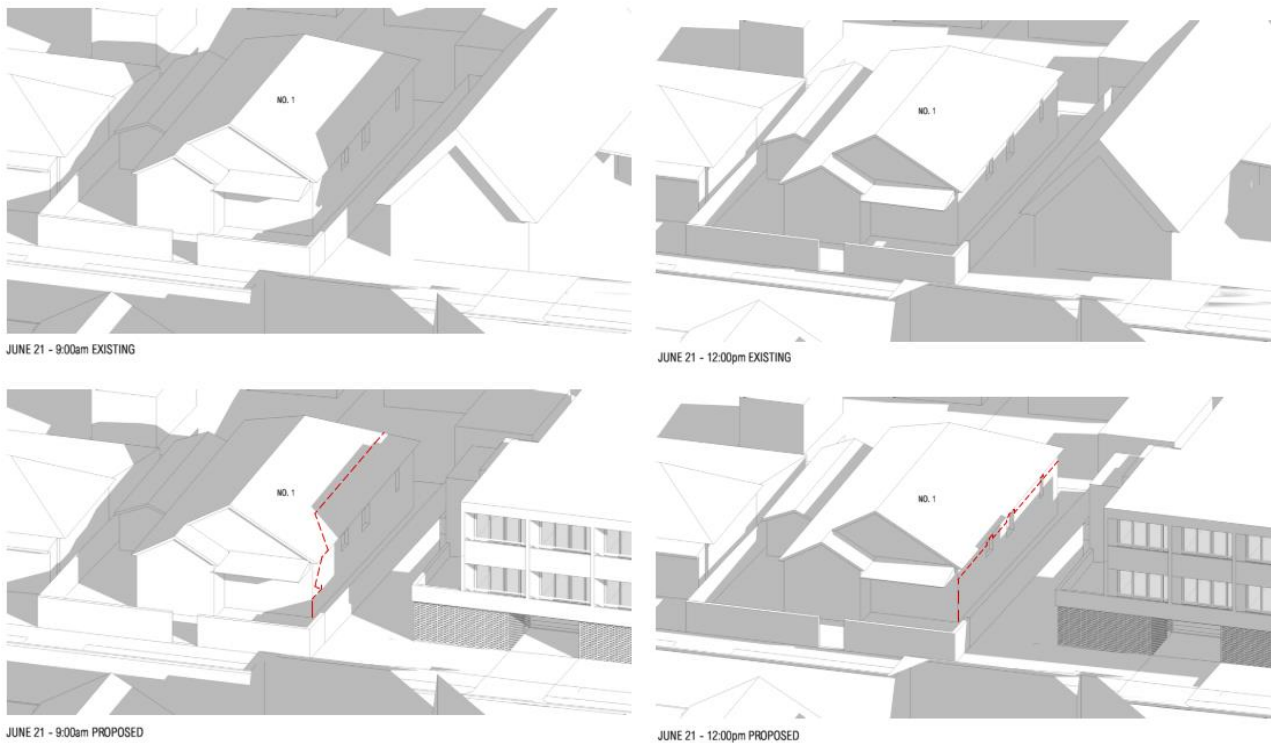
3.5.1	Objectives	Satisfactory
A.	<i>To provide thermal comfort for occupants.</i>	Yes
B.	<i>To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.</i>	Yes
C.	<i>To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.</i>	Yes
D.	<i>To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.</i>	Yes
E.	<i>To ensure that sunlight access is provided to the Public Domain.</i>	Yes
3.5.2	Development Controls	Complies
.1	<i>Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments.  Note: Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.</i>	Yes
.2	<i>Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.</i>	Yes
.3	<i>Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.</i>	Yes
.4	<i>In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.</i>	Yes
.7	<i>Buildings must be orientated to benefit from prevailing breezes.</i>	
.8	<i>All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.</i>	Yes

**Comments:**All lodger rooms are provided with a private open space with optimised solar access and natural ventilation (Figure 18). Reduction of the building height as a result of the Deferred Commencement condition will improve solar access from that proposed to the private open spaces and adjoining dwellings. The proposal positions the mass of the building towards Liverpool Road resulting in shadows cast mainly over the subject site and Frances Avenue as shown in Figure 19. The development improves the solar access for the adjoining single dwelling at No.1 Frances Avenue in the deletion of the existing scale of the church hall building.

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Figure 18: Shadow diagrams of the proposed development.



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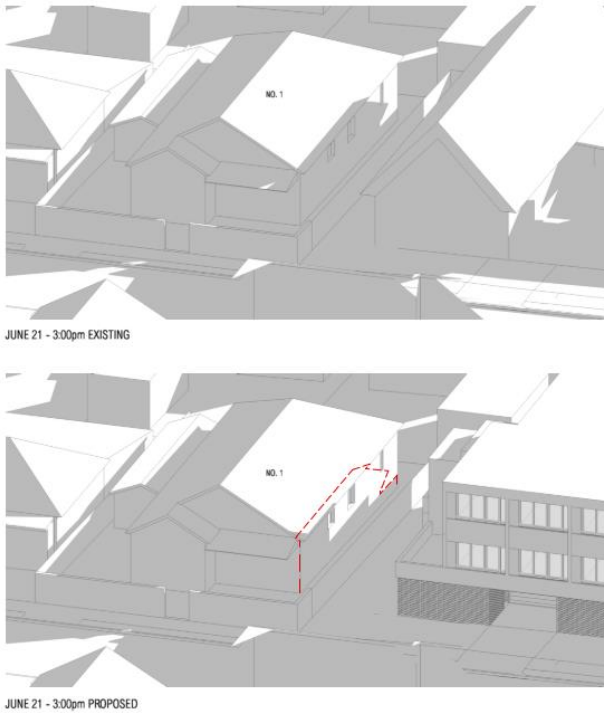


Figure 19: Proposed 3D shadow diagrams from the boarding house on No. 1 Frances Avenue.

3.6: Safety and Security

3.6.1	Objectives	Satisfactory
A.	To ensure a safe physical environment by promoting crime prevention through design.	Yes
C.	To create a balance of uses that are safe and easily accessible	Yes
D.	To ensure there is adequate lighting and signage.	Yes
E.	To reduce crime risk and minimise opportunities for crime.	Yes
F.	To increase and contribute to the safety and perception of safety in public and semipublic spaces.	Yes
G.	To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.	Yes
H.	To encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.	Yes
3.6.2	Development Controls	Complies
.1	Development must be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas (Refer Figure 11).	Yes
.2	Development must be designed to minimise opportunities for crime through suitable access control. Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Yes
.3	Development must incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.	Yes
.4	Building entrances must be clearly identified and accentuated. Entries and associated elements including signs, street numbers, post boxes, landscaping etc. must be designed to emphasise their visible presence from various locations or approaches to the building.	Yes

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.5	<i>Entrances must serve as points of orientation or way-finding within the development, and providing clear sightlines and visual connections between the street, the entry, foyers and residential interiors.</i>	Yes
.7	<i>The incorporation of crime prevention measures in the design of new buildings and spaces shall not detract from the quality of the streetscape. Subtle design techniques must blend into façades and places and be integrated with the overall design of the development.</i>	Yes

**Comments:**The communal living room is adjacent to private open space and the Managers room is located on the ground floor to supervise occupants. Balconies from the units face Liverpool Road and Frances Avenue to activate the street frontage and provide opportunities for passive surveillance. Three balconies on the first floor overlook the private open space as shown in Figure 20 allowing passive internal surveillance. The privacy of the boarders will be maintained through the 3000mm setback from Frances Avenue, the first floor element and landscaping between the communal living room and the pedestrian path.

A Plan of Management (POM) for the boarding house accompanies the development application. A condition of development consent is recommended for the POM to be adopted and the recommendations of the New South Wales Police adopted.

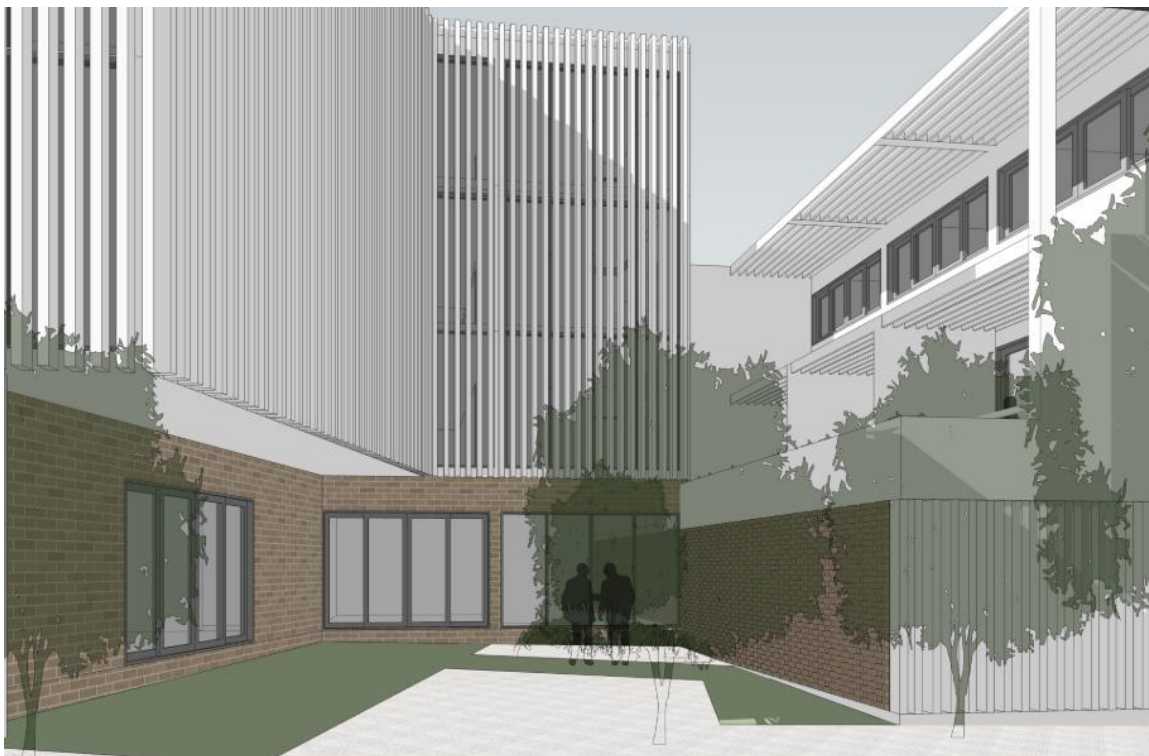


Figure 20: Easterly view of the proposed courtyard/private open space.

3.9: Landscaping

3.9.1	<b>Objectives</b>	<b>Satisfactory</b>
A.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings</i>	Yes
B.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality</i>	Yes
C.	<i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade</i>	Yes
3.9.2	<b>Development Controls</b>	<b>Complies</b>

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.1	<i>The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.</i>	Yes
.2	<i>Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.</i>	No
.4	<i>In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.</i>	Yes
.5	<i>Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.</i>	Yes
.6	<i>Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.</i>	Yes
.8	<i>In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve:</i> <ul style="list-style-type: none"> <li>- shaded buildings in summer;</li> <li>- reduced glare from hard surfaces;</li> <li>- sunlight access into living rooms in cooler months;</li> <li>- cooling air currents channelled into the dwelling in summer; and</li> <li>- windbreaks where desirable.</li> </ul>	Yes
.10	<i>Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements</i>	Yes
.11	<i>Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern</i>	Yes
.12	<i>Landscaping is to be designed so as to minimise overlooking between properties.</i>	Yes
.13	<i>The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.</i>	Yes

**Comments:** The site is currently occupied by a place of public worship building and detached hall with ample landscaping across and matured trees. The amended design necessitates the removal of the existing trees within the front setback and some within the development's footprint. Council's Tree Officer does not object to the proposed removal of the trees, subject to replacement planting on the site from a specified native list.

**3.10: Private and Communal Open Space**

<b>3.10.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
A.	<i>To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.</i>	Yes
B.	<i>To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.</i>	Yes
C.	<i>To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting</i>	Yes
<b>3.10.2</b>	<b>Development Controls</b>	<b>Complies</b>
.1.	<i>Private open space must be:</i> <ul style="list-style-type: none"> <li>- Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling). Open space within the front setback does not constitute private open space.</li> <li>- Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development.</li> </ul>	Yes

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	- Located so as to maximise solar access. - Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment.	
.2.	Communal open space must be: - Located where it is highly visible and directly accessible to the maximum number of dwellings. - Designed with an integral role in the site and include uses such as circulation, BBQ or play areas, and areas of passive amenity, but excludes swimming pools. - Integrated with the deep soil zone to provide a landscaped setting with opportunities for large and medium size tree planting - Located adjacent to surrounding public open spaces such as reserves and public through site links where appropriate.	Yes

**Comments:**All rooms except for seven (7) units are provided with private open space from a balcony, including the manager’s room. The proposal will provide a soft landscaped area to the rear of the site and along both street frontages. The proposed communal open space areas exceed the minimum requirements for open space under the ARH SEPP 2009.

**4.1: Car Parking and Vehicular Access**

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

**Comments:** Currently, the subject site does not enjoy vehicle access to the place of public worship or hall. It is a RMS requirement that the proposed driveway be located on Frances Avenue and not on Liverpool Road. Due to the close proximity of the speed bump and street trees along Frances Avenue, the location of the driveway was positioned closer to the southern boundary. In doing so, that location of the driveway maintains a 10m side setback from the southern boundary. Comments received from RMS and Council’s Traffic Engineer require the driveway be widened from 4000mm to 5500mm to avoid queuing of vehicles along Frances Avenue. This is addressed by condition of Deferred Commencement.



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

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

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

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

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii), however does involve the demolition of a building for the purposes of *AS2601 - 1991: The Demolition of Structures*. Suitable conditions are recommended to ensure compliance with *AS2601-1991*.

#### **4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

##### Streetscape Compatibility

The proposed boarding house achieves compliance with the development standards for boarding houses under the ARH SEPP 2000 and has been designed to consider the position of the subject site within its wider context. The recommended deferred commencement condition to delete the whole fourth floor is considered to improve the boarding houses street compatibility by considerably reducing the bulk and scale seen from Liverpool Road and Frances Avenue.

##### Corner building form to Liverpool Road and Frances Avenue

The proposal to locate the bulk of floor space and height to the Liverpool Road frontage is an acceptable approach as it allows for the remainder of the development to step down towards a sensitive southern boundary where low density residential dwellings are located. The design provides a well-considered and balanced arrangement which considers zoning transitions from a medium density context to a low density context. Each street frontage incorporates deep soil zones within the setbacks and opportunities for planter boxes. The landscape plan indicates that two 12m trees will be planted on the corner of the site and all existing street trees will be maintained. The simplistic colour palette, exposed facebrick and rendered masonry complement the contemporary style of building form which will result in a built outcome that balances traditional and contemporary influences and contribute positively to the desired future character of the Liverpool Road precinct.

##### Traffic

The proposal successfully meets and provides more parking spaces than required by the Affordable Rental Housing SEPP in that the proposed development will operate as a Housing Provider in accordance with Section 29(2)(e)(iia). The driveway width is a matter that is to be dealt with by Deferred Commencement.

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration. The development is considered to appropriately respond to the site and is unlikely to adversely impact the locality's social, environmental or economical condition of the natural or built environment.

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

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The proposed development is considered suitable for the site upon imposition of the Deferred Commencement conditions. The proposed boarding house will provide affordable residential accommodation in an accessible location. The built form achieves a balance between the traditional and emerging contemporary influences, and the external finishes are sympathetic to the local character.

A Plan of Management is provided which details the procedures to be implemented to ensure that suitable management practices are in place to minimise impacts on adjoining owners and ensure a suitable amenity is maintained for residents living within the development. The operational POM will ensure that the proposed premise operates in a manner that maintains a high level of residential amenity.

Additionally, the proposed development has been appropriately designed to respond to the constraints of the site. The amended proposal is considered to complement the prevailing streetscape character and is consistent with the objectives of the R3 Medium Density Residential zone. The proposed development is considered a suitable development within the locality.

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

The application underwent two rounds of notification in accordance with Part L of the SCDP 2005. The first notification round from 12 June to 5 July 2018, resulted in 25 submissions being received. The second notification round from 19 March to 12 April 2019, in response to amended plans received 26 submissions, nine (9) of which were affected parties who previously objected.

Due to the large number of submissions received, personalized and individual contact was not completed. However, those who followed up the submission through phone or enquiry across the duration of the assessment period were communicated with directly.

A summary of the issues raised is included below:

<b>Issues</b>		<b>Comments</b>
<b>Traffic congestion</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• Vehicular egress onto Liverpool Road is already difficult during peak periods.</li> <li>• The proposed boarding house will further compound existing traffic problems.</li> <li>• Safety impacts to children of nearby Strathfield South Primary School and Day-care schools due to increased traffic during peak hours.</li> <li>• Traffic congestion impacts during the construction period and during peak hour periods.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• An amended Traffic and Parking assessment report was submitted with the DA. The report concludes that the projected change in the traffic generation potential of the site as a consequence of the development proposal is minimal, and will not give rise to any unacceptable traffic implications in terms of road network capacity.</li> <li>• Deferred Commencement condition D1 recommends the driveway to be widened to 5500mm to prevent any queuing on Frances Avenue.</li> </ul>
<b>Car parking</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• The ratio of car parking to residence does not meet the requirements as most occupants will have cars being 2.5km from a train station.</li> <li>• There will be insufficient space on Frances Avenue and cause future parking issues.</li> <li>• Existing parking on Frances Avenue and surrounds is already very restricted.</li> <li>• The proposed car parking would be non-compliant with the proposed amendments to the Affordable Rental Housing SEPP.</li> <li>• The site has limited public transport options and many residents will</li> </ul>

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		<p>require a car park.</p> <ul style="list-style-type: none"> <li>There are no provisions for visitor parking.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The proposed on-site parking car parking provision is consistent with the parking requirements under the SEPP (ARH) 2009 (as amended).</li> <li>The site is within 150m of two bus stops, with frequent buses stopping near the site. This satisfies the requirements of the SEPP. Council's Strathfield Connector bus service also stops within 150m of the site on Homebush Road.</li> </ul>
<b>Privacy</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>Loss of privacy from overlooking from southern facing units into No. 1, 3, 5, 7 and 9 Frances Ave due to the slope of the land away from Liverpool Road.</li> <li>Acoustic privacy will be lost from the amount of people living on site.</li> <li>Additional privacy screening should be added to the southern facing rooms.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The car park is setback 3000mm from the southern boundary and the closest southern facing window is setback 8.7m, reducing the effects of overlooking. There are no proposed balconies which are orientated to the south which would impact those dwellings on Frances Avenue.</li> <li>The proposed deep soil area along the southern boundary will assist in screening by landscaping and obstructing direct overlooking and acoustic impacts.</li> </ul>
<b>Building height</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The height of the building exceeds the 9.5m height permitted by SLEP2012. The proposed non-compliance is 3.78m.</li> <li>Concerns regarding four (4) storey presentation.</li> <li>The development is positioned on a geographical high point worsening the apparent height.</li> <li>The lift overrun is overbearing and intrusive.</li> <li>Removal of level 4 would ensure compliance with SLEP, reduce the bulk and scale of the building and overshadowing impacts, as well as ensure a more gradual transition to the adjoining two (2) storey dwelling.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>Deferred Commencement condition D1D recommends the fourth floor be deleted and result in a minor variation of 9.91m (410mm above or 4.3%) from the lift overrun and roof element.</li> <li>Liverpool Road contains a variety of building heights not dissimilar to that originally proposed</li> </ul>
<b>Inconsistency with the character of the local area</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The proposed four (4) storey development will destroy the character of the neighbourhood and overwhelm the surrounding area.</li> <li>The existing streetscape is characterised by single and two (2) storey dwelling houses with pitched roofs.</li> <li>The bulk and scale of the proposed four (4) storey building is out of character with the existing surrounding streetscape.</li> <li>The area was not intended for high density.</li> <li>The proposed development is out of step with community expectations and the character of the area.</li> <li>The physical impacts of the development on the surrounding locality are not acceptable and it is not in harmony with the surrounding buildings.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The proposal has been designed to address Liverpool Road with a four storey element which positions most of the mass away from the southern boundary and incorporating steps down to a single storey bulk.</li> <li>Liverpool Road is in a state of transition from single storey buildings into high-rise developments and the proposal is consistent with the emerging character of Liverpool Road.</li> </ul>

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		<ul style="list-style-type: none"> <li>The setback from the southern boundary was amended to reflect the existing setback (of the church hall) and slightly exceeds the existing height providing a better physical separation, which mitigates the bulk of the podium and allows for the provision of a substantial landscaped buffer between No.1 Frances Avenue and the development.</li> </ul>
<b>Overshadowing</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>Inaccurate assessment of solar access on neighbouring properties and providing less than 3 hours of sunlight.</li> <li>Overshadowing of northern facing windows and rear yard of No.1 Frances Avenue.</li> <li>Overshadowing of rear yard of No.3 Frances Avenue.</li> <li>Massing of the boarding house should be positioned away from dwellings on Frances Avenue and Manning Avenue.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The overshadowing impacts to adjoining developments are considered acceptable. The proposed development comprises a compliant scheme with appropriate setbacks which minimise overshadowing impacts to adjoining properties.</li> <li>Massing of the building is concentrated along Liverpool Road and away from the existing residential developments.</li> </ul>
<b>Strain on local infrastructure</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>Cumulative impact of residential flat buildings in the vicinity will increase the strain on local infrastructure. This includes skewing of the residence to green space ratio.</li> <li>The existing area is inadequately serviced by local and community infrastructure.</li> <li>Increased overcrowding of existing bus services, particularly services to Strathfield Station.</li> <li>Flow on effects to local schools from the higher population.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The proposed development is consistent with development envisaged for the precinct under Council's LEP, DCP, and State-led strategic planning documents.</li> <li>Council's Strathfield Connector bus service stops within 150m of the site on Homebush Road, which will provide ease of access to transport nodes.</li> <li>By nature, a boarding house is used for the temporary accommodation of boarders. It is unlikely boarders will contribute to overcrowding of local schools.</li> </ul>
<b>Heritage Significance</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The church and church hall are unique to the Strathfield Community.</li> <li>It was built back in 1922 and is important to families.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The site has not been identified as a heritage item in the Strathfield LEP.</li> </ul>
<b>Community space and sense of community</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The Church is a house of worship and should the development be constructed it will be against the best interest of the community.</li> <li>People gather here after religious events and hold many community events.</li> <li>Community members have never been consulted and will lose an essential part of the Strathfield South Community.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The boarding house will provide temporary, affordable housing options for lodgers in need and be managed through the Uniting Synod provider. Deferred Commencement condition D2 requires the registration of the not-for-profit social housing provider to be finalised and submitted to Council prior to commencement of the development consent</li> </ul>
<b>Noise</b>	<b>Issues</b>	<ul style="list-style-type: none"> <li>There will be noise impacts from air conditioning units to adjoining</li> </ul>

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	<b>raised</b>	<p>properties.</p> <ul style="list-style-type: none"> <li>• There will be noise impacts from over 69 occupants.</li> <li>• Families will be inconvenienced.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• The proposed deferred commencement conditions for noise include the preparation of a revised acoustic report.</li> <li>• The submitted Plan of Management indicates that the use of outdoor recreation areas will be prohibited between 10pm and 7am. No amplified music is permitted at any time within the outdoor communal area.</li> </ul>
<b>Waste Management</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• The large amount of bins for kerbside collection will cause significant traffic delays on Liverpool Road or Frances Avenue and amenity issues.</li> <li>• The ground floor should be capable of accommodating a garbage truck for collection.</li> <li>• The 81 occupants on site will generate too much waste and have overflowing rubbish near dwellings.</li> <li>• The likelihood of rubbish dumping on the streets would greatly increase.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• The development will be serviced by private contractor in accordance with conditions of development consent. The contractor will be responsible for collecting all waste from the property.</li> <li>• A condition is recommended prohibiting the presentation of bins kerbside for collection and all collection must occur on site.</li> </ul>
<b>Setbacks</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• The side setbacks on the proposed development are inconsistent with the streetscape.</li> <li>• The proposed development does not meet the setback requirements under the ADG.</li> <li>• There needs to be a greater setback from the southern boundary to reduce over shadowing.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• The stepped front setback is considered to be consistent with the prevailing streetscape character and is acceptable on merit.</li> <li>• The proposed development is not assessed in accordance with the requirements of the Apartment Design Guide as it is not a development which is mandated by SEPP 65.</li> </ul>
<b>Boarding House amenity</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• The proposed development has not considered the design quality set out in SEPP No. 65.</li> <li>• No rooms demonstrate natural cross ventilation and not all rooms have solar access.</li> <li>• Poor internal amenity and would act as a precedent.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• Most rooms face north and east along Liverpool Road and Frances Avenue.</li> <li>• The proposed development is not assessed in accordance with the requirements of the Apartment Design Guide as it is not a development which is mandated by SEPP 65.</li> </ul>
<b>Landscaping and tree removal</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>• The proposal is inconsistent with Division 3 of the Affordable Rental Housing SEPP, which requires the landscape treatment of the front setback to be compatible with the streetscape.</li> <li>• The development would lose a great amount of greenspace, canopy and significant trees on site.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>• There are no numeric landscaping requirements for Boarding Houses prescribed by the SCDGP 2005.</li> <li>• The proposed deep soil areas and plantings to the front and side setback areas have been increased to a satisfactory level under the amended scheme. This includes provision of canopy trees.</li> </ul>

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<b>Affordable Housing SEPP</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The proposed development does not meet the standard criteria to be assessed under Clause 29 of SEPP (ARH) 2009.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The proposed development is consistent with the standard criteria under Clause 29 of SEPP (ARH) 2009, as evidenced in this assessment report.</li> </ul>
<b>Overcrowding and over developed</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The overcrowding from the boarding house will create issues with public transport facilities, roads and decreasing land values.</li> <li>This development will significantly alter the fabric of Strathfield South and overcrowd Liverpool Road.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>Reduced property and land values is not a matter for consideration under the Section 4.16 Matters for Consideration of the EP&amp;A Act 1979.</li> </ul>
<b>Security and safety</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>Boarding houses tend to attract lower socio-economic people which may raise crime and anti-social behaviour.</li> <li>Residents will not feel safe near a boarding house with strangers overlooking our backyards.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The origin of lodgers habitating boarding houses is not a matter of consideration under the Section 4.16 Matters for Consideration of the EP&amp;A Act 1979.</li> </ul>
<b>Clause 4.6</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The applicants variation to development standard statement is poor and will not hold up in court.</li> <li>The proposed boarding house is not in keeping with the built form character of the local area and is too bulky.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>An assessment of the submitted Clause 4.6 has been previously addressed in this report.</li> </ul>
<b>Stormwater/siltation run-off and flooding</b>	<b>Issues raised</b>	<ul style="list-style-type: none"> <li>The large amount of high rise on Liverpool Road is leading to the decimation of natural absorption of rain water.</li> <li>The proposed stormwater drains aren't sufficient for the site.</li> </ul>
	<b>Responses to issues</b>	<ul style="list-style-type: none"> <li>The proposed Deferred Commencement conditions for Stormwater management relates to an increase in the OSD storage limit and require direct connection to Council pipe or channel system.</li> </ul>

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest. The Plan of Management and recommendations of the NSW Police are conditioned and are to be implemented in the operation of the development. The development is supported by a live-in manager on site who assists in the management and care of the lodgers.

#### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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



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

**STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN**

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 and calculated from the deletion of the fourth level, resulting in 35 units as follows:

Provision of Community Facilities	\$61,551.65
Provision of Major Open Space	\$280,041.56
Provision of Local Open Space	\$61,625.36
Provision Roads and traffic Management	\$12,863.19
Administration	\$5307.45
<b>TOTAL</b>	<b>\$421,389.21</b>

Please note that Section 7.11 Contributions will need to be recalculated depending on the Local Planning Panel’s decision to indorse the deferred commencement conditions.

**CONCLUSION**

The application has been assessed having regard to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is considered to be acceptable on its merits subject to design changes including a reduction in the height of the building, as recommended in this report. These design changes may be readily addressed by way of deferred commencement consent. The proposal is recommended for approval accordingly.

**PEER REVIEW**

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

**RECOMMENDATION**

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the noncompliance with the development standard contained in Clause 4.6 (Maximum Height) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2018/0074 for demolition of existing structures and construction of a three (3) to four (4) storey boarding house development comprised of 40 lodger rooms and one (1) manager’s apartment, accommodating up to 81 people at 440 Liverpool Road, Strathfield be **DEFERRED COMMENCEMENT**, subject to the following conditions:

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## DEFERRED COMMENCEMENT CONDITIONS (DC)

### DEFERRED COMMENCEMENT APPROVAL

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

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

### SCHEDULE A

#### D1 AMENDED PLANS

Amended plans, including floor plans, roof plan, elevations and sections are to be submitted which detail:

- i. Level 4 (third storey) is to be deleted to provide a development three (3) storeys in height and contain a maximum of 35 lodger rooms (including the manager's room);
- ii. The portion of the building fronting Liverpool Road is not to exceed a maximum height of 9.91m (including the lift overrun). The maximum RL is to be confirmed on revised plans;
- iii. The height of the parapet above the uppermost floor is to reflect the height of the parapet nominated in architectural plans received by Council on 7 March 2019;
- iv. Reconfiguration of units 16, 17, 33 and 34 to provide a maximum room size (excluding the kitchenette and bathroom) of 25sqm; and
- v. A widened driveway of 5500mm to the north, measured 6000mm from the eastern property boundary. The parking area is to be redesigned and a minimum of eight (8) on-site motorcycle parking spaces are required.

The above listed documents are to be submitted to the Council for approval.

(Reason: To provide a more compliant building height, reduce the overall massing and bulk, improve relationship of the building with the surrounding area, reduce overshadowing to neighbouring properties and improve safety and access to the site.)

#### D2 REGISTRATION OF NON-FOR PROFIT ENTITIES

Documents which demonstrate that the community housing provider is a registered entity within the meaning of the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth is to be submitted to Council.

(Reason: To comply with the Affordable Housing SEPP.)

#### D3 ACOUSTIC REPORT

To ensure the proposed development will be acceptable in terms of acoustic impacts, a revised acoustic report prepared in accordance with the NSW Environment Protection Authority's Industrial Noise Policy, and which includes seven days of continual unattended background noise monitoring and considers noise from sources including but not limited to plant, machinery and equipment and that from vehicle movements, shall be submitted to Council for approval. The report must detail those items that were required in the first EHO

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comments report dated 27 March 2019.

(Reason: Noise control and amenity)

#### **D4 STORMWATER DESIGN AND UPDATED ARBORIST REPORT**

- a) Amended stormwater plans are to be prepared and submitted which satisfy the following:
  - i. In accordance with section 4.2 of Council's stormwater management code all developments/building works other than for single residential dwelling projects where proposed increased paved and/or roofed areas exceed 100m<sup>2</sup> require OSD storage to limit discharge from specified developments/building works to pre-development conditions.
  - ii. In accordance with section 4.9 of Council's stormwater management code all developments/building works other than single residential developments are required to connect directly to Council pipe or channel system. The closest Council pit is located approximately 80m south of the site and a sectional plan must be submitted to Council proposing its designed connection. Or if an equivalent connection is proposed from the development to an adequate alternative method in order to comply with Council's stormwater management codes are to be approved by Council before satisfying the deferred commencement.
- b) An amended Arborist Report or additional letter is to be provided by a suitably qualified Arborist which confirms that the amended stormwater design will not adversely impact the health of the retained and proposed trees on the site and neighbouring sites and also the street trees.

(Reason: To ensure adequate collection and movement of stormwater across the site, to minimise stormwater flows to the classified roads and protect the health of retained and proposed new trees.)

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

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

An amended landscape plan to reflect the amendments made as part of the Deferred Commencement conditions is to be submitted to, and approved by the Principal Certifying Authority, prior to any occupation of the development.

(Reason: To ensure adequate landscaping of the site, and to ensure that the approved landscape plan reflects the amendments made to the architectural plans.)

#### **2. WASTE COLLECTIONS (SC)**

The property is to be serviced by a private waste contractor.

Waste collections are to occur on-site at ground floor level. The waste vehicle standing area is to be a minimum 3.6m in width, 3.6m in height and 14m in length and these dimensions are to be achieved for the entirety of the path of travel of the waste collection vehicle.

During collections no obstructions are to occur to the adjoining footpath and road.

Waste collection vehicles are to exit the site in a forward direction.

(Reason: To provide adequate amount of storage of waste on the site, to minimize

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obstruction to the road and to improve pedestrian safety.)

**3. DETAILED PLANS AND HYDRAULIC CALCULATIONS (SC)**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
 The Sydney Asset Management  
 Roads and Maritime services  
 PO Box 973  
 Parramatta CD 2124.

(Reason: To comply with RMS requirements.)

**4. NOISE MANAGEMENT PLAN (SC)**

To ensure the proposed development will be acceptable in terms of acoustic impacts to surrounding properties, A Noise Management Plan should be implemented and should include the following:

- a) Contact number of caretaker at the front of the building,
- b) Implement a complaint handling procedure. All noise complaints should be recorded on a form that contain the following:
  - Complainant details
  - Time and date complaint was received
  - The nature of the complaint and the time/date the noise was heard
  - Actions taken to investigate the complaint and the summary of the results of the investigation
  - Indication of what was occurring at the time the noise was occurring (if applicable)
  - Remedial action (if applicable)
  - Summary of feedback to the complainant.

(Reason: Noise control and amenity)

**5. NOISE COMPLAINTS (SC)**

If noise complaints are submitted to Council due to the development or ongoing use of the premise, the applicant will be requested at their own cost to undertake a noise assessment by a suitable qualified person and provide advice on any additional noise mitigation measures.

(Reason: Amenity of neighbouring properties.)

**GENERAL CONDITIONS (GC)**

**6. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/074:

Drawing No.	Title/Description	Prepared by	Issue / Revision	Date received
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			& Date	by Council
101	Level 1 (Ground) Floor Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
102	Level 2 (First) Floor Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
103	Level 3 (Second) Floor Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
104	Level 4 (Third) Floor Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
110	Roof Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
120	Section AA & Section BB	Environa Studio	Revision N 07/03/2019	07/03/2019
121	Section CC & Section DD	Environa Studio	Revision N 07/03/2019	07/03/2019
130	North & South Elevation	Environa Studio	Revision N 07/03/2019	07/03/2019
131	East & West Elevation	Environa Studio	Revision N 07/03/2019	07/03/2019
210	Colours and Materials Schedule	Environa Studio	Revision N 07/03/2019	07/03/2019
211	Terms and Abbreviations	Environa Studio	Revision N 07/03/2019	07/03/2019
220	Waste Management Plan	Environa Studio	Revision N 07/03/2019	07/03/2019
601	Screen Details	Environa Studio	Revision N 07/03/2019	07/03/2019
930	BASIX Commitments	Environa Studio	Revision N 07/03/2019	07/03/2019
2507 LP-01	Landscape Plan	Environa Studio	Revision F 06/03/2019	07/03/2019
C1	Cover Sheet and Notes	Acor Consultants	Revision E 06/03/2019	07/03/2019
C2	Stormwater Management Plan	Acor Consultants	Revision E 06/03/2019	07/03/2019
C3	Stormwater Management Plan Details Sheet No. 1	Acor Consultants	Revision E 06/03/2019	07/03/2019
C4	Erosion and Sediment Control Plan	Acor Consultants	Revision E 06/03/2019	07/03/2019
C5	Erosion and Sediment Control Plan Notes and Details	Acor Consultants	Revision E 06/03/2019	07/03/2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/074:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
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Statement of Environmental Effects	Sutherland & Associates Planning	February 2019	07/03/2019
BCA & Access 2016 Project No. PRO-02309-J3Y3	Building Innovations Australia	V1.3 06/03/2019	07/03/2019
Plan of Management	-	-	07/03/2019
Traffic Impact Assessment Ref: 0027r01v04	PDC Consultants	06/03/2019	07/03/2019
Arboricultural Assessment & Development Impact Report Ref: RTC-6418	rainTree consulting		29 May 2018
BASIX Cert no: 930178M	Efficient Living Pty Ltd	24 May 2018	29 May 2018

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

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

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

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

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

- The boarding house is to comply with the approved Plan of Management required by this consent.
- The use of the premises as a boarding house must comply always with the following:
  - a) A copy of the Plan of Management and House Rules must be annexed to every tenancy/occupation agreement for a room;
  - b) A copy of the approved Plan of Management and House Rules must be clearly displayed within the common room in the building at all times;
  - c) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
  - d) The premises must be used exclusively as a boarding house containing a maximum total of **70** residents, with **2** lodger(s) permitted per room;
  - e) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
  - f) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;



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

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

**8. CONSTRUCTION HOURS (GC)**

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

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

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

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

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

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

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

**10. DEMOLITION – GENERALLY (GC)**

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

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

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

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

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

Tree No. in Arborist Report	Tree	Location
1-9	Per report	Front yard
15	Tristaniopsis	Road Reserve

All trees recommended to be removed as submitted in the arborist report by RainTree Consulting and dated 29 May 2018 are permitted to be removed to accommodate the proposed development.

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

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

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

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

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

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

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

### 13. ENVIRONMENTAL PROTECTION – TREE (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.

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xi. Pruning of a street tree is prohibited without the written consent of Council.

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

**14. LANDSCAPING - TREE PRUNING PERMITTED (GC)**

Pruning of the tree species numbered 10-14 in the approved Arborist Report is permitted.

No more than 10% of the entire crown is to be removed as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees.

(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees.)

**15. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)**

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

(Reason: To ensure appropriate landscape maintenance.)

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

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

(Reason: To ensure compliance with this consent.)

**17. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

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

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) All protected trees are to be managed in accordance with Australian Standard AS4970-2009, Protection of Trees on Development Sites.
- iv) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- v) No blasting is to be carried out at any time during construction of the building.
- vi) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vii) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- viii) Any demolition and excess construction materials are to be recycled wherever practicable.
- ix) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- x) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- xi) All waste must be contained entirely within the site.
- xii) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xiii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiv) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xvi) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvii) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xviii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xix) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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- xx) Any work must not prohibit or divert any natural overland flow of water.
- xxi) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

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

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

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

**20. SYDNEY WATER - TAP IN™ (GC)**

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](http://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.

(Reason: Compliance with Sydney Water requirements.)

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

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

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

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

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



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

(Reason: To ensure protection of Council assets.)

**22. LIGHTING (GC)**

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

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

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

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

**23. LANDSCAPING – MAINTENANCE STRATEGY (CC)**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/ occupier to administer over a 12 month establishment period following the issue of the final Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.

(Reason: To ensure landscape survival.)

**24. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;

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- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

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

(Reason: To ensure compliance with relevant legislation.)

26. **ACCESS – ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

27. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

28. **CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

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

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

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

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

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

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

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

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

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

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

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

32. **CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and

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

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

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

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

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Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

**34. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

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

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

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.



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- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

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

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

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

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

(Reason: Structural safety.)

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

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

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

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

**38. NOISE – PLANT (CC)**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

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39. **NOISE – CONSTRUCTION (CC)**

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

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

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

(Reason: Noise attenuation.)

40. **NOISE - VIBRATION (CC)**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

(Reason: Noise Attenuation)

41. **ACOUSTIC REPORT (CC)**

Prior to the issue of the Construction Certificate the person having the benefit of this development consent shall submit a report to Council or a nominated Accredited Certifier from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels within all dwellings in all stages will not exceed the recommended noise levels outlined in The Australian and New Zealand Standard entitled “AS/NZS 2107, Acoustics—Recommended design sound levels and reverberation times for building interiors”.

Road Noise

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The boarding house is to include standard noise control construction treatments in accordance with the NSW Department of Planning publication "Development near Rail Corridors and Busy Roads – Interim Guidelines" Appendix C Acoustic Treatment of Residences, Category 6 in order to ensure the following LAeq levels are not exceeded:

- (a) in any bedroom in the building – 35 dB(A) at any time between 10pm and 7am,
- (b) anywhere else in the building (other than garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

(Reason: Noise Control and Amenity)

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

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

(Reason: Privacy amenity.)

**43. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	\$61,551.65
Provision of Major Open Space	\$280,041.56
Provision of Local Open Space	\$61,625.36
Provision Roads and traffic Management	\$12,863.19
Administration	\$5,307.45
<b>TOTAL</b>	<b>\$421,389.21</b>

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

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

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

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

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

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(Reason: Compliance and amenity.)

**45. STORMWATER DRAINAGE (CC)**

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

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

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

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

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and

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- off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
  - xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
  - xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
  - xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

47. **TREE BONDS (CC)**

A tree bond of **\$8,250.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

48. **SECURITY DEPOSIT (CC)**

A security (damage deposit) of **\$27,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

**50. VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

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

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

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

**51. ONSITE WASTE COLLECTION (CC)**

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:

At-grade collection

- A waste collection point is to be provided:
  - behind the front building line,
  - alongside the driveway into the site.
  - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).
- i) Collection vehicles must not impede access to, within or from the site for other users.
  - ii) The path of travel for moving bins from the storage area to the identified collection



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- point (if collection is to occur away from the storage area) should be clearly identified.
- iii) The waste collection point shall be no more than 15m from the property boundary at the street.
  - iv) There should be convenient and step free access between the waste storage room/area and the collection point.
  - v) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
  - vi) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.
  - vii) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

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

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

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

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

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

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

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

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

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

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

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

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

All civil engineering works adjacent/near/outside 440 Liverpool Road, Strathfield South are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

54. **DUST CONTROL (CC)**

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 minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by Council 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.

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- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by Council.

(Reason: Environmental amenity.)

**55. ROAD OCCUPANCY LICENCE (CC)**

A Road Occupancy License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Liverpool Road during construction activities.

(Reason: To satisfy RMS requirements.)

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

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

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

(Reason: To promote sustainable water management practice.)

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

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

(Reason: To promote Water Sensitive Urban Design.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
  - notified the Council of his or her appointment, and
  - notified the person having the benefit of the development consent of any critical

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

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

**60. CONTAMINATED LAND UNEXPECTED FINDS (DW)**

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

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

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

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imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

**61. FILL MATERIAL (DW)**

The only waste derived material which may be received at the development site is:

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

**62. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

**63. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

**64. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)**

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

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

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

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

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

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

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

(Reason: Maintenance of public infrastructure.)

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

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

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

(Reason: Maintenance and environment.)

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

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

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

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

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

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

(Reason: Asset management.)



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**68. FIRE SAFETY CERTIFICATION (OC)**

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

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**71. SUBDIVISION - EVIDENCE OF CONSOLIDATION (OC)**

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

(Reason: Proper management of land.)

**72. LANDSCAPING – ARBORIST’S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) methods of excavation or construction used to carry out the works;
- ii) any damage sustained by the tree/s as a result of the works;
- iii) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

**73. LANDSCAPING – CERTIFICATION OF COMPLETED LANDSCAPING AND TREE PLANTING (OC)**

Prior to the issue of the Occupation Certificate an AQF Level 5 Landscape Designer, or Landscape Architect, is to certify that all landscape works and tree planting has been carried out in accordance with the approved landscape design and conditions of development consent. Additionally the certification is to include a statement that all plants are healthy and that the landscaped areas are well maintained, safe and free of biosecurity issues (pests, diseases and weeds).

(Reason: Tree preservation and environmental amenity.)

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

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

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

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

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

**DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)**

adhered to at all times.

This Operational Plan of Management must incorporate the following:

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

The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (iii) above. Should amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

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

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

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

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
  - is wholly or partly let in lodgings, and
  - provides lodgers with a principal place of residence for 3 months or more, and
  - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
  - Boarding Houses Act 2012;
  - Boarding Houses Regulation 2013;
  - Local Government Act 1993; and
  - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a

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Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)**

dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.

- v) No speakers or music is permitted outdoors or in the communal areas.
- vi) The Boarding house is required to be registered on a register administered by NSW Fair Trading.

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

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

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

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

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

(Reason: Fire safety.)

**77. NOISE, AIR OR WATER POLLUTION – PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (OU)**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

**78. NOISE (OU)**

The use of the premises shall comply with the requirements of the Environmental Pollution Authority's Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise Control and Amenity)

**79. NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)**

All recommendations contained in the approved Acoustic Assessment Report shall be adopted, implemented, and adhered to.

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

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

(Reason: Noise control and amenity.)

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Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

80. **NOISE – AIR CONDITIONERS IN RESIDENTIAL BUILDINGS (OU)**

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

(a) cause or permits an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open:

(i) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or

(ii) before 7 am or after 10 pm on any other day, and

(b) within 7 days of doing so, the person is warned by an authorised officer or enforcement officer not to cause or permit an air conditioner to be used on residential premises in that manner, and

(c) the person again causes or permits an air conditioner to be used on residential premises in the manner referred to in paragraph (a) within 28 days after the warning has been given.

(Reason: Noise Control and Amenity)

81. **NOISE - NO AMPLIFIED MUSIC (OU)**

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

82. **FLASHING LIGHTS (OU)**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection)

83. **LIGHTING NUISANCE (OU)**

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

(Reason: Environmental amenity)

84. **OFFENSIVE NOISE (OU)**

The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made,

**DA2018/074 - 440 Liverpool Road, Strathfield South  
Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)**

or any other circumstances:

- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

(Reason: Environmental amenity)

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

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

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

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values)

**ADVISORY NOTES (AN)**

Please note: the following may not apply to all consents.

**86. REUSE AND RECYCLING**

Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.



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Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

**87. TREE PROTECTION**

All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.

**88. WASTE**

Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

**89. DISABILITY ACT**

The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

**90. USE OF COUNCILS FOOTWAY**

The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.

**91. REVIEW OF DETERMINATION**

Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
- (b) a determination in respect of crown development, or
- (c) a complying development.

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Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

92. **DIAL BEFORE YOU DIG**

Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.

93. **CONSTRUCTION CERTIFICATE**

A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.

94. **OCCUPATION CERTIFICATE**

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

95. **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.

96. **OFFENCE**

Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.

97. **PENALTY INFRINGEMENT**

Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.

98. **DEVELOPMENT CONTRIBUTIONS**

The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.

99. **RESIDENTIAL BUILDING INSURANCE**

Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: [enquiry@fairtrading.nsw.gov.au](mailto:enquiry@fairtrading.nsw.gov.au)

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Lot 1 DP 10655 & Lot 2 DP 10655 (Cont'd)

100. **GUTTERS/DRAINAGE**

Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.

101. **CRITICAL STAGE INSPECTIONS**

In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.

**ATTACHMENTS**

1. [↓](#) DA2018.0074 - architectural plans (amended) - 440 Liverpool Rd, Strathfield South

# development application

Project: **BOARDING HOUSE** 914  
 Client: **UNITING (SYDNEY PRESBYTERY)**  
 Site: **440 LIVERPOOL ROAD, STRATHFIELD SOUTH**  
 Stage: **DEVELOPMENT APPLICATION (DA/2018/74)**  
 Date: **7-Mar-19**

STRATHFIELD COUNCIL RECEIVED  
 AMENDED PLANS  
 DA2018/0074  
 7 March 2019

DWG	DRAWING TITLE	ISSUE
900	NON-CONSTRUCTION INFORMATION (CONT.)	
925	SOLAR IMPACT - NO.1 FRANCES AVENUE (REAR)	N
926	SOLAR IMPACT - NO.1 FRANCES AVENUE (REAR)	N
927	SOLAR IMPACT - NO.1 FRANCES AVENUE (REAR)	N
928	SOLAR IMPACT - NO.1 FRANCES AVENUE (REAR)	N
930	BASIX COMMITMENTS	N
980	AREA CALCULATION SUMMARY - SHEET 1	N
981	AREA CALCULATION SUMMARY - SHEET 2	N

DWG	DRAWING TITLE	ISSUE
000	PRE CONSTRUCTION INFORMATION	
003	PHOTOMONTAGE - SHEET 3	N
020	SITE ANALYSIS PLAN	N
022	STREETSCAPE STUDY	N
030	SITE + LOCATION PLAN	N
040	DEMOLITION PLAN	N
100	GENERAL ASSEMBLY PLANS	
101	LEVEL 1 FLOOR PLAN 1:200	N
102	LEVEL 2 FLOOR PLAN 1:200	N
103	LEVEL 3 FLOOR PLAN 1:200	N
104	LEVEL 4 FLOOR PLAN 1:200	N
110	ROOF PLAN 1:200	N
120	SECTION AA + SECTION BB 1:200	N
121	SECTION CC + SECTION DD 1:200	N
130	EAST + WEST ELEVATION 1:200	N
130	NORTH + SOUTH ELEVATION 1:200	N
131	EAST + WEST ELEVATION 1:200	N
200	SCHEDULES	
210	COLOURS + MATERIALS SCHEDULE	N
211	TERMS + ABBREVIATIONS	N
220	WASTE MANAGEMENT PLAN	N
600	EXTERNAL DETAILS	
601	SCREEN DETAILS	N
900	NON-CONSTRUCTION INFORMATION	
902	3D PERSPECTIVES SHEET 1	N
903	3D PERSPECTIVES SHEET 2	N
904	3D PERSPECTIVES SHEET 3	N
905	3D PERSPECTIVES SHEET 4	N
906	3D PERSPECTIVES SHEET 5	N
907	3D PERSPECTIVES SHEET 6	N
908	3D PERSPECTIVES SHEET 7	N
909	3D PERSPECTIVES SHEET 8	N
910	SOLAR IMPACT DIAGRAM - JUNE 21	N
911	SOLAR IMPACT DIAGRAM - DECEMBER 21	N
920	COMMUNITY ROOM SOLAR ACCESS	N
921	SOLAR IMPACT - NO.1 FRANCES AVENUE (FRONT)	N
922	SOLAR IMPACT - NO.1 FRANCES AVENUE (FRONT)	N
923	SOLAR IMPACT - NO.1 FRANCES AVENUE (FRONT)	N
924	SOLAR IMPACT - NO.1 FRANCES AVENUE (FRONT)	N

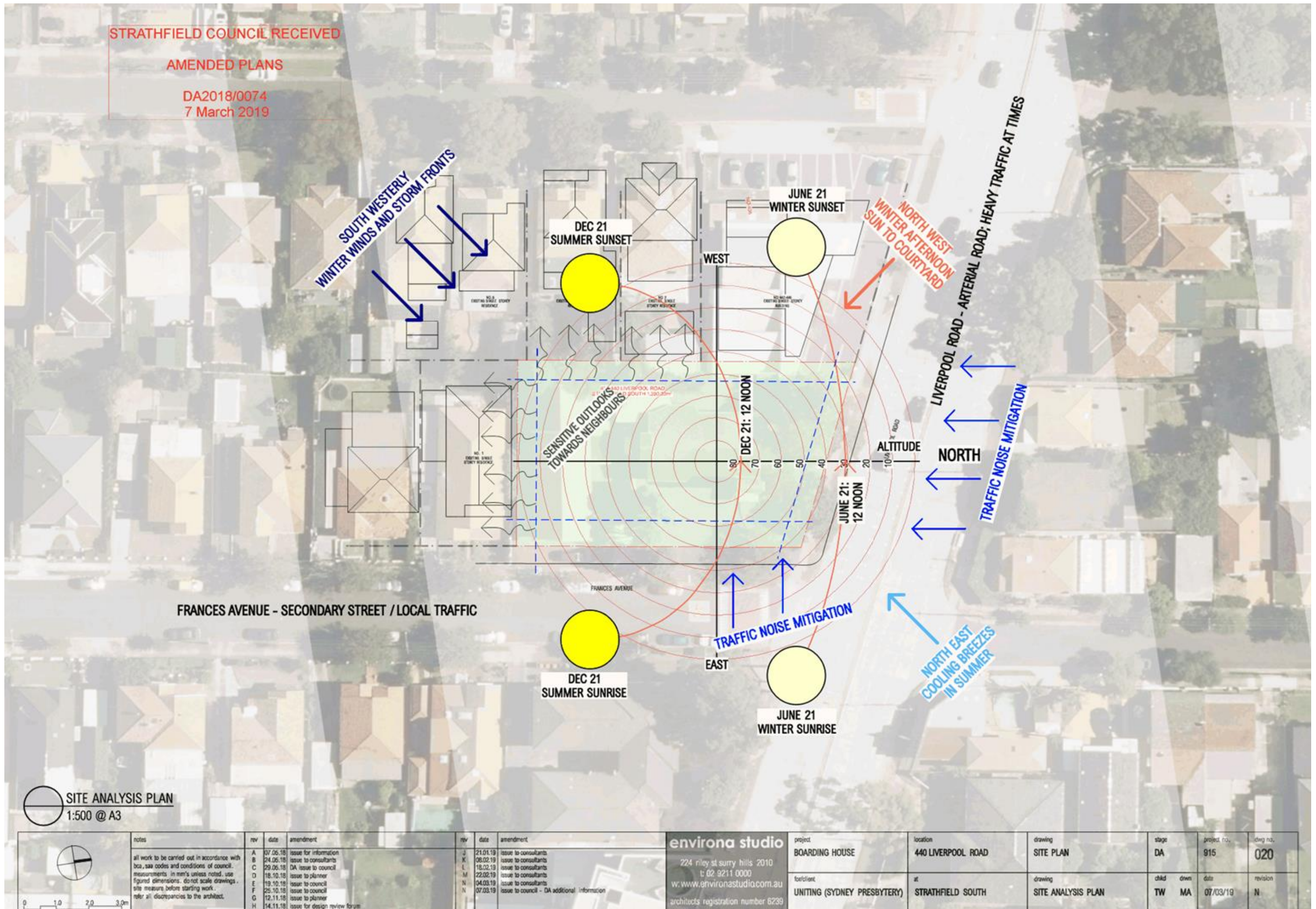




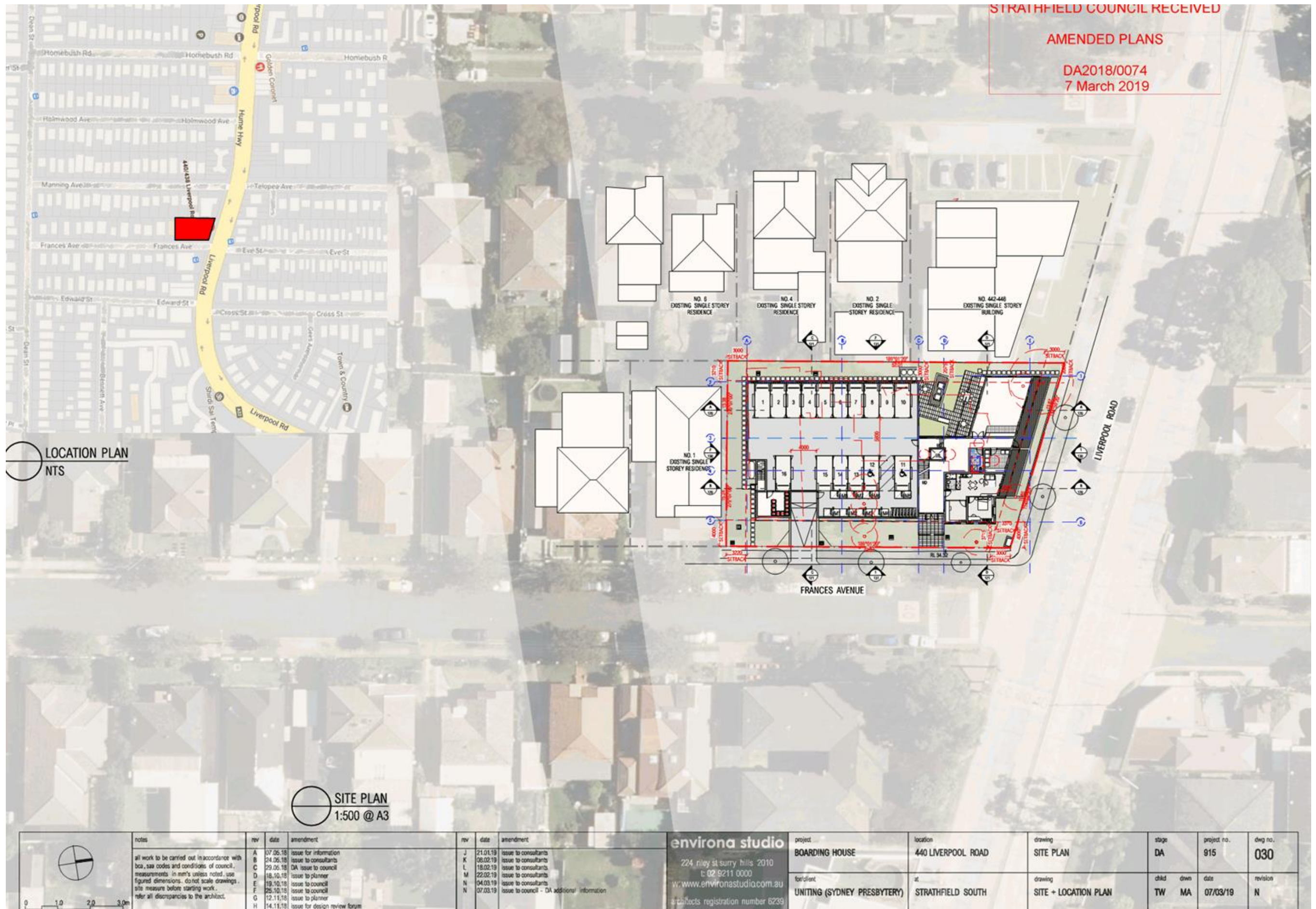
VIEW FROM CORNER OF LIVERPOOL ROAD AND FRANCES AVENUE  
NTS

notes	rev	date	amendment	rev	date	amendment	enviro studio	project	location	drawing	stage	project no.	dwg no.
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 niley st surry hills 2010 t: 02 9211 0000 w: www.envirostudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	PHOTOMONTAGE	DA	915	003
	B	24.05.18	issue to consultants	K	08.02.19	issue to consultants		for client	at	drawing	chd	own	date
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants	UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	SHEET 3	TW	AL	07/03/19	N
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										









STRATHFIELD COUNCIL RECEIVED  
 AMENDED PLANS  
 DA2018/0074  
 7 March 2019

LOCATION PLAN  
 NTS

SITE PLAN  
 1:500 @ A3



notes	rev	date	amendment
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	B	24.06.18	issue to consultants
	C	29.06.18	DA issue to council
	D	18.10.18	issue to planner
	E	19.10.18	issue to council
	F	28.10.18	issue to council
	G	12.11.18	issue to planner
	H	14.11.18	issue for design review forum

rev	date	amendment
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L	18.02.19	issue to consultants
M	22.02.19	issue to consultants
N	04.03.19	issue to consultants
N	07.03.19	issue to council - DA additional information

**environa studio**  
 224 nilej st surry hills 2010  
 t: 02 9211 0000  
 www.environastudio.com.au  
 architects registration number 6239

project	location
BOARDING HOUSE	440 LIVERPOOL ROAD
UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH

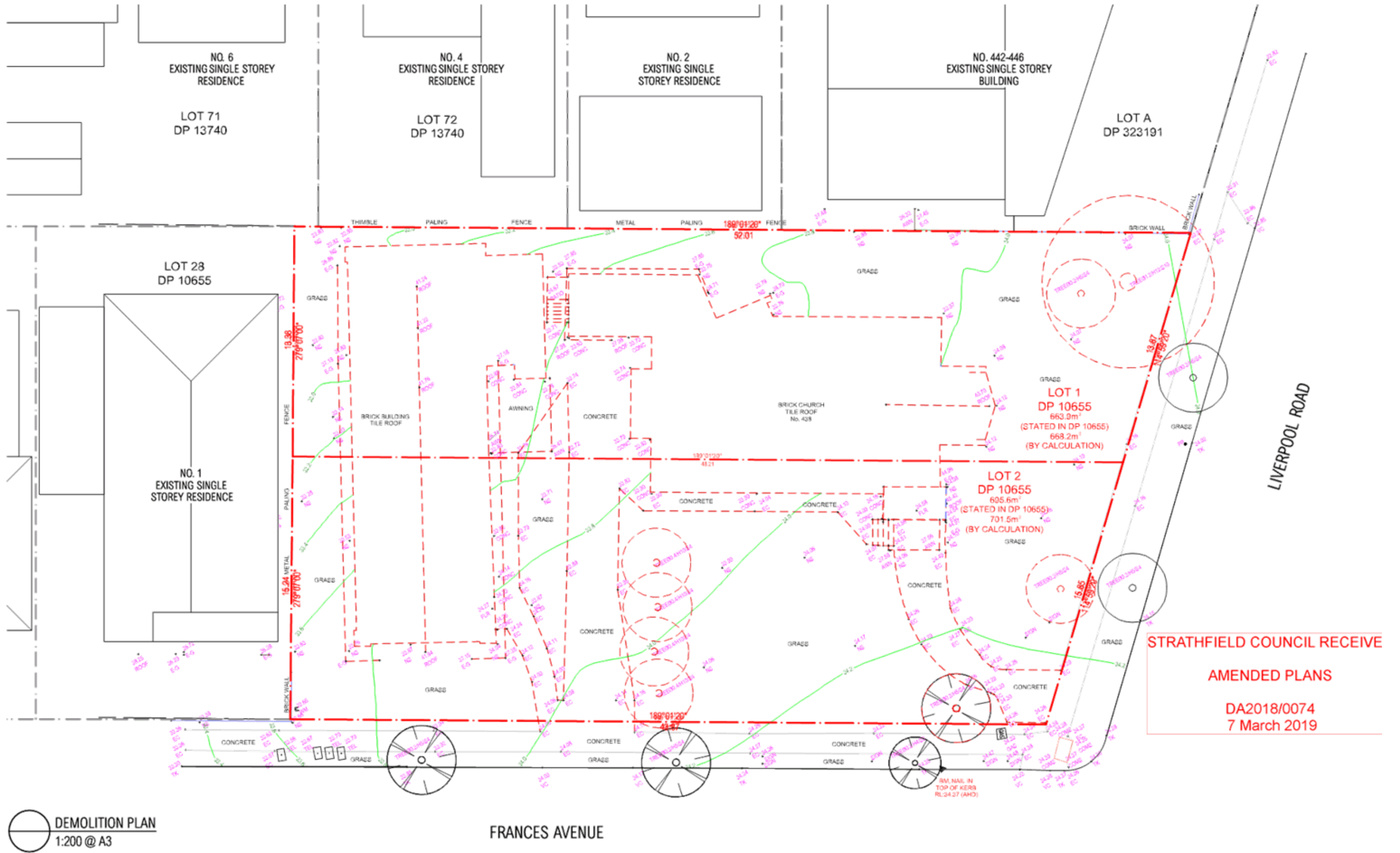
drawing	stage	project no.	dwg no.
SITE PLAN	DA	915	030
SITE + LOCATION PLAN	TW MA	07/03/19	N

child	own	date	revision
TW	MA	07/03/19	N



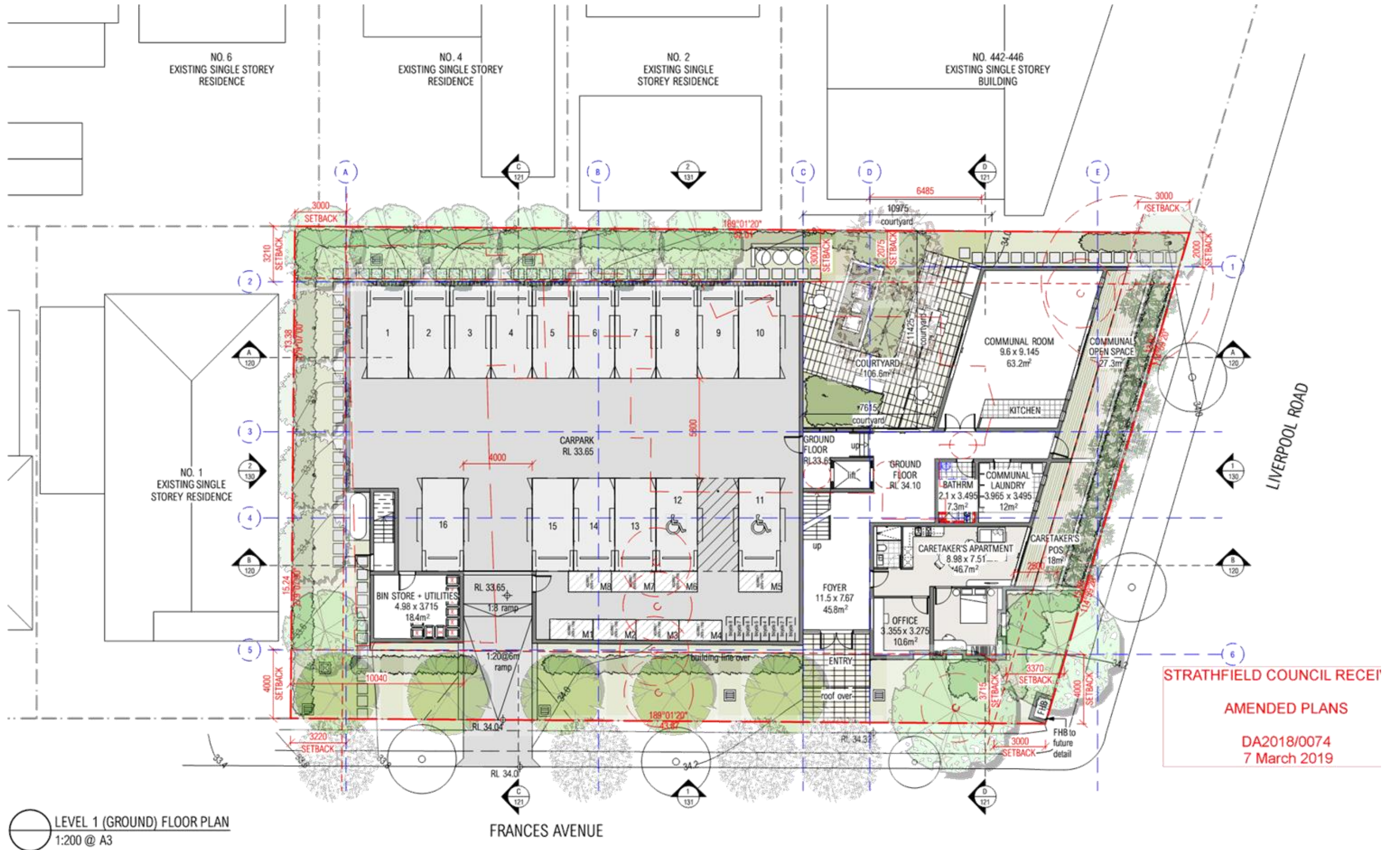
D420-18/0074  
7 March 2019





	notes all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev A	date 07.05.18	amendment issue for information	rev J	date 21.01.19	amendment issue to consultants	<b>envrona studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	project BOARDING HOUSE	location 440 LIVERPOOL ROAD	drawing SITE PLAN	stage DA	project no. 915	dwg no. 040
		rev B C D E F G H	date 24.05.18 29.05.18 18.10.18 19.10.18 25.10.18 12.11.18 14.11.18	amendment DA issue to council issue to planner issue to council issue to planner issue for design review forum	rev K L M N N	date 08.02.19 18.02.19 22.02.19 04.03.19 07.03.19	amendment issue to consultants issue to consultants issue to consultants issue to council - DA additional information		for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing DEMOLITION PLAN	chkd TW	dwn MA	date 07/03/19





rev	date	amendment
A	07.05.18	issue for information
B	04.05.18	issue to consultants
C	29.05.18	DA issue to council
D	18.10.18	issue to planner
E	19.10.18	issue to council
F	25.10.18	issue to council
G	12.11.18	issue to planner
H	14.11.18	issue for design reviewforum

rev	date	amendment
J	21.01.19	issue to consultants
K	08.02.19	issue to consultants
L	18.02.19	issue to consultants
M	22.02.19	issue to consultants
N	04.03.19	issue to consultants
N	07.03.19	issue to council - DA additional information

**envrona studio**  
 224 riley st surry hills 2010  
 t: 02 9211 0000  
 w: www.envronastudio.com.au  
 architects registration number 6239

project	BOARDING HOUSE
location	440 LIVERPOOL ROAD
client	UNITING (SYDNEY PRESBYTERY)
at	STRATHFIELD SOUTH

drawing	FLOOR PLAN
drawing	LEVEL 1 (GROUND)

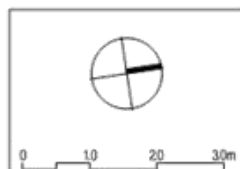
stage	DA	project no	915	dwg no.	101
chd	TW	drwn	MA	date	07/03/19
				revision	N





	notes	rev   date   amendment A   07.05.18   issue for information B   04.05.18   issue to consultants C   29.05.18   DA issue to council D   18.10.18   issue to planner E   19.10.18   issue to council F   25.10.18   issue to council G   12.11.18   issue to planner H   14.11.18   issue for design reviewforum	rev   date   amendment J   21.01.19   issue to consultants K   08.02.19   issue to consultants L   18.02.19   issue to consultants M   22.02.19   issue to consultants N   04.03.19   issue to consultants N   07.03.19   issue to council - DA additional information	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project   location   drawing   stage   project no   dwg no. BOARDING HOUSE   440 LIVERPOOL ROAD   FLOOR PLAN   DA   915   102
	all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	client   at   drawing   chkd   drwn   date   revision UNITING (SYDNEY PRESBYTERY)   STRATHFIELD SOUTH   LEVEL 2 (FIRST)   TW   MA   07/03/19   N			





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L	18.02.19	issue to consultants
M	22.02.19	issue to consultants
N	04.03.19	issue to consultants
N	07.03.19	issue to council - DA additional information

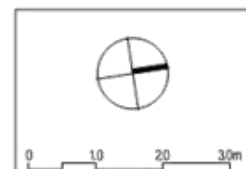
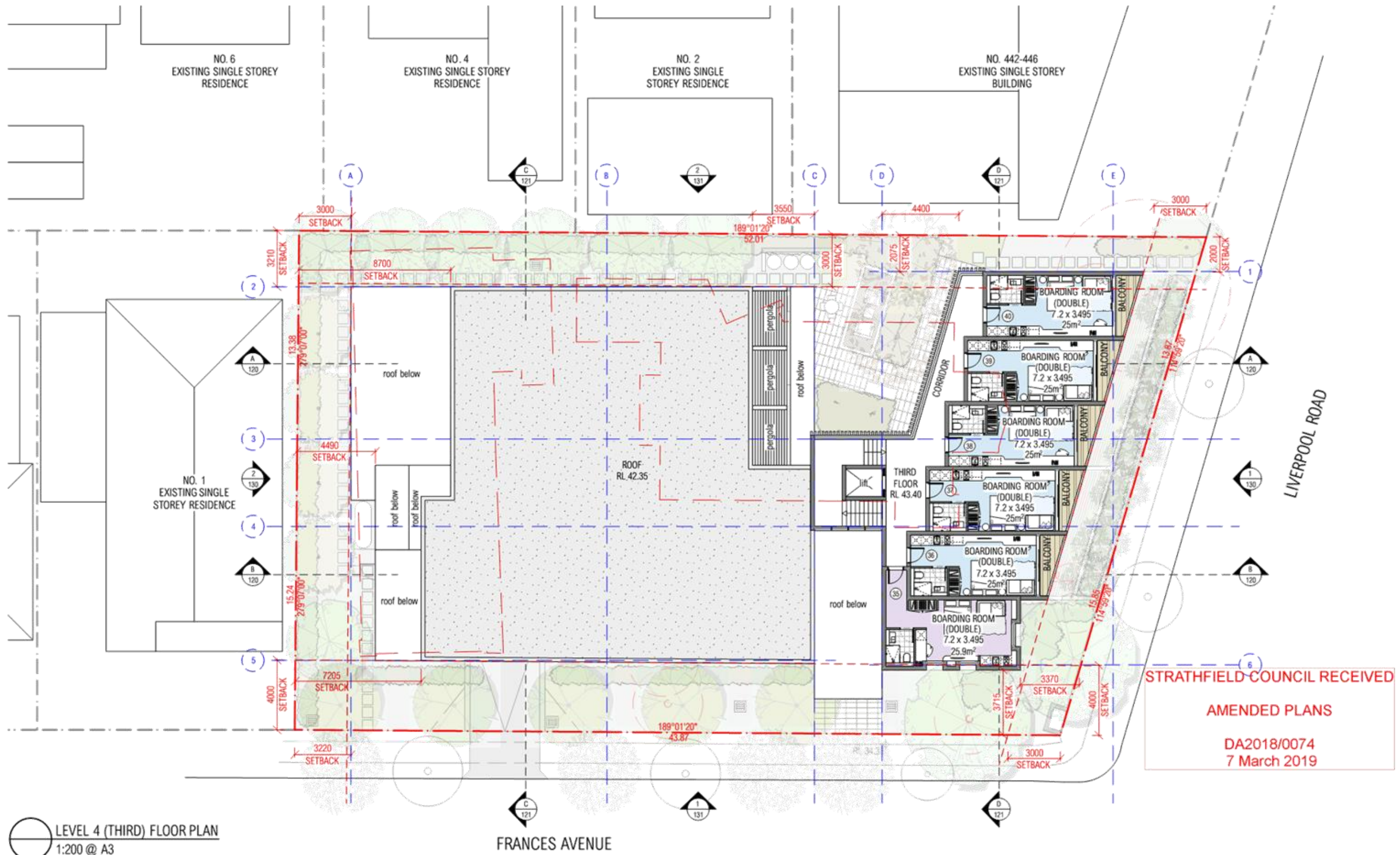
**environa studio**  
 224 riley st surry hills 2010  
 t: 02 9211 0000  
 w: www.environastudio.com.au  
 architects registration number 6239

project	BOARDING HOUSE
location	440 LIVERPOOL ROAD
client	UNITING (SYDNEY PRESBYTERY)
at	STRATHFIELD SOUTH

drawing	FLOOR PLAN
drawing	LEVEL 3 (SECOND)

stage	DA
project no	915
dwg no.	103
chd	TW
drwn	MA
date	07/03/19
revision	N



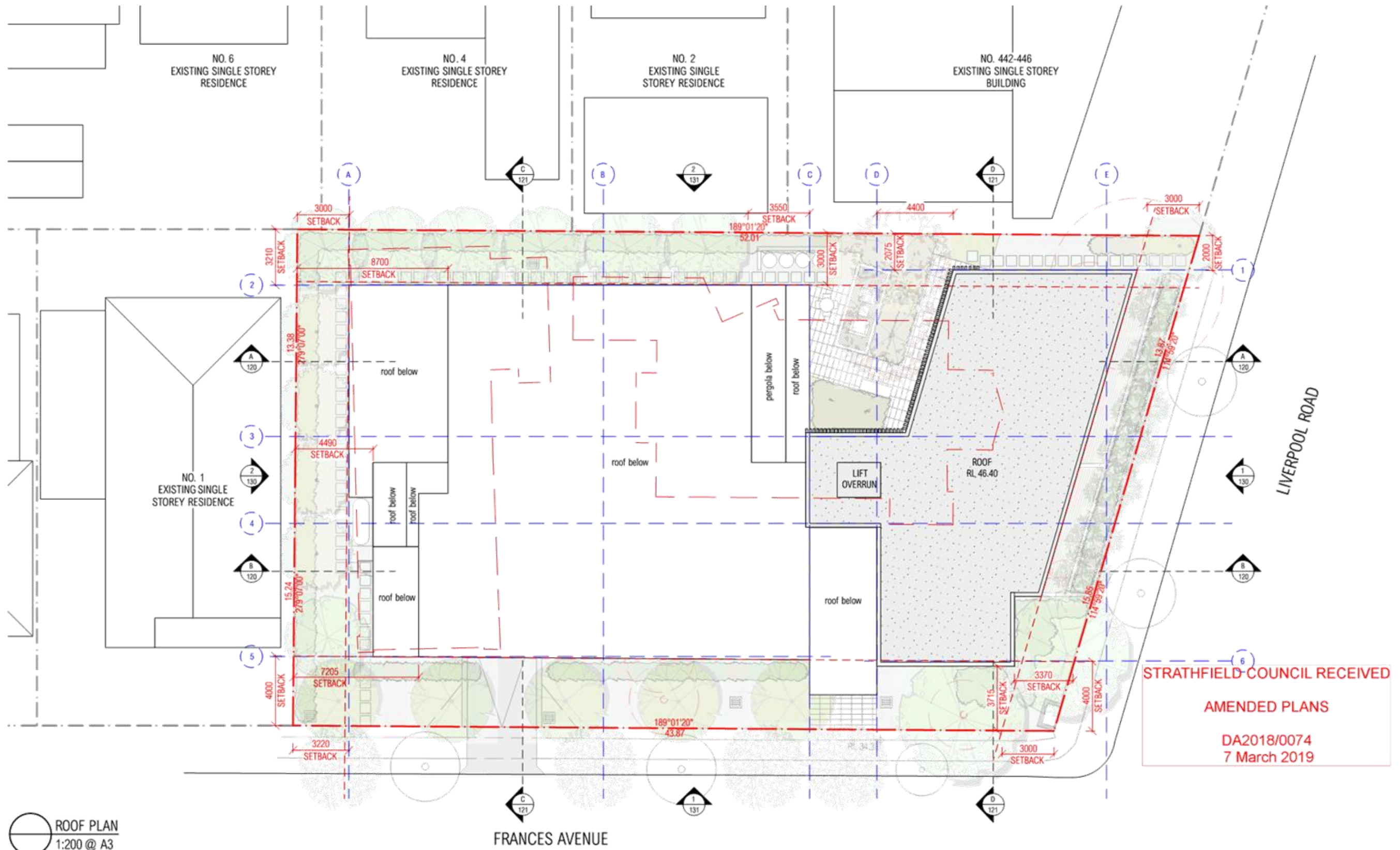


rev	date	amendment
A	07.05.18	issue for information
B	04.05.18	issue to consultants
C	29.05.18	DA issue to council
D	18.10.18	issue to planner
E	19.10.18	issue to council
F	25.10.18	issue to council
G	12.11.18	issue to planner
H	14.11.18	issue for design reviewforum

rev	date	amendment
J	21.01.19	issue to consultants
K	08.02.19	issue to consultants
L	18.02.19	issue to consultants
M	22.02.19	issue to consultants
N	04.03.19	issue to consultants
N	07.03.19	issue to council - DA additional information

<b>envrona studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	project	location	drawing	stage	project no	dwg no.
	BOARDING HOUSE	440 LIVERPOOL ROAD	FLOOR PLAN	DA	915	104
client	at	drawing	chkd	drwn	date	revision
UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	LEVEL 4 (THIRD)	TW	MA	07/03/19	N



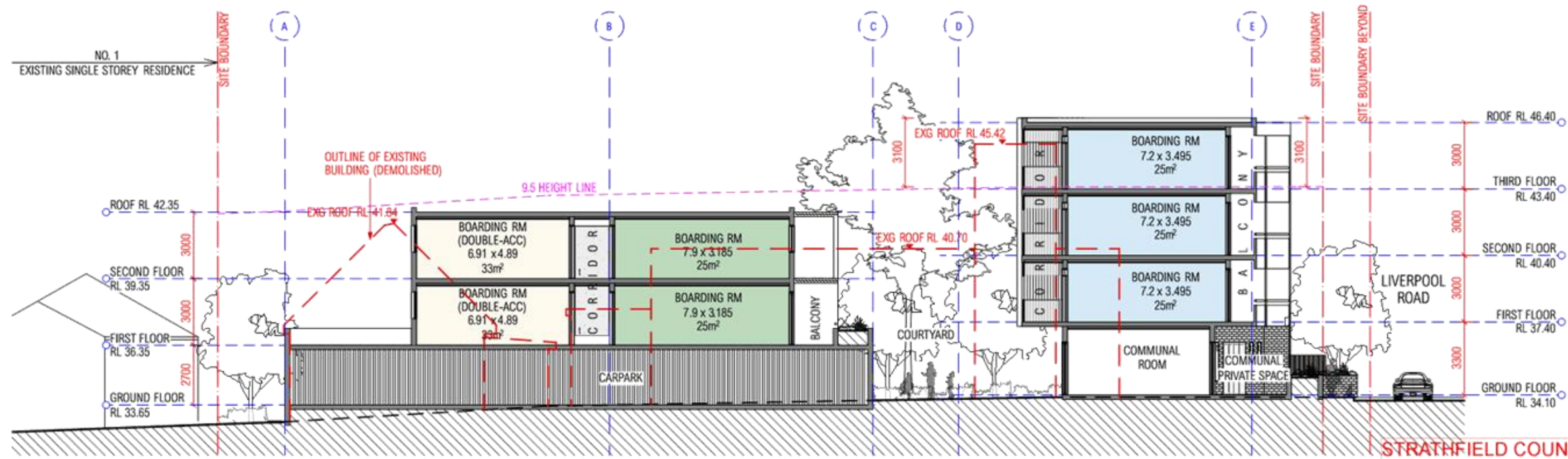


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ROOF PLAN  
 1:200 @ A3

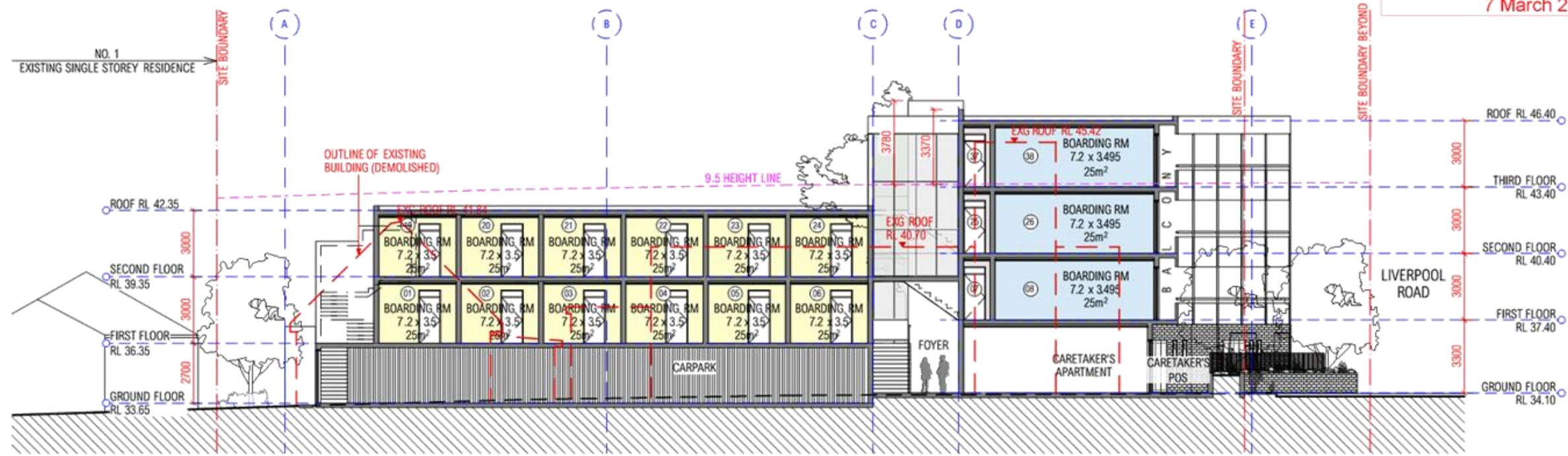
	notes	all work to be carried out in accordance with BCA, SAA codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev   date   amendment A   07.05.18   issue for information B   04.05.18   issue to consultants C   29.05.18   DA issue to council D   18.10.18   issue to planner E   19.10.18   issue to council F   25.10.18   issue to council G   12.11.18   issue to planner H   14.11.18   issue for design review forum	rev   date   amendment J   21.01.19   issue to consultants K   08.02.19   issue to consultants L   18.02.19   issue to consultants M   22.02.19   issue to consultants N   04.03.19   issue to consultants N   07.03.19   issue to council - DA additional information	<b>envrona studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	project: BOARDING HOUSE location: 440 LIVERPOOL ROAD drawing: ROOF PLAN	stage: DA project no: 915 drawing no: 110
	client: UNITING (SYDNEY PRESBYTERY) at: STRATHFIELD SOUTH	drawing:	stage: DA chkd: TW drwn: MA date: 07/03/19 revision: N				





**A SECTION AA**  
101 1:200 @ A3

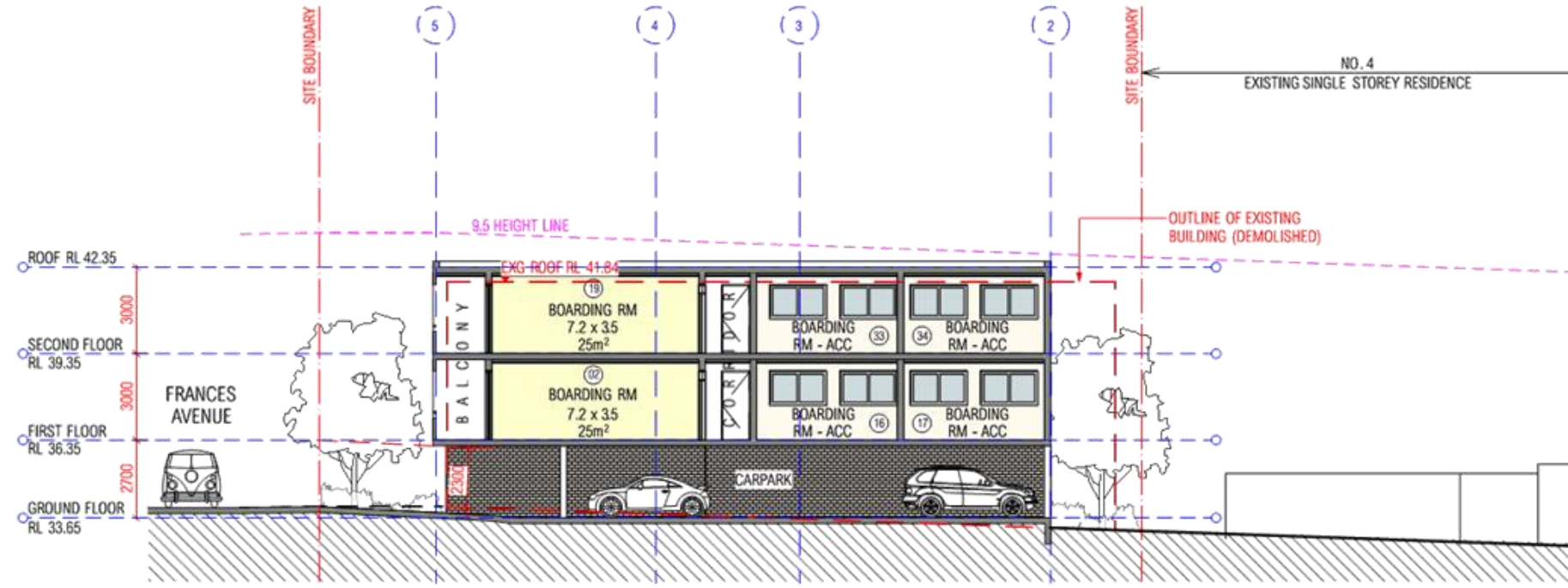
**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
DA2018/0074  
7 March 2019



**B SECTION BB**  
101 1:200 @ A3

notes	rev	date	amendment	rev	date	amendment	envrona studio	project	location	drawing	stage	project no	dwg no.	
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 riley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	SECTION	DA	915	120	
	B	04.05.18	issue to consultants	K	08.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	AA + BB	chld	MA	07/03/19	N
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants								
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information								
	G	12.11.18	issue to planner											
	H	14.11.18	issue for design review forum											





**C SECTION CC**  
101 1:200 @ A3



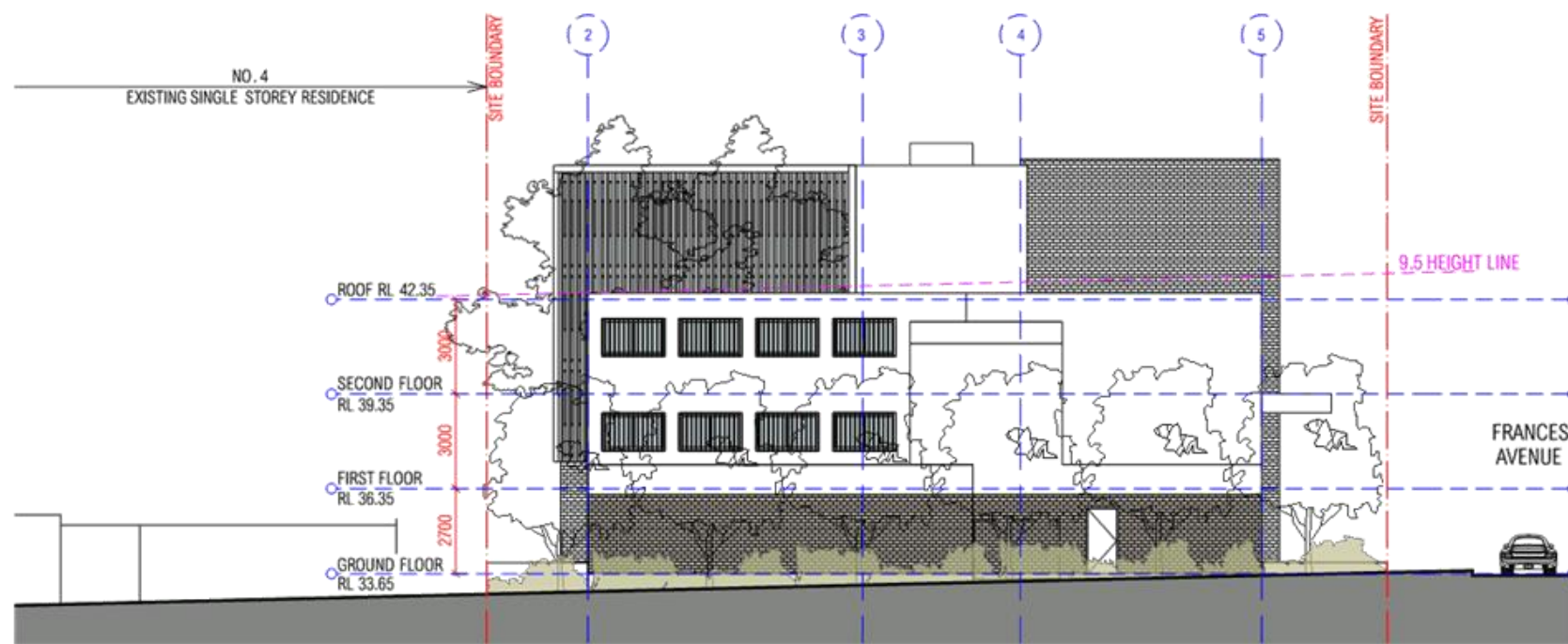
**D SECTION DD**  
101 1:200 @ A3

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**AMENDED PLANS**  
DA2018/0074  
7 March 2019

notes all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>envrona studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	project	location	drawing	stage	project no	dwg no.	
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	SECTION	DA	915	121	
	B	04.05.18	issue to consultants	K	08.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants								
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	CC + DD	chld	drwn	date	revision	
	G	12.11.18	issue to planner								TW	MA	07/03/19	N
	H	14.11.18	issue for design reviewforum											



1 NORTH ELEVATION (LIVERPOOL ROAD)  
101 1:200 @ A3

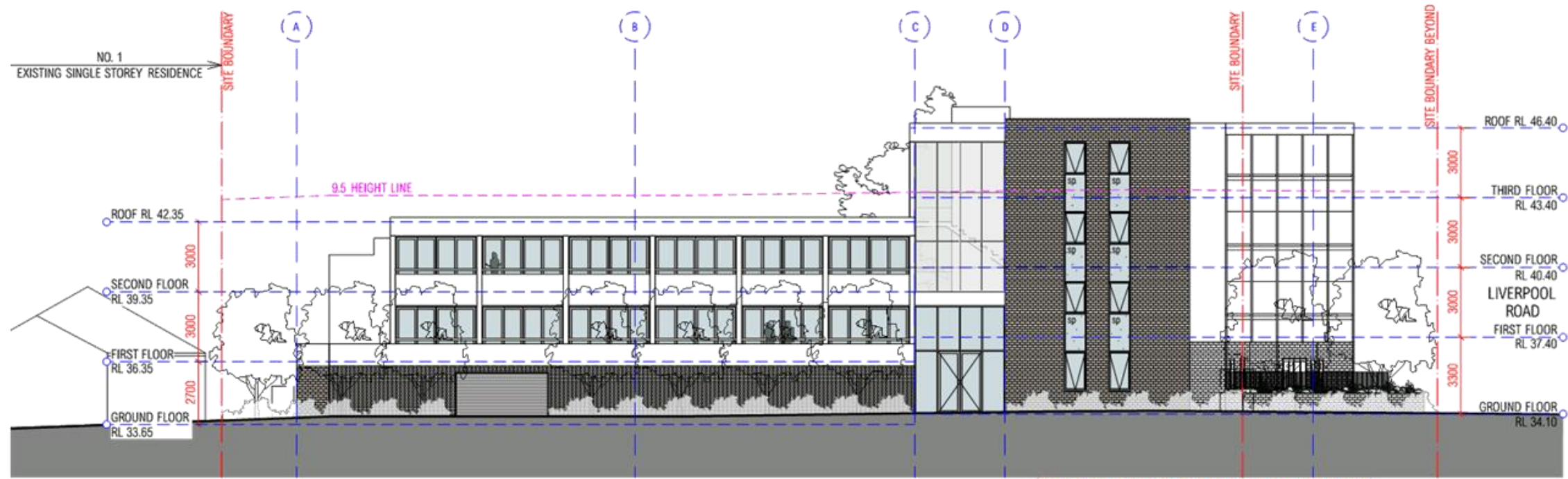


2 SOUTH ELEVATION  
101 1:200 @ A3

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AMENDED PLANS  
DA2018/0074  
7 March 2019

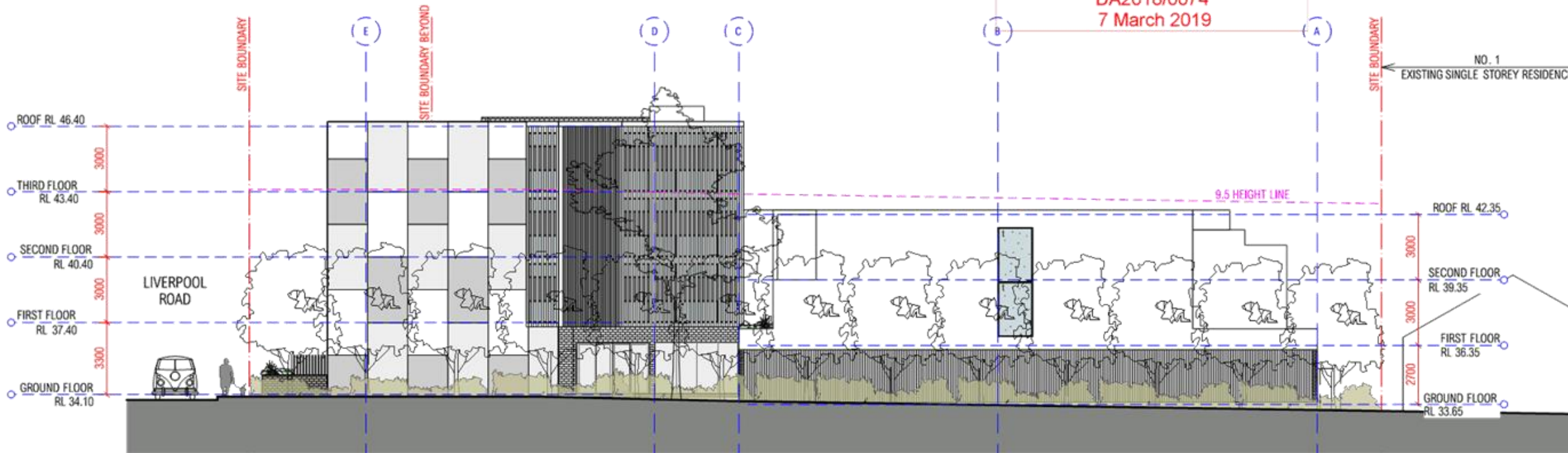
notes all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	ELEVATION	DA	915	130
	B	24.05.18	issue to consultants	K	08.02.19	issue to consultants							
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing NORTH + SOUTH	chd	drwn	date	revision
	G	02.11.18	issue to planner							TW	MA	07/03/19	N
	H	14.11.18	issue for designreview forum										





1 EAST ELEVATION (FRANCES AVENUE)  
101 1:200 @ A3





















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2 WEST ELEVATION  
101 1:200 @ A3

notes all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev A	date 07.05.18	amendment issue for information	rev J	date 21.01.19	amendment issue to consultants	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project BOARDING HOUSE	location 440 LIVERPOOL ROAD	drawing ELEVATION	stage DA	project no. 915	dwg no. 131
	rev B	date 24.05.18	amendment issue to consultants	rev K	date 08.02.19	amendment issue to consultants		for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing EAST + WEST	chd TW	drwn MA	date 07/03/19
	rev C	date 29.05.18	amendment DA issue to council	rev L	date 18.02.19	amendment issue to consultants							
	rev D	date 18.10.18	amendment issue to planner	rev M	date 22.02.19	amendment issue to consultants							
	rev E	date 19.10.18	amendment issue to council	rev N	date 04.03.19	amendment issue to consultants							
	rev F	date 25.10.18	amendment issue to council	rev N	date 07.03.19	amendment issue to council - DA additional information							
	rev G	date 12.11.18	amendment issue to planner										
	rev H	date 14.11.18	amendment issue for designreview forum										



EXTERNAL ITEMS	MATERIAL	COLOUR CODE (NAME)	EXTERNAL ITEMS	MATERIAL	COLOUR CODE (NAME)
	FACE BRICK	AUSTRAL BRICKS METROPOLIS 'Topaz'		MODWOOD	natural grain collection - black bean / jarrah / silver gum
					
	HIT & MISS BRICK	AUSTRAL BRICKS METROPOLIS 'Topaz'		CERAMIC TILES	off white hexagon mosaic SKHEME HEXAGON or equivalent
					
	MOROKA finish A.F.S.	'lexicon quarter'		CONCRETE	concrete gray
					
	COLORBOND STEEL	'jasper colorbond'		ALUMINIUM	clear natural anodised
					
	TIMBER	'charcoal light'		METAL	'jasper colorbond'
					

**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
**DA2018/0074**  
**7 March 2019**

notes all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>envirna studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.envirna.com.au architects registration number 6239	project	location	drawing	stage	project no	dwg no.	
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	COLOUR AND MATERIALS SCHEDULE	DA	915	210	
	B	04.05.18	issue to consultants	K	08.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants								
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH		chkd	drwn	date	revision	
	G	12.11.18	issue to planner								TW	MA	07/03/19	N
	H	14.11.18	issue for design reviewforum											

**TERMS AND ABBREVIATIONS**

Abbreviations used on the drawings and in the specifications and schedules are as follows:

AFS	As further specified
BWB	Block / Brickwork - Bagged
BWR	Block / Brickwork - Rendered
BCA	Building Code of Australia
BC	Bright Chrome
CCA	Copper/Chrome/Arsenate treated timber
CCR	Corrugated Colorbond Roofing
CCW	Corrugated Colorbond Wall Sheeting
CFC	Compressed Fibre Cement sheet
CIS	Concrete in situ
CT	Ceramic Tiles
cts	Centres
DP	Downpipe
EPS	Expanded Polystyrene (insulation)
F	Fixed glass
FC	Fibre Cement (painted sheets)
FCR	Fibre Cement Rendered (Harditex)
FFL	Finished floor level
GB	Glass blockwork
GP	General Power Outlet
HW	Hardwood
HDG	Hot Dipped Galvanised
HDPE	High Density Polyethylene (piping)
HPP	Hebel Power Panel
HSF	Hebel Sound Floor
HTP	Harditex cladding
HWS	Hot water service
L	Glass Louvres (in windows)
LFC	Linoleum floor covering
LSOP	Light Oil Solvent Preservative = 'Gold' Treated timber
LVL	Laminated Veneer Lumber
MDF	Medium density fibreboard = customwood
MGP	Machine Graded Pine framing (Wall/Roof)
MI	Manufacturer's instructions
NIC	Not in Contract
OFC	Off form concrete
PB	Plasterboard
PCC	Pre cast concrete
PFC	Parallel Flange Channel
PRF	Pirelli rubber floor covering
PS	Provisional Sum
PTB	Particle Board
RFL	Reflective foil laminate
RHS	Rectangular hollow section
RP	Radiata Pine
S-I	Supply and Install
SC	Satin Chrome
SHS	Square Hollow section
SS	Stainless Steel
T	Translucent glass
T+G	Tongue and grooved (flooring/walling)
TBA	To be advised
TR	Towel rail
TRH	Tiolet roll holderz
TT	Terracotta Tile
UB	Universal Beam
UC	Universal Column
UNO	Unless noted otherwise
VOS	Verify on site
VR	Veneer
WRC	Western Red Cedar (timber)

**NOTES**

All work as shown in the drawings and schedule, including all necessary work even if not drawn or scheduled.  
 Refer all queries and discrepancies to the architects. All measurements in mm unless noted otherwise.  
**Standard of Work and Regulations**  
 All work to be carried out in accordance with:  
 • Building Code of Australia 2016  
 • AS Codes  
 • Conditions of Council  
 • Conditions of service supply authorities  
 • All relevant Australian Standards including, but not limited to the standards listed below.  
**Site Survey**  
 Provide registered surveyor report at bearer + joist stage.  
**Demolition and Recycled Material**  
 Demolition in accordance with Metro. Waste Board Guide.  
**Site management**  
 No building activities on Council land.  
 Establish sediment controls as required by all authorities  
**Earthworks and excavation**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.1.1  
 Australian Standard AS2870  
**Stormwater Disposal**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.1.2 and BCA Part 3.5.2  
 Australian Standard AS/NZ3500.3.2  
**Termite Protection**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.1.3  
 Termite protection in accordance AS3660.1  
**Footings, Slab Design and Retaining Walls**  
 All work to be carried out in accordance with the engineer's drawings and specifications and the following,  
 BCA Part 3.2  
 Australian Standard AS2870  
**Masonry Construction**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.3  
 Australian Standard AS3700  
**Structural Steel Framing**  
 All work to be carried out in accordance with the engineer's drawings and specifications and the following:  
 BCA Part 3.4.2  
 Australian Standard AS1250 and AS3623  
**Timber Framing**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.4.3  
 Australian Standard AS1684  
 All timber to be from sustainable sources as follows: plantation and/or recycled timbers, the framing shall be in plantation Radiata Pine or NZ Douglas Fir, all structural timber shall be plantation grown glue laminated timber and all flooring shall be from recycled timber or bamboo T+G flooring.  
**Roof Cladding**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.5.1,  
 Australian Standard AS1562.1  
**Gutters and downpipes**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.5.2,  
 Australian Standard AS3500.3.2.  
**Wall Cladding**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.5.3

**Windows and Doors and Installation of Glazing**

All work to be carried out in accordance with the following:  
 BCA Part 3.6,  
 Australian Standard AS1288 or AS2047.  
**External Windows and Doors**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.5.4 and BCA Part 3.6,  
 Australian Standard AS 2047,  
**Ventilation and Exhaust Fans**  
 All work to be carried out in accordance with:  
 BCA Part 2.4, BCA Part 3.8.5  
 Australian Standard AS1668.2  
**Construction of Roof, Walls and Floor**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.5, BCA Part 3.12  
**Hot Water Supply System**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.12.5, Australian Standard AS/NZS 3500.4  
 9section 8) or cl. 3.38 of AS/NZ 3500.5.  
**Fire Separation**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.7.1  
**Smoke Alarms**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.7.2, and Australian Standard AS 3786  
**Building Fabric Thermal Insulation**  
 All work to be carried out in accordance with the following:  
 BCA NSW Clause 2.3.1  
 Australian Standard AS/NZS4859.1  
 BASIX compliance  
 Specifically the insulation values shall be a minimum total of R3.0 for all roofs and ceilings, and R1.5 for walls.  
**Sound Insulation**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.8.6  
**Waterproofing of Wet Areas**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.8.1, and Australian Standard AS3740  
**Facilities (Health and Amenity)**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.8.3  
 Australian Standard AS 1668.2  
**Hydraulics**  
 All tapware and plumbing fixtures shall be AAA rated.  
 Hot water service pipes shall be provided with insulation in accordance with BCA Part 3.12.1  
 Australian Standard AS 3500  
**Swimming Pool Fencing**  
 All work to be carried out in accordance with the following:  
 BCA Part 3.9.3  
 Australian Standard AS1926.1

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**DA2018/0074**  
**7 March 2019**

notes	rev	date	amendment	rev	date	amendment	envrona studio	project	location	drawing	stage	project no	dwg no.	
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions, do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 riley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	TERMS AND ABBREVIATIONS	DA	915	211	
	B	24.05.18	issue to consultants	K	08.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	drawing	chd	dwn	date	revision
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants		TW MA 07/03/19 N						
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information								
	G	02.11.18	issue to planner											
	H	14.11.18	issue for design reviewforum											

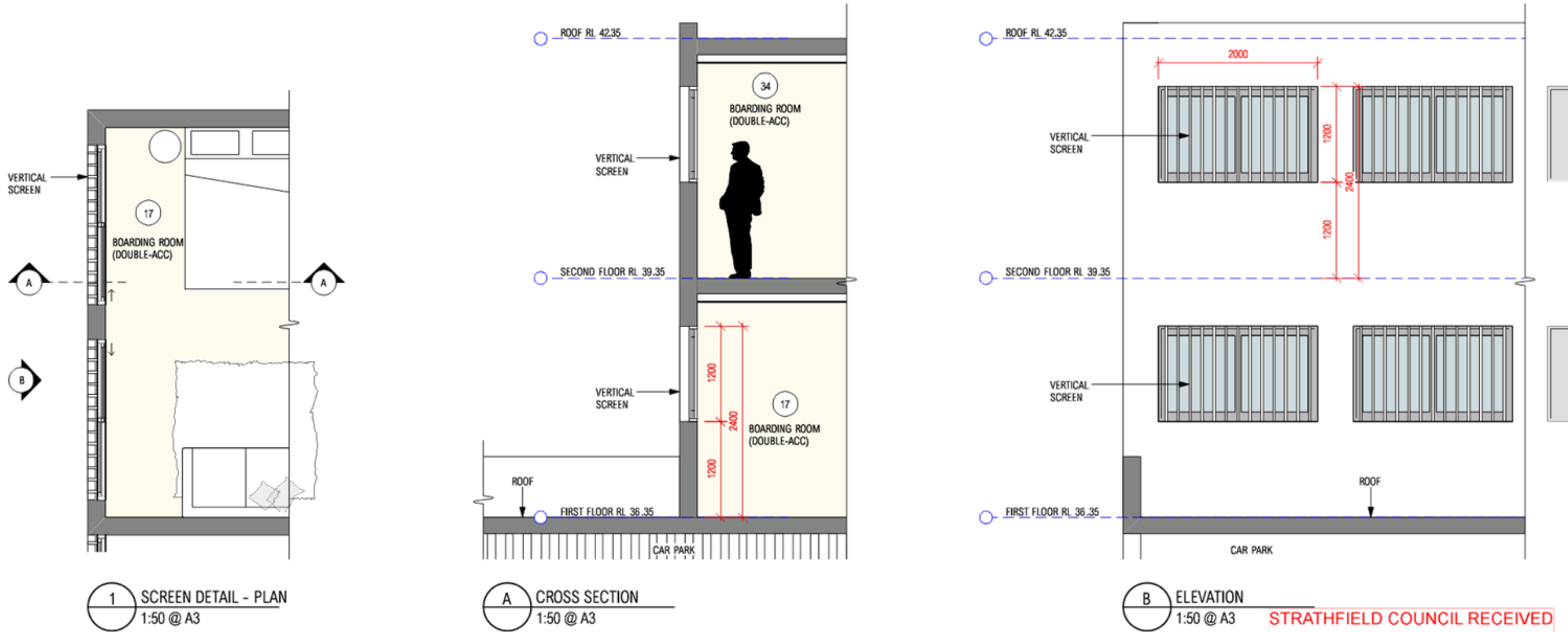


**WASTE MANAGEMENT PLAN**  
**PROJECT:** BOARDING HOUSE  
**ADDRESS:** 440 LIVERPOOL ROAD  
**COUNCIL:** STRATHFIELD SOUTH

MATERIALS	SOURCE	EST. QUANTITY			ONSITE RECYCLING	OFF SITE RECYCLING	OFF SITE DISPOSAL
		Volume cum	Area sam	weight tonne			
<b>DEMOLITION STAGE: WAREHOUSE AND RETAIL BUILDING</b>							
Bricks	walls	6			Full bricks retained and set aside for reuse.	Broken bricks stored for collection to crushing.	Nil
Concrete blocks	nil	nil			nil	nil	nil
Concrete	flooring, paving	9			nil	Slabs/footings broken up on site, stored for collection for crushing as road base.	To Waste Transfer Station that recycles building waste.
Timber framing	wall and roof framing	6			Demol useful pieces and set aside for reuse.	Unused large pieces recycled for timber salvage.	To Waste Transfer Station as land fill.
Timber cladding	nil	nil			nil	nil	nil
FC cladding	cladding		25		nil	Material broken up on site, stored separately for collection to crushing.	To Waste Transfer Station that recycles FC building waste.
Asbestos sheet	linings	less than 1.0			nil	nil	Removal in accordance with Workcover requirements to Land Fill site.
Roofing: Terra Cotta Tiles			650		nil	Material sent to collection for crushing to road base at Waste Transfer Station.	nil
Metal piping etc				0.002	nil	Non ferrous metals binned separately for recycling.	Metal recycler
Other							
<b>EXCAVATION STAGE</b>							
Top soil		60			Top soil stored on site for use in landscaped gardens.		Nil
Sand/clay/shale		50			Sand/clay stored on site for use as backfill where volumes allow.		Nil
Rock		nil			Stored on site for use as backfill where volumes allow.		Nil
<b>CONSTRUCTION STAGE</b>							
Bricks		2.5			Offcut bricks retained, crushed and used for drainage fill.	Excess broken blocks stored for collection to crushing.	To Waste Transfer Station as land fill.
Concrete blocks		2			Offcut bricks retained, crushed and used for drainage fill.	Broken blocks sent to collection for crushing to road base at Waste Transfer Station.	Nil
Concrete		1			Excess concrete poured into moulds on site for use as garden pavers.	Nil	Nil
Timber framing		1			Useful pieces set aside for reuse.	Unused large pieces recycled into store by builder.	Nil
Timber cladding		1			Useful pieces set aside for reuse.	Unused large pieces recycled into store by builder.	Nil
FC cladding		1			Nil	Material broken up on site, stored separately for collection to crushing.	To Waste Transfer Station that recycles FC building waste.
Plasterboard		2			Nil	Binned separately for recycling by Boral Plasterboard	Nil
Roofing: tiles			nil		no roof tiles		Nil
Roofing: Steel			5		Sheets ordered cut to size to minimise waste	Offcut sheets stored for recycling at Mini Mill steel plant by BHP/equiv.	Nil
Insulation			nil		Nil	Unused returned to manufacturer/store by builder.	Nil
Metal piping etc				0.001	Nil	Non ferrous metals binned separately for recycling.	Nil
PVC piping		0.1			Nil		Removal to Land Fill site.
Tiles + pavers			0.5		Full tiles set aside as spares.	Cut tiles stored for collection to crushing to road base at Waste Transfer Station.	Nil
Misc packaging, fixings glues etc		0.25			Timber packaging sorted for reuse as above.		Removal to Land Fill site.
Other							
<b>IN USE</b>							
Putrescible waste		2	per week		To on site compost/worm farm		
General waste		1	per week				To Council collection
Paper card				0.005		Council's recycling bins to WTS	
Plastics				0.001		Council's recycling bins to WTS	
Bottles				0.001		Council's recycling bins to WTS	
Steel tins etc				0.002		Council's recycling bins to WTS	
Aluminium				0.001		Council's recycling bins to WTS	
Garden waste		0.5	per week		All small branches and leaves chipped for mulch.	Mulch to garden recyclers. Large trunks recycled for timber salvage.	

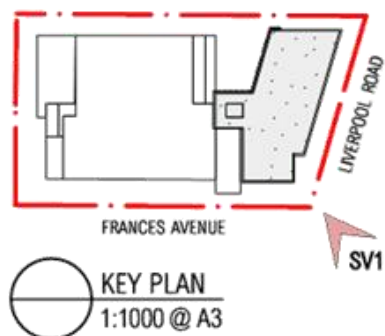
**STRATHFIELD COUNCIL RECEIV**  
  
**AMENDED PLANS**  
  
**DA2018/0074**  
**7 March 2019**

notes all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	WASTE MANAGEMENT PLAN	DA	915	220
	B	24.05.18	issue to consultants	K	08.02.19	issue to consultants							
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	client	at	drawing	chd	drwn	date	revision
	G	02.11.18	issue to planner				UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH		TW	MA	07/03/19	N
	H	04.11.18	issue for designreview forum										



**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/0074  
 7 March 2019

notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.	
all work to be carried out in accordance with bca, see codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	SCREEN DETAILS	DA	915	601	
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	drawing	child	drwn	date	revision
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants					TW	MA	07/03/19	N
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information								
	G	12.11.18	issue to planner											
	H	14.11.18	issue for design review forum											



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 AMENDED PLANS  
 DA2018/0074  
 7 March 2019

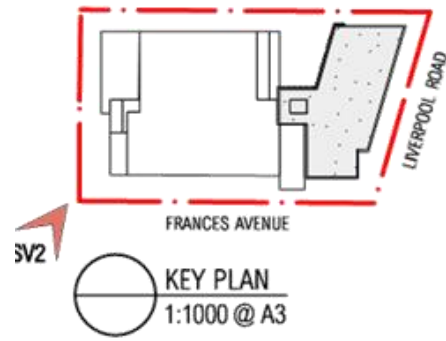


1 VIEW FROM CORNER OF LIVERPOOL ROAD AND FRANCES AVENUE  
 NTS

notes all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	902
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants							
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	for/clients UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 1	chkd TW	dwn LT	date 07/03/19	revision N
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										



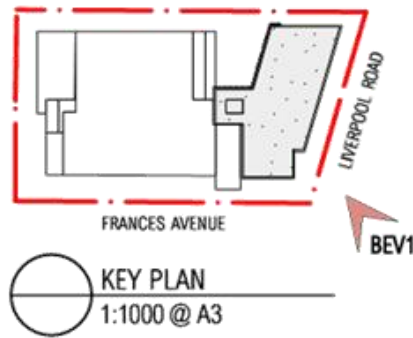
STRATHFIELD COUNCIL RECEIVED  
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 DA2018/0074  
 7 March 2019



1 VIEW FROM FRANCES AVENUE  
 NTS

notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.
all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 niley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	903
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 2	chld	LT	date 07/03/19
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										

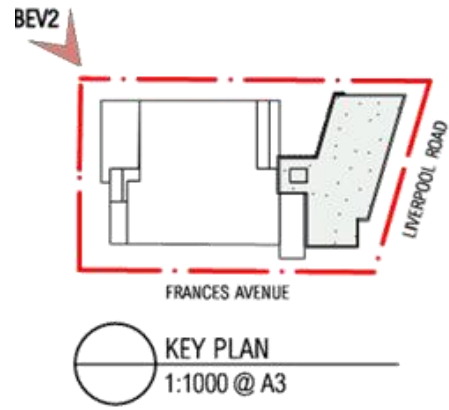




1 BIRDS EYE VIEW 1  
NTS

notes all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	904
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants	for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 3	chkd TW	dwn LT	date 07/03/19	revision N
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										

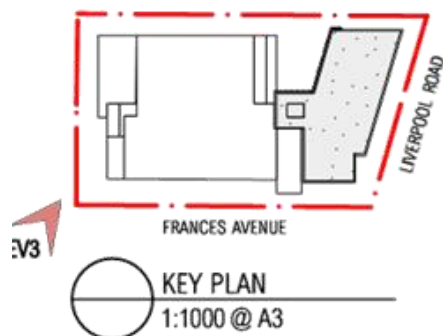




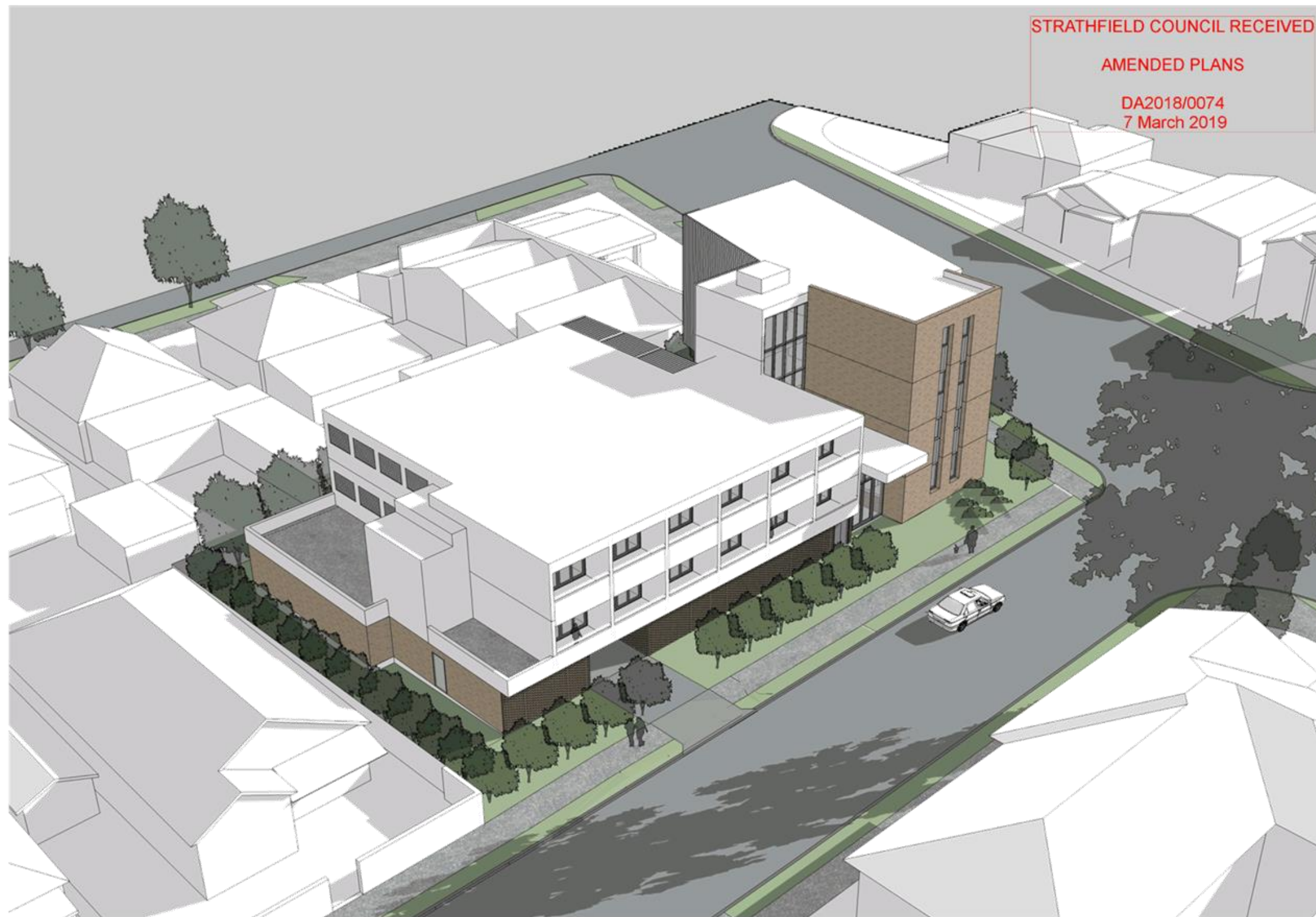
1 BIRDS EYE VIEW 2  
NTS

notes all work to be carried out in accordance with ba, see codes and conditions of council. measurements in mm unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	905
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants	UNITING (SYDNEY PRESBYTERY) STRATHFIELD SOUTH	drawing SHEET 4	chkd TW	dwn LT	date 07/03/19	revision N	
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										





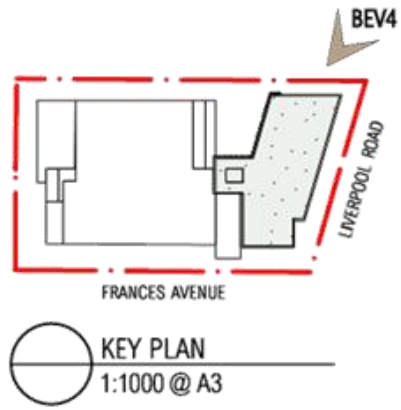
STRATHFIELD COUNCIL RECEIVED  
 AMENDED PLANS  
 DA2018/0074  
 7 March 2019



1 BIRDS EYE VIEW 3  
 NTS

notes all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev A	date 07.05.18	amendment issue for information	rev J	date 21.01.19	amendment issue to consultants	<b>environa studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project BOARDING HOUSE	location 440 LIVERPOOL ROAD	drawing 3D PERSPECTIVE	stage DA	project no. 915	dwg no. 906
	rev B	date 24.05.18	amendment issue to consultants	rev K	date 06.02.19	amendment issue to consultants		location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906	
	rev C	date 29.05.18	amendment DA issue to council	rev L	date 18.02.19	amendment issue to consultants	location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		
	rev D	date 18.10.18	amendment issue to planner	rev M	date 22.02.19	amendment issue to consultants	location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		
	rev E	date 19.10.18	amendment issue to council	rev N	date 04.03.19	amendment issue to consultants	location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		
	rev F	date 25.10.18	amendment issue to council	rev N	date 07.03.19	amendment issue to council - DA additional information	location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		
	rev G	date 12.11.18	amendment issue to planner				location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		
	rev H	date 14.11.18	amendment issue for design review forum				location 440 LIVERPOOL ROAD	drawing SHEET 5	stage DA	project no. 915	dwg no. 906		



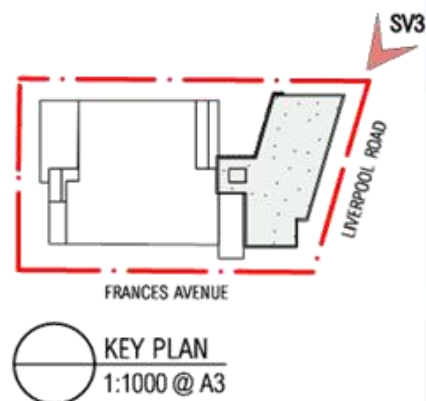


STRATHFIELD COUNCIL RECEIVED  
AMENDED PLANS  
DA2018/0074  
7 March 2019

1 BIRDS EYE VIEW 4  
NTS

notes all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev A B C D E F G H	date 07.05.18 24.05.18 29.05.18 18.10.18 19.10.18 25.10.18 12.11.18 14.11.18	amendment issue for information issue to consultants DA issue to council issue to planner issue to council issue to council issue to planner issue for design review forum	rev J K L M N N	date 21.01.19 06.02.19 18.02.19 22.02.19 04.03.19 07.03.19	amendment issue to consultants issue to consultants issue to consultants issue to consultants issue to consultants issue to council - DA additional information	<b>environa studio</b> 224 niley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project BOARDING HOUSE	location 440 LIVERPOOL ROAD	drawing 3D PERSPECTIVE	stage DA	project no. 915	dwg no. 907
								for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 6	chkd TW	dwn LT	date 07/03/19



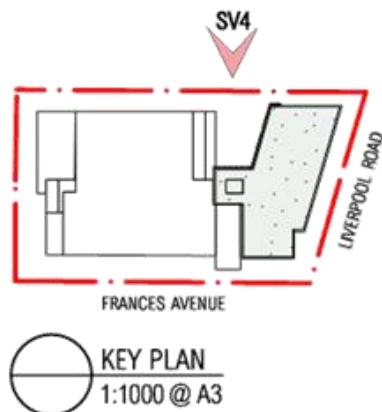


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DA2018/0074  
7 March 2019



1 LIVERPOOL RD VIEW  
NTS

notes all work to be carried out in accordance with ba, see codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	908
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants	for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 7	chkd TW	dwn LT	date 07/03/19	revision N
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										



1 COURTYARD VIEW  
NTS

**ATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
**DA2018/0074**  
**7 March 2019**

notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.
all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	3D PERSPECTIVE	DA	915	909
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants							
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										
							client	at	drawing	chd	own	date	revision
							UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	SHEET 8	TW	LT	07/03/19	N





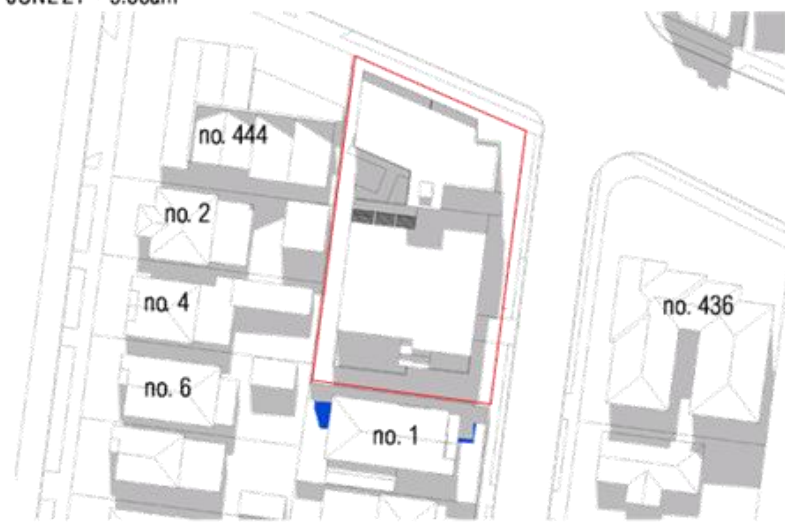
JUNE 21 - 9:00am



JUNE 21 - 10:00am



JUNE 21 - 11:00am



JUNE 21 - 12:00pm



JUNE 21 - 1:00pm



JUNE 21 - 2:00pm



JUNE 21 - 3:00pm

**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/0074  
 7 March 2019

notes	rev	date	amendment	rev	date	amendment	envrona studio	project	location	drawing	stage	project no.	dwg no.
all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 riley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	SOLAR IMPACT DIAGRAM	DA	915	910
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	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants							
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										
							client	at	drawing	chkd	own	date	revision
							UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	TW	LT	07/03/19	N



DEC 21 - 9:00am



DEC 21 - 10:00am



DEC 21 - 11:00am



DEC 21 - 12:00pm



DEC 21 - 1:00pm



DEC 21 - 2:00pm




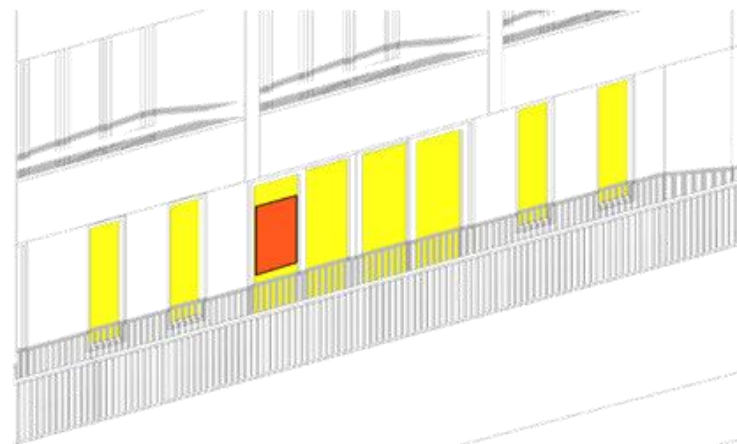
DEC 21 - 3:00pm

**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/0074  
 7 March 2019

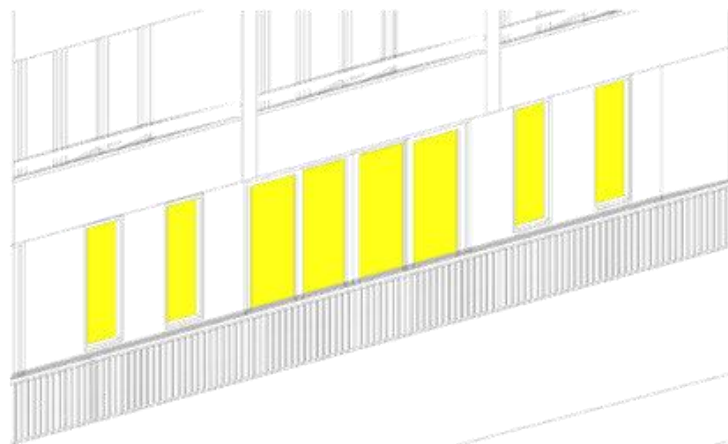
notes	rev	date	amendment	rev	date	amendment	envrona studio	project	location	drawing	stage	project no.	dwg no.	
all work to be carried out in accordance with ba, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 niley st surry hills 2010 t: 02 9211 0000 w: www.envronastudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	SOLAR IMPACT DIAGRAM	DA	915	911	
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	DECEMBER 21	TW LT	07/03/19	N	
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information								
	G	12.11.18	issue to planner											
	H	14.11.18	issue for design review forum											



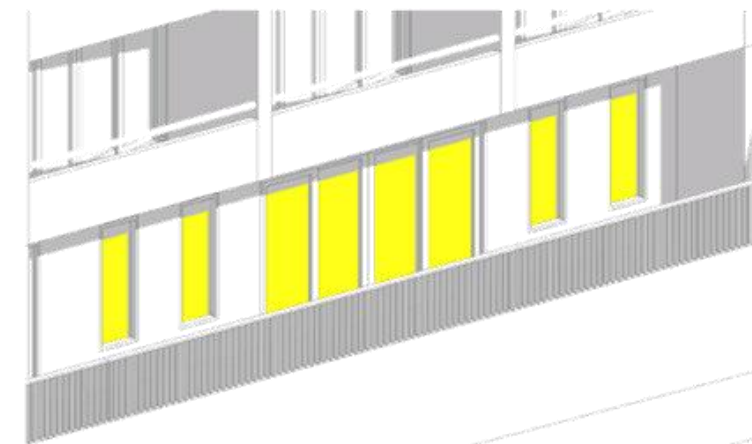
 relative size of 1m<sup>2</sup> on drawing



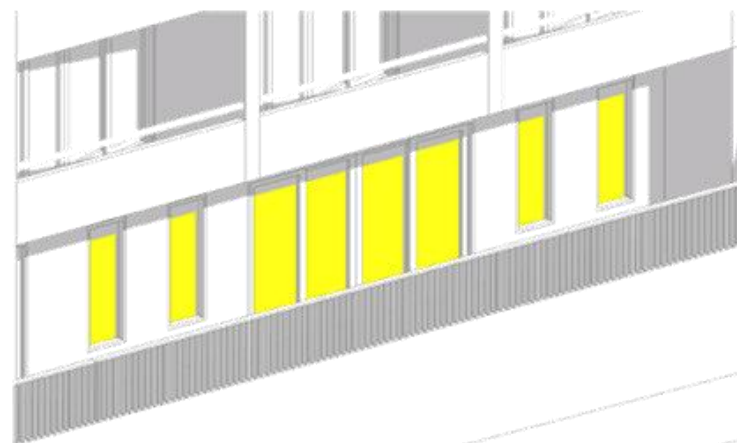
JUNE 21 - 9:00am



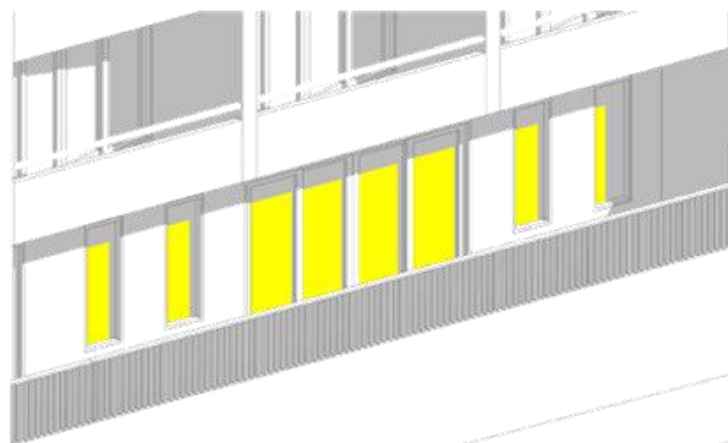
JUNE 21 - 10:00am



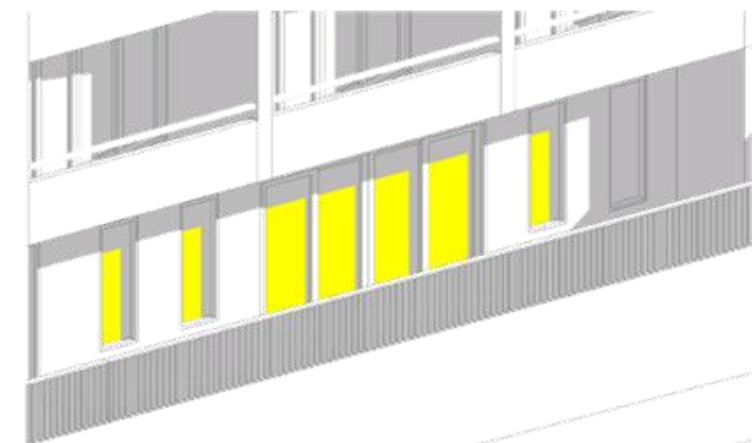
JUNE 21 - 11:00am



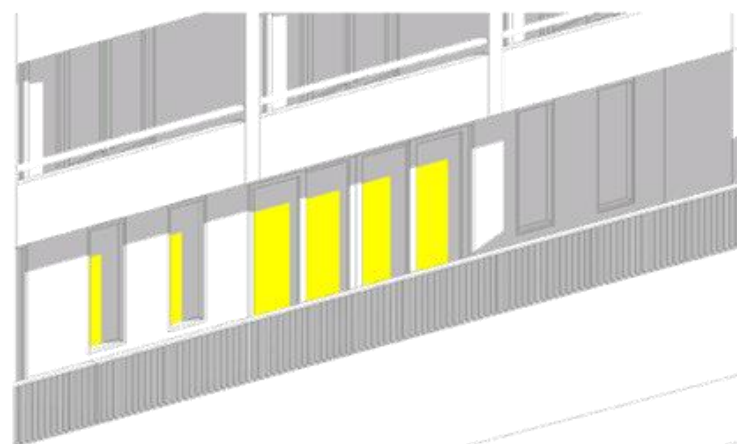
JUNE 21 - 12:00pm



JUNE 21 - 1:00pm



JUNE 21 - 2:00pm



JUNE 21 - 3:00pm

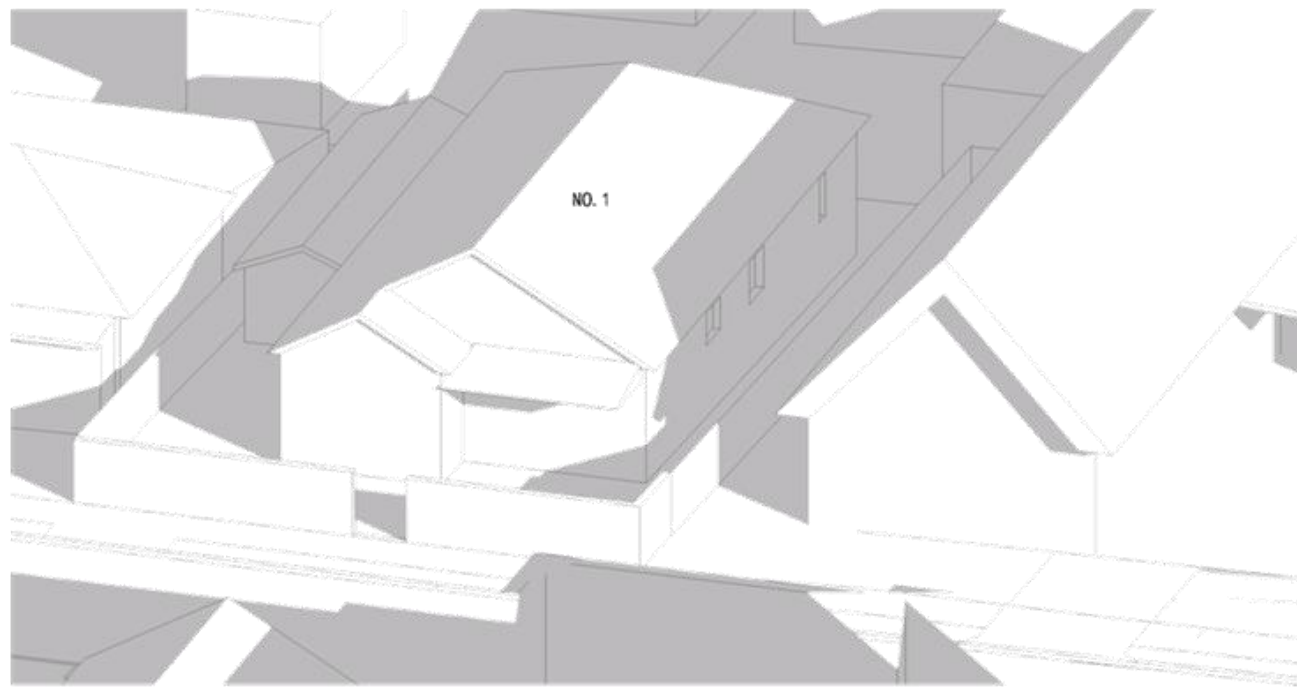
**STRATHFIELD COUNCIL RECEIVED**  
**AMENDED PLANS**  
 DA2018/0074  
 7 March 2019

	Jun-21 9am	10am	11am	12pm	1pm	2pm	3pm	6 hours	minimum 3 hours
communal living room	yes	yes	yes	yes	yes	yes	yes	6 hours	yes

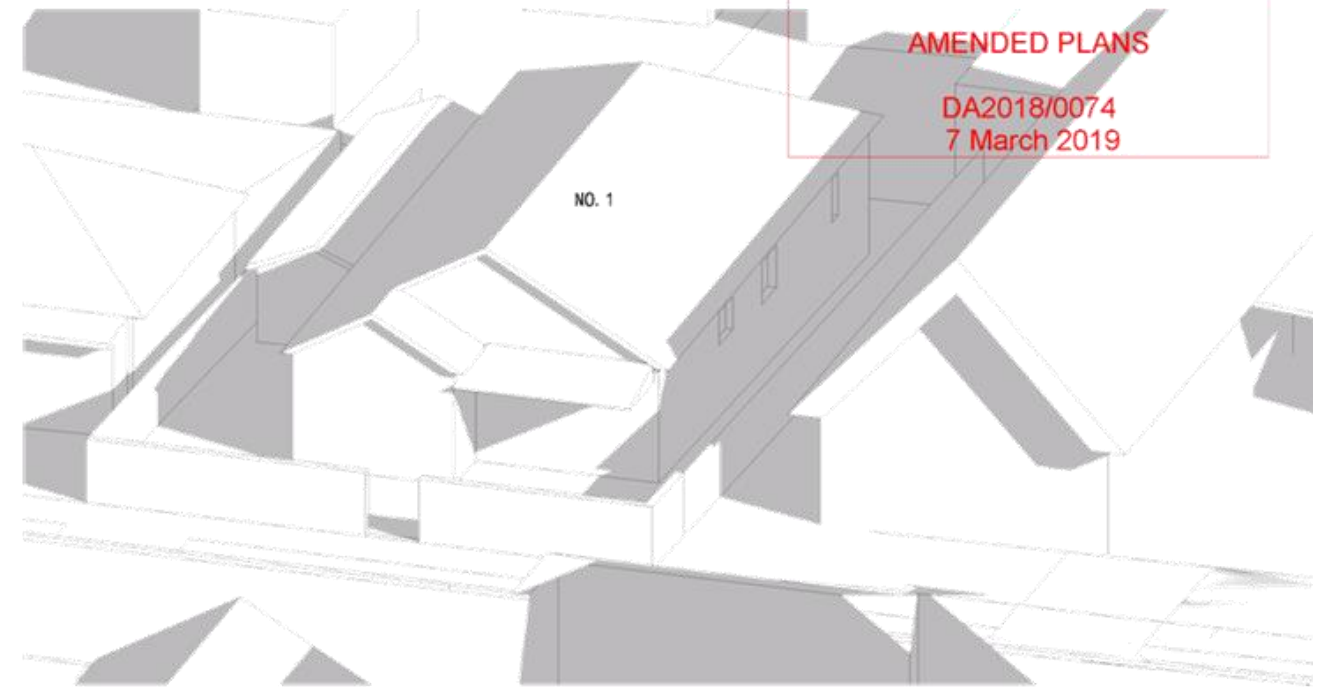
**summary table 1:** the development will receive more than 3 hours of sunlight onto 1m<sup>2</sup> of their living room windows between 9am and 3pm on june 21 (mid winter)

notes all work to be carried out in accordance with bcg, ssa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev	date	amendment	rev	date	amendment	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project	location	drawing	stage	project no.	dwg no.
	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	COMMUNITY ROOM SOLAR ACCESS	DA	915	920
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants							
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
	E	19.10.18	issue to council	N	04.03.19	issue to consultants	client						
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information	UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	chld	LT	07/03/19	revision
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										



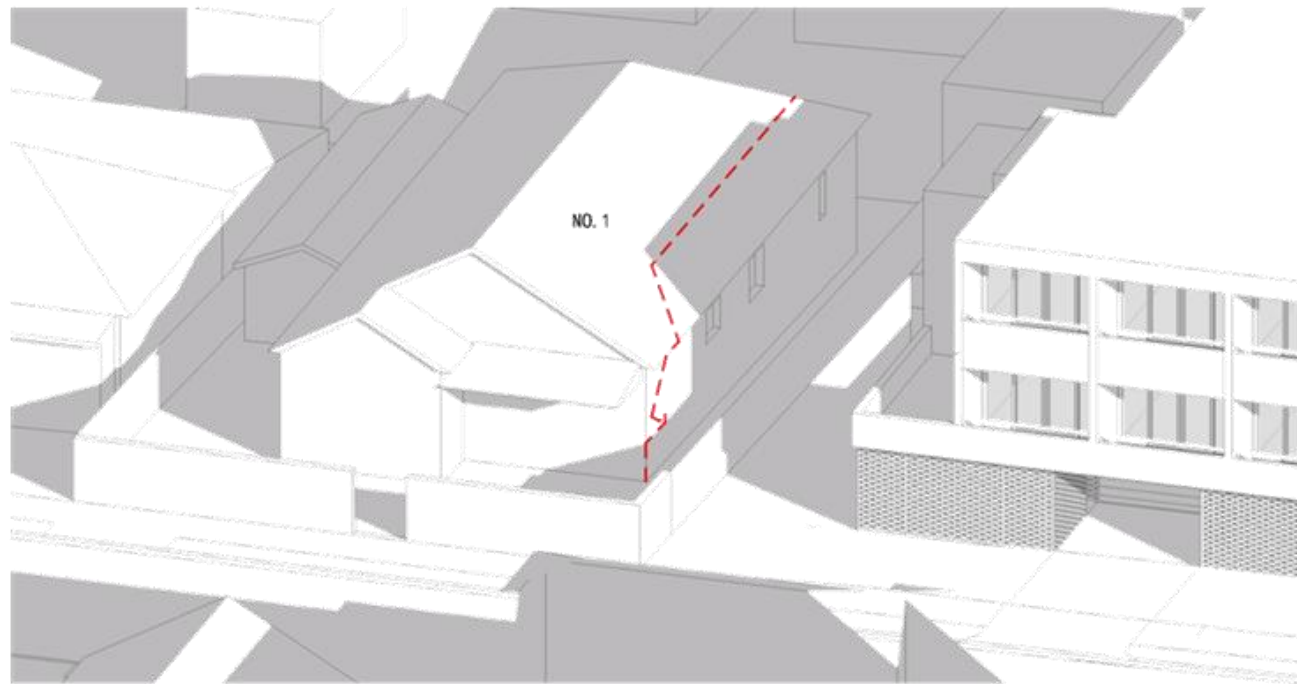


JUNE 21 - 9:00am EXISTING

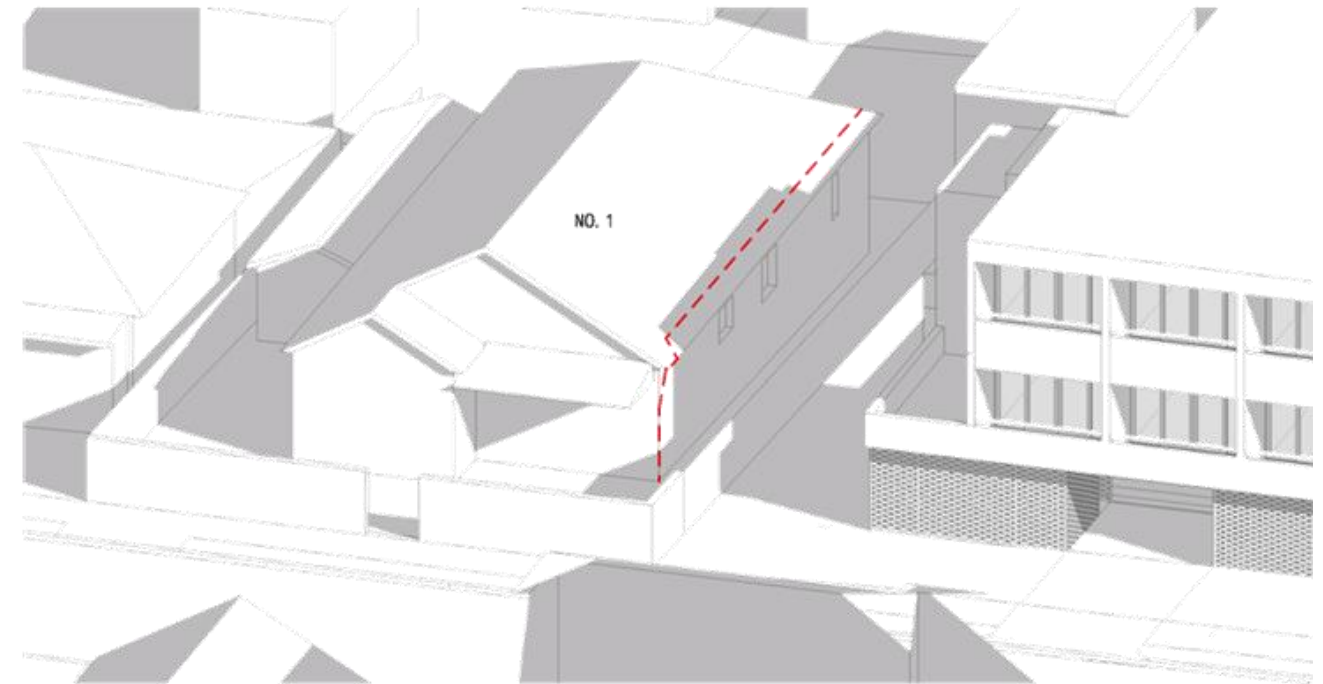


JUNE 21 - 10:00am EXISTING

AMENDED PLANS  
DA2018/0074  
7 March 2019



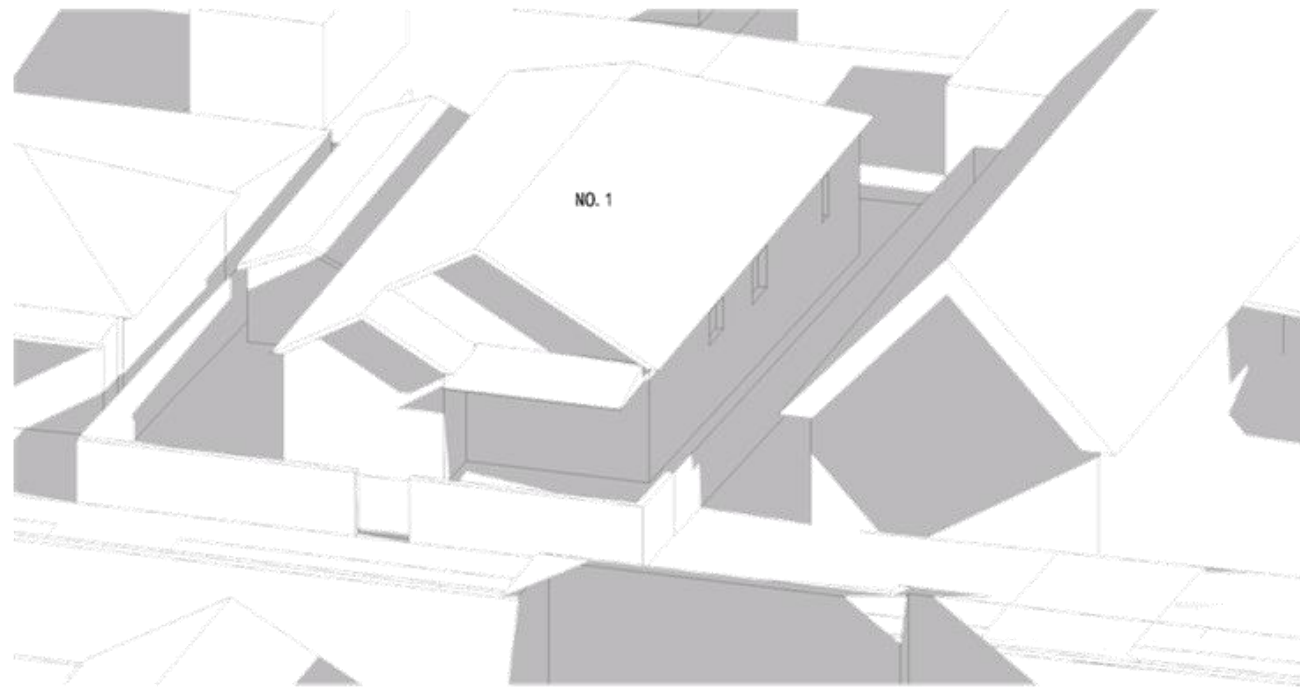
JUNE 21 - 9:00am PROPOSED



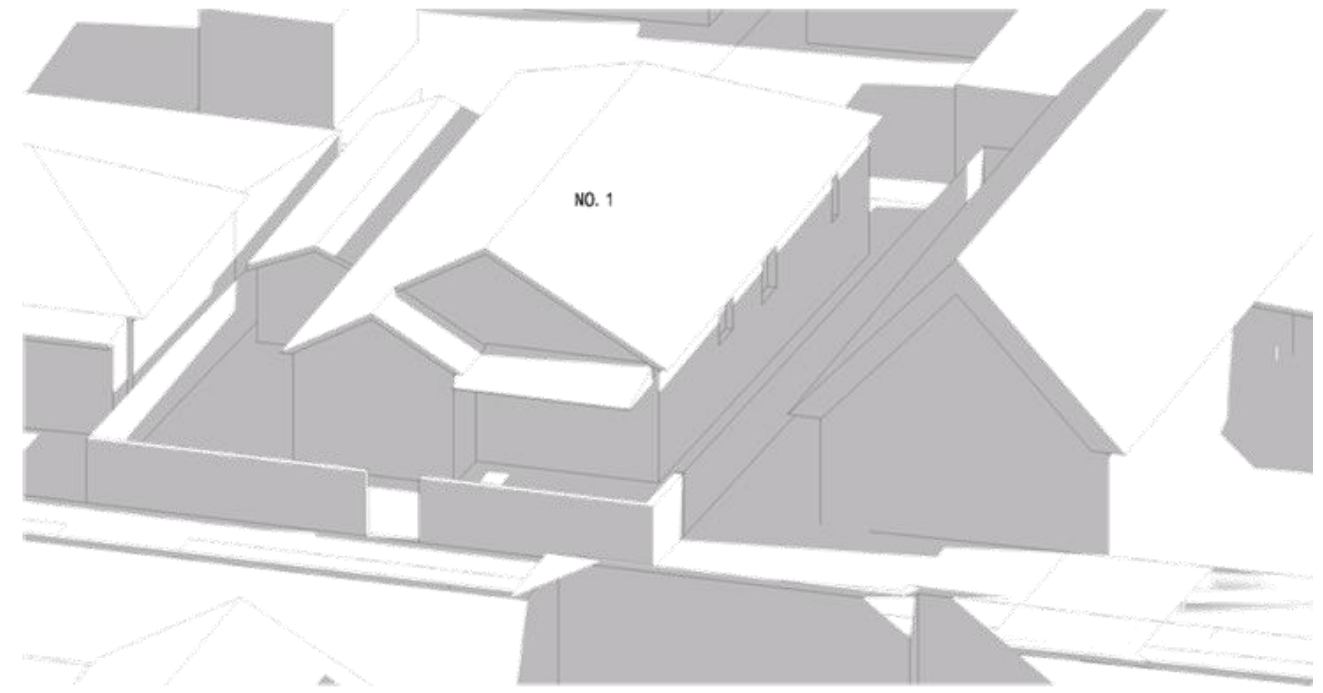
JUNE 21 - 10:00am PROPOSED

----- OUTLINE OF EXISTING SHADOW

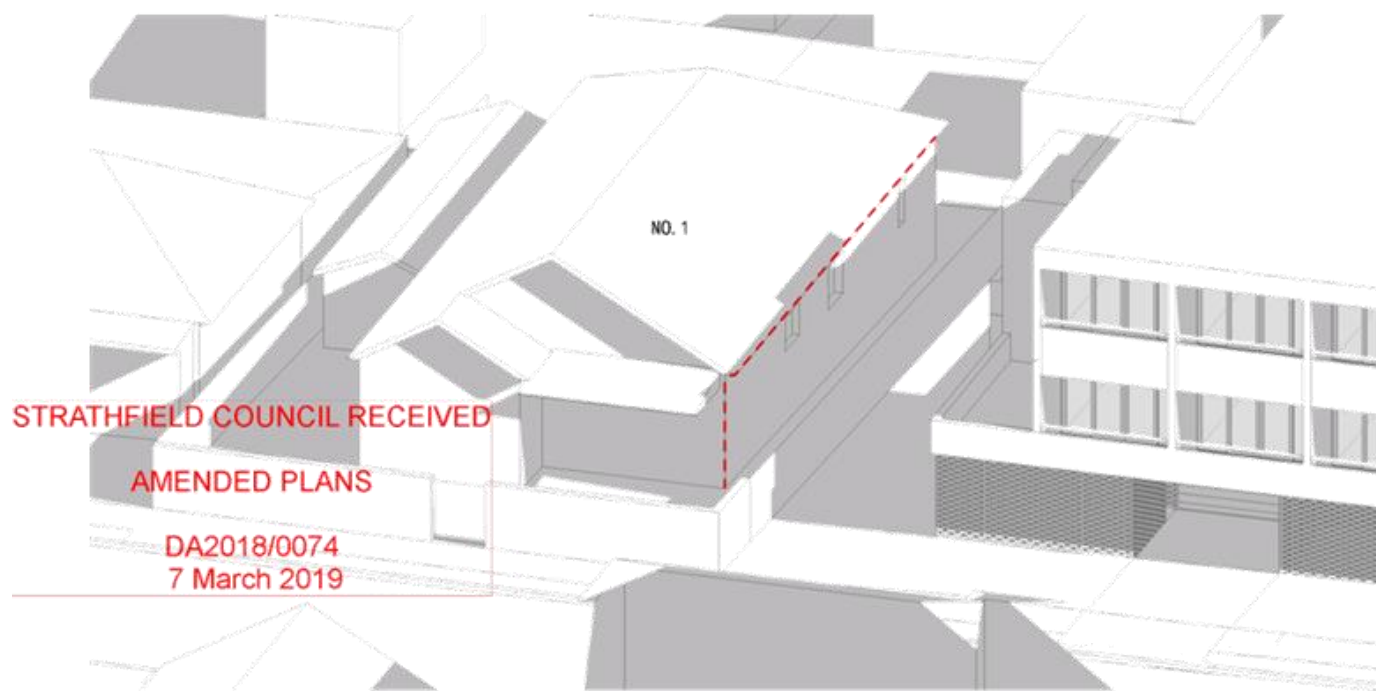
notes	rev	date	amendment	rev	date	amendment	enviro studio	project	location	drawing	stage	project no.	dwg no.	
all work to be carried out in accordance with ba, sae codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	07.05.18	issue for information	J	21.01.19	issue to consultants	224 niley st surry hills 2010 t: 02 9211 0000 w: www.envirostudio.com.au architects registration number 6239	BOARDING HOUSE	440 LIVERPOOL ROAD	SOLAR IMPACT - NO.1 FRANCES AVENUE (FRONT)	DA	915	921	
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants								
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	JUNE 21	TW LT	07/03/19	N	
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information								
	G	12.11.18	issue to planner											
	H	14.11.18	issue for design review forum											



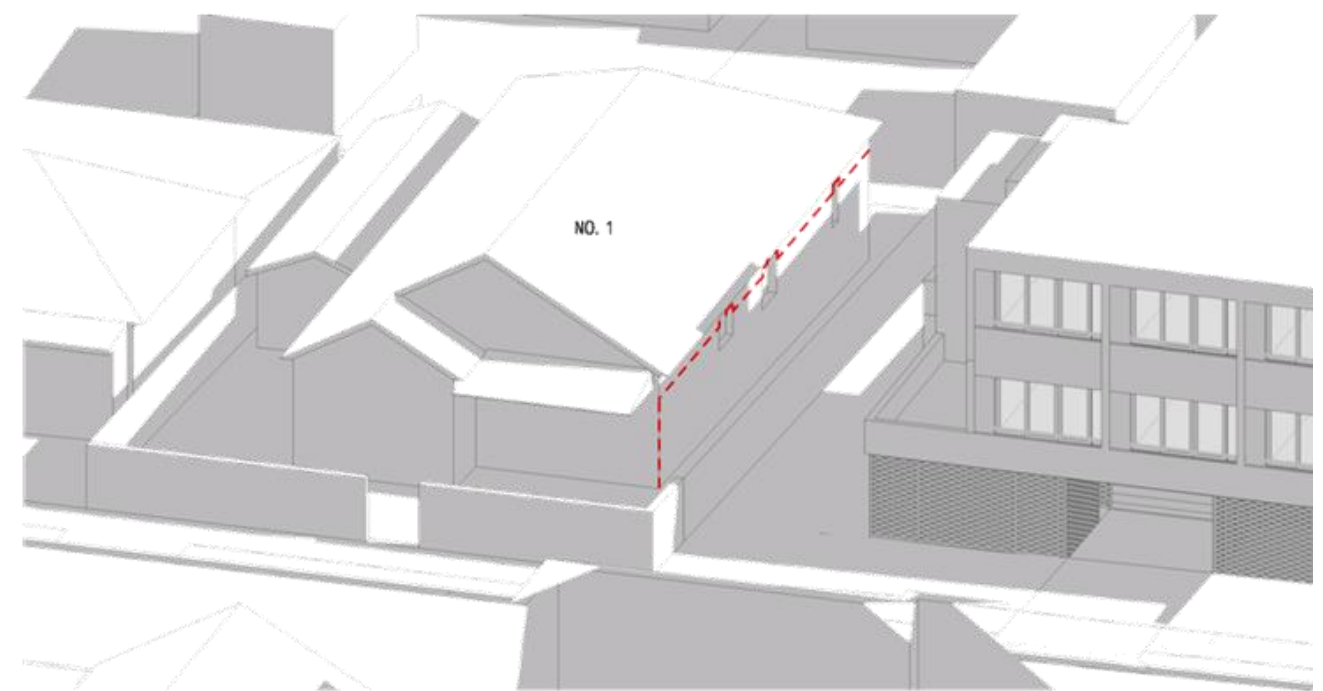
JUNE 21 - 11:00am EXISTING



JUNE 21 - 12:00pm EXISTING



JUNE 21 - 11:00am PROPOSED

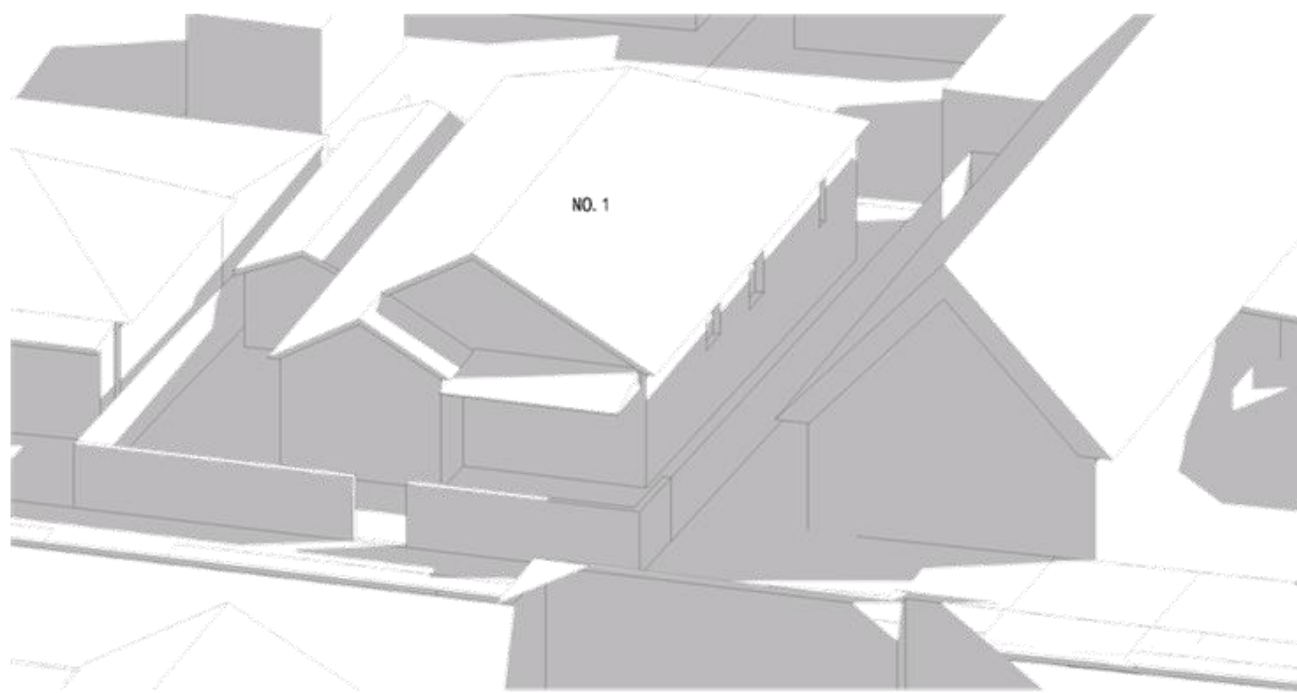


JUNE 21 - 12:00pm PROPOSED

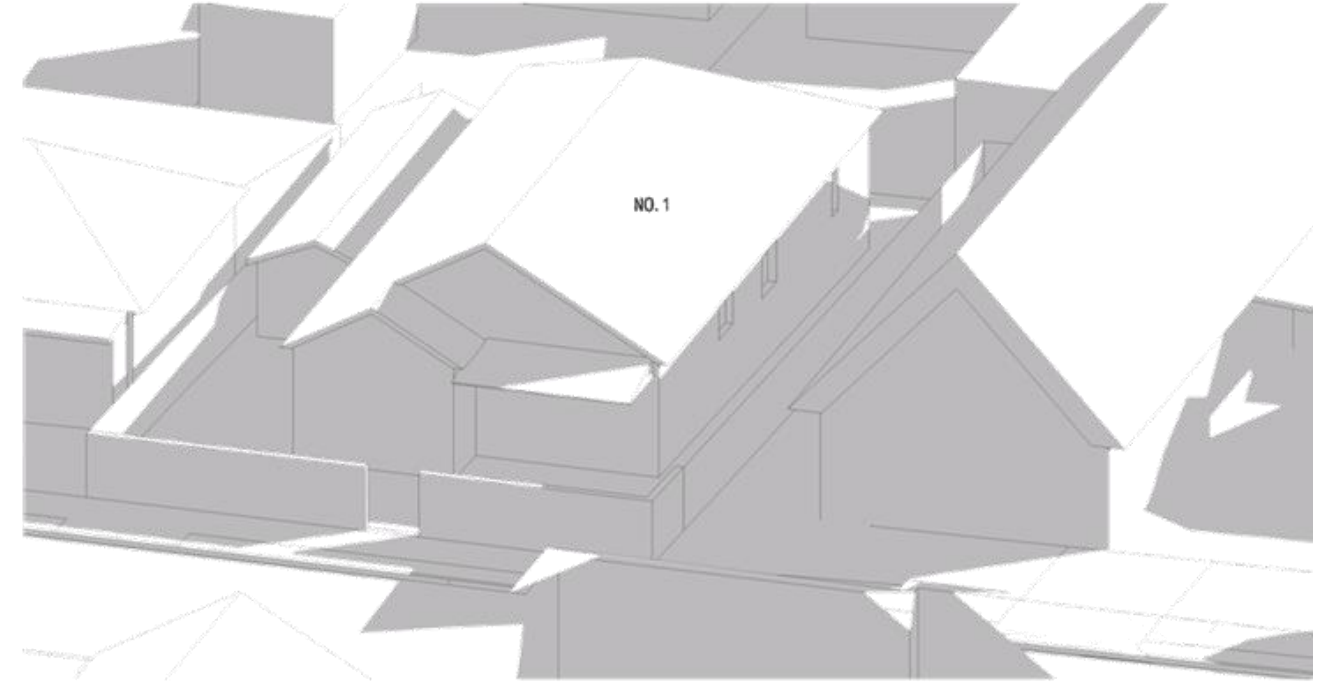
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	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	JUNE 21	chld	down	date	revision	
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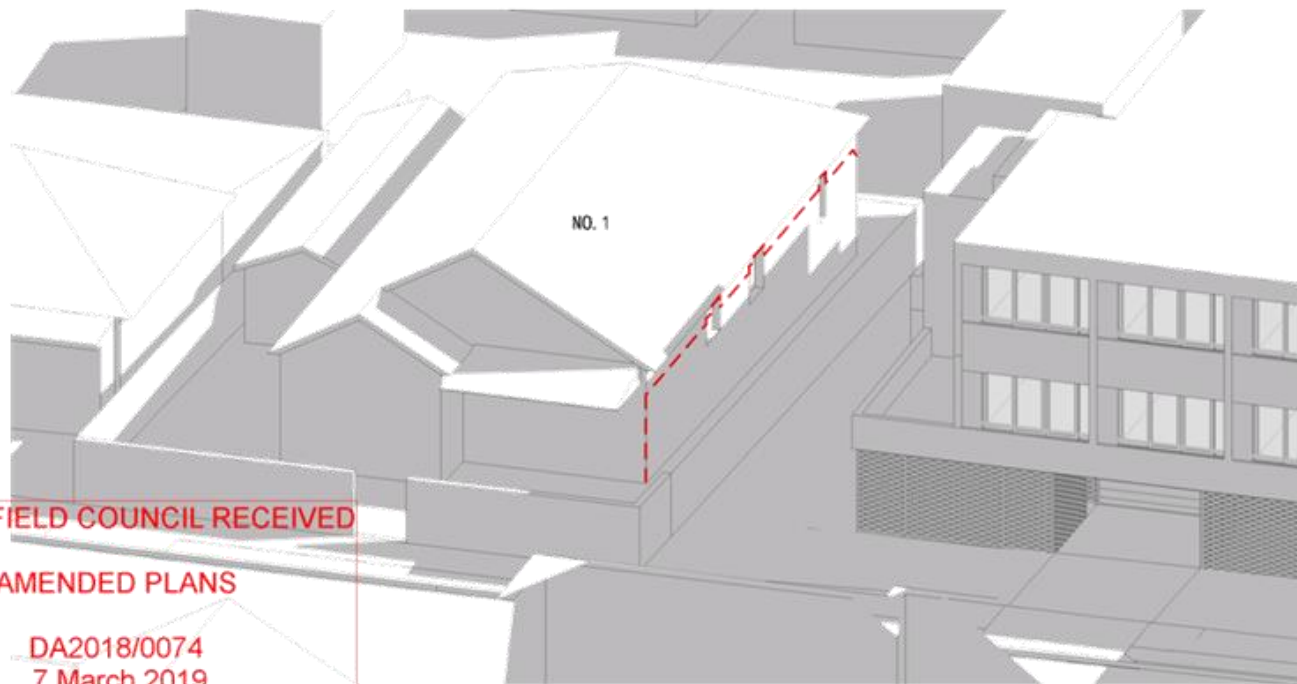




JUNE 21 - 1:00pm EXISTING



JUNE 21 - 2:00pm EXISTING

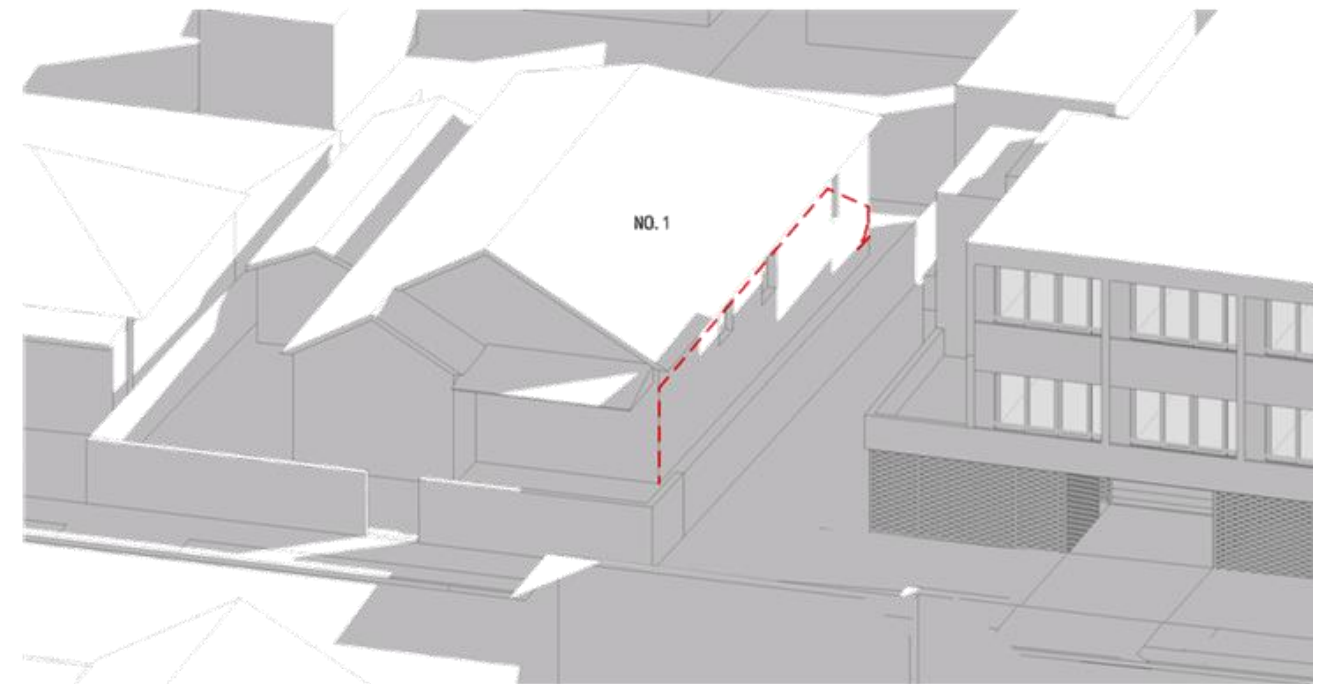


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AMENDED PLANS

DA2018/0074  
7 March 2019

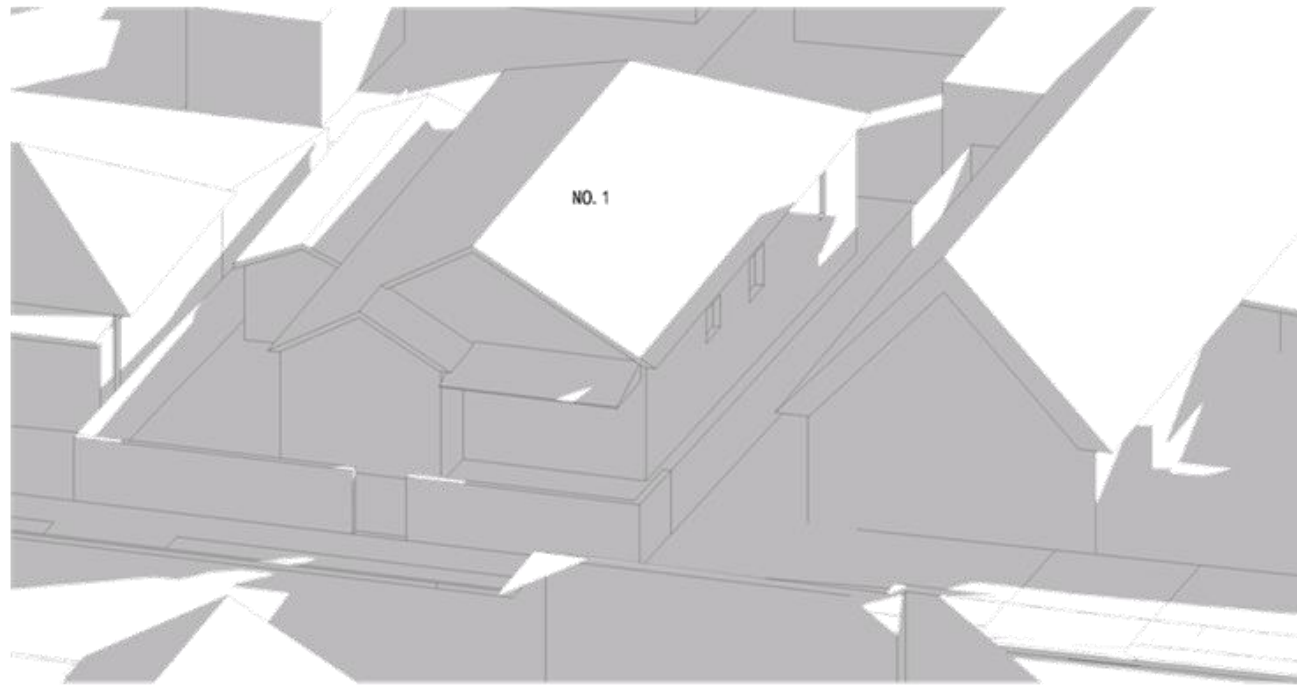
JUNE 21 - 1:00pm PROPOSED



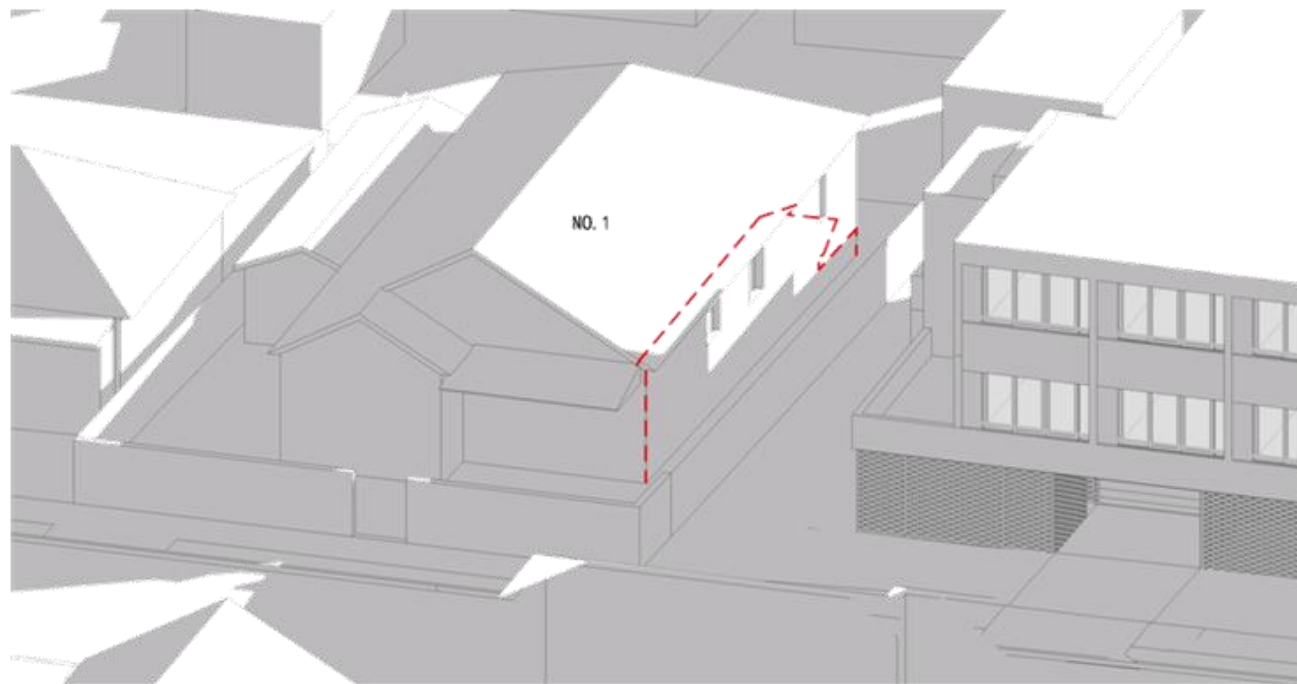
JUNE 21 - 2:00pm PROPOSED

----- OUTLINE OF EXISTING SHADOW

notes	rev	date	amendment	rev	date	amendment	enviro studio	project	location	drawing	stage	project no.	dwg no.									
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	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants																
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants																
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	H	14.11.18	issue for design review forum																			
														client					chld	down	date	revision
														UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	TW	LT	07/03/19	N		



JUNE 21 - 3:00pm EXISTING



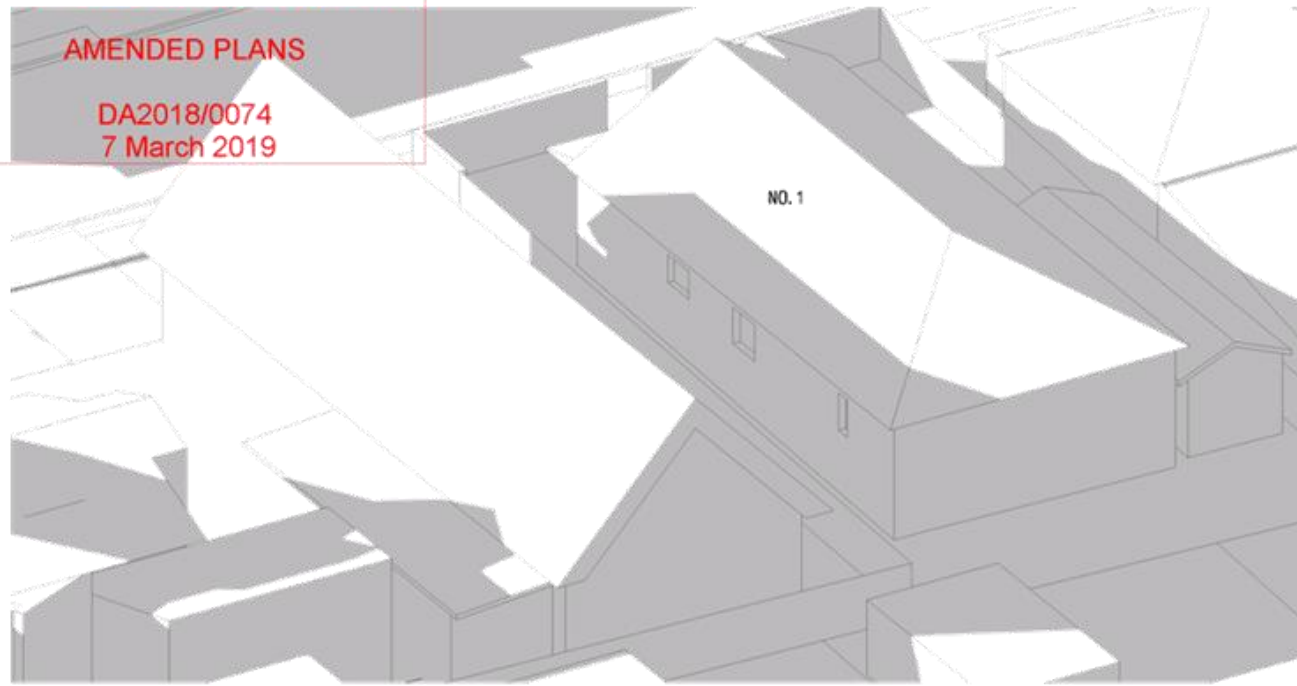
JUNE 21 - 3:00pm PROPOSED

----- OUTLINE OF EXISTING SHADOW

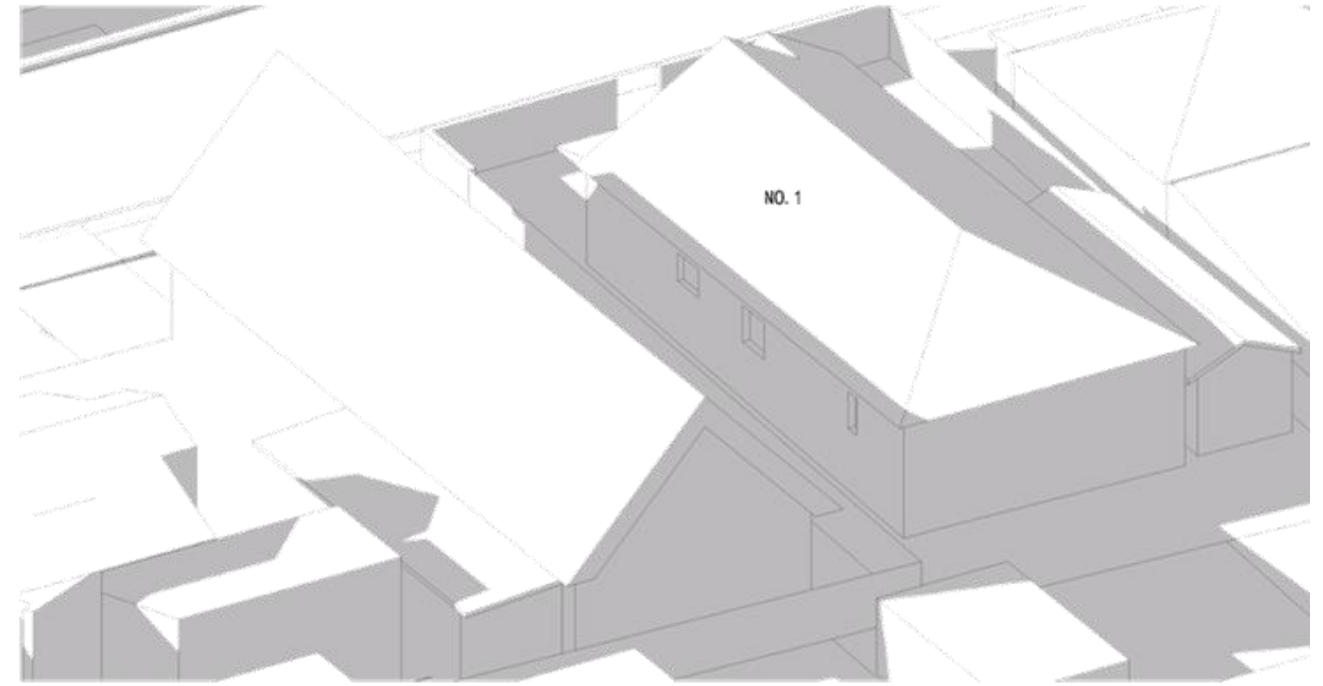
STRATHFIELD COUNCIL RECEIVED  
 AMENDED PLANS  
 DA2018/0074  
 7 March 2019

notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.	
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	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants								
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
	E	19.10.18	issue to council	N	04.03.19	issue to consultants								
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	G	12.11.18	issue to planner											
	H	14.11.18	issue for design review forum											

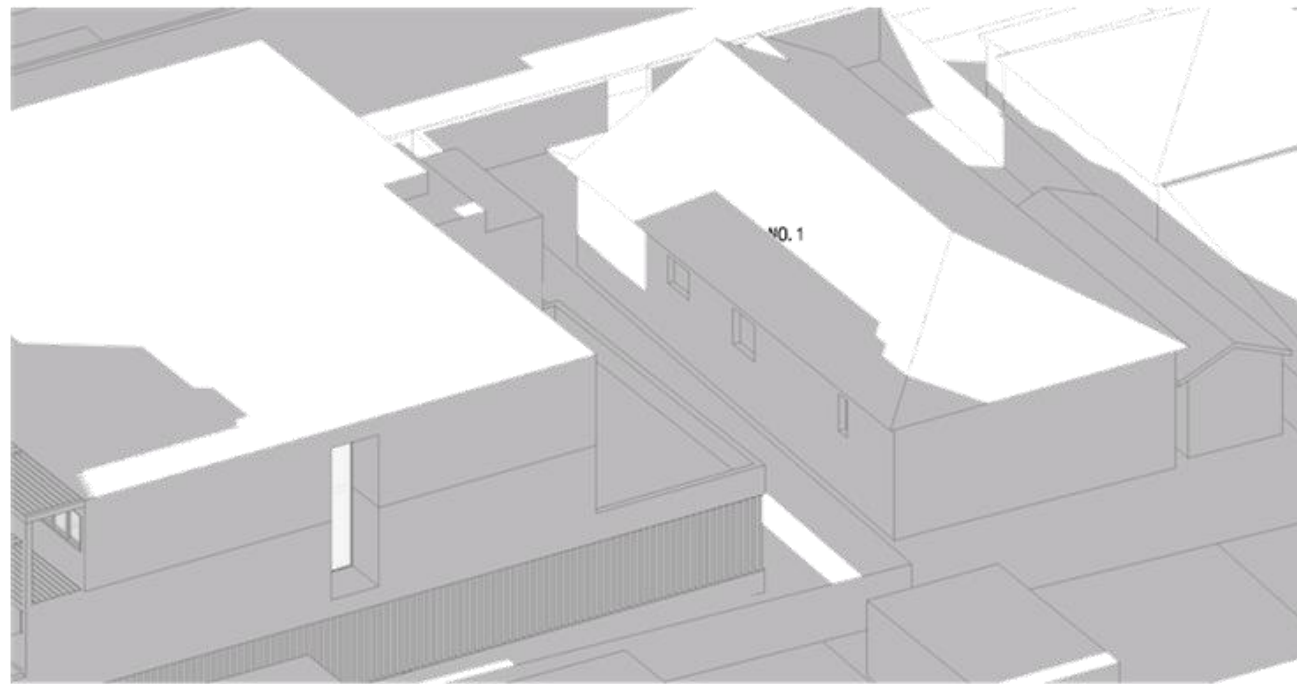
STRATHFIELD COUNCIL RECEIVED  
**AMENDED PLANS**  
 DA2018/0074  
 7 March 2019



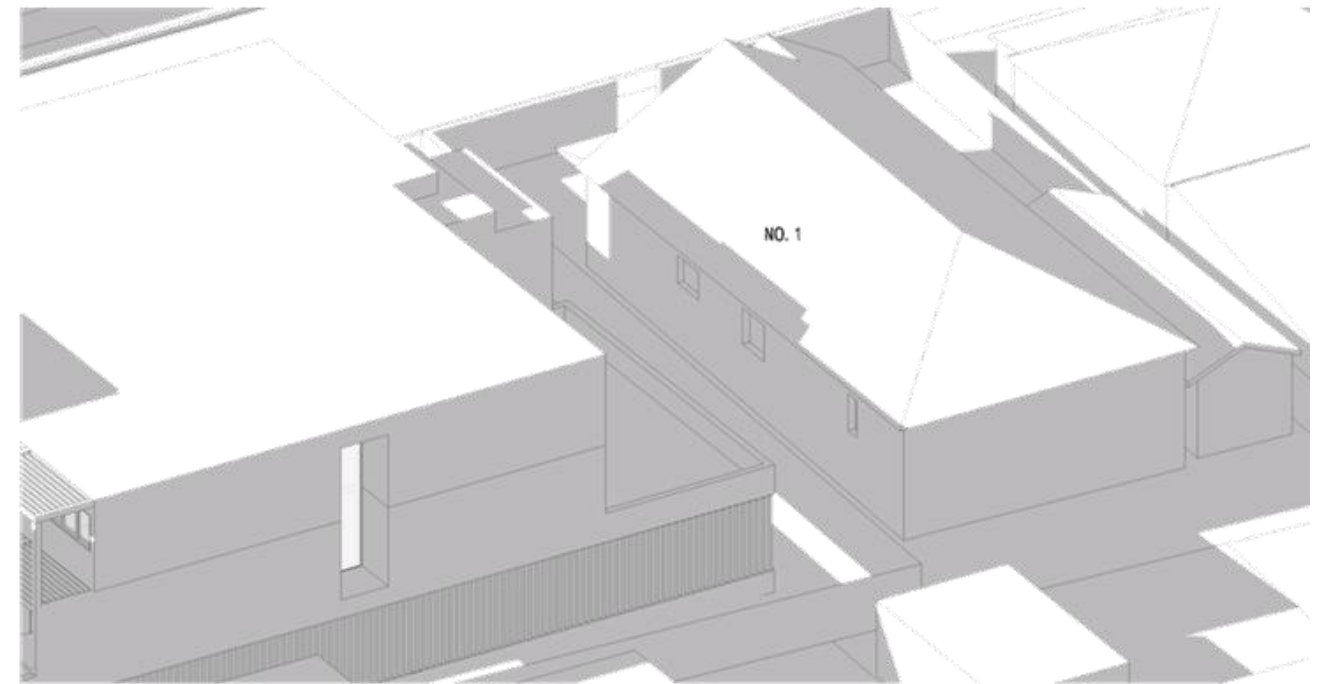
JUNE 21 - 9:00am EXISTING



JUNE 21 - 10:00am EXISTING



JUNE 21 - 9:00am PROPOSED



JUNE 21 - 10:00am PROPOSED

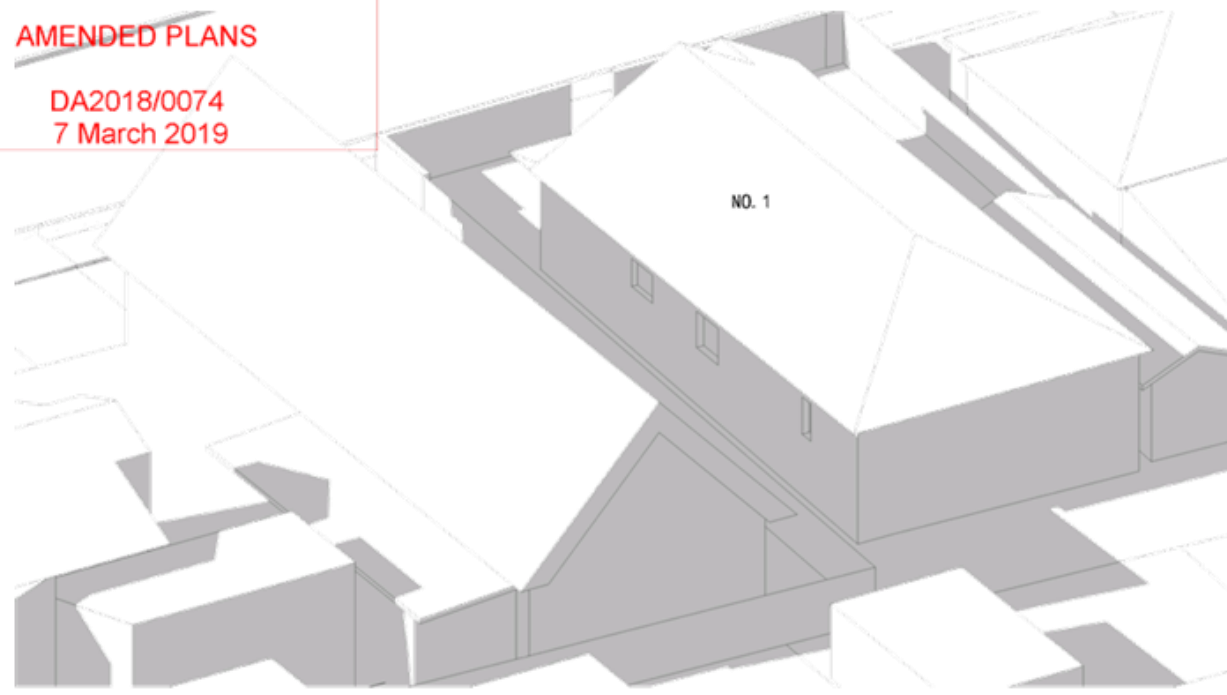
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notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.								
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	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants															
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants															
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														client				child	down	date	revision
														UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	TW	LT	07/03/19	N	

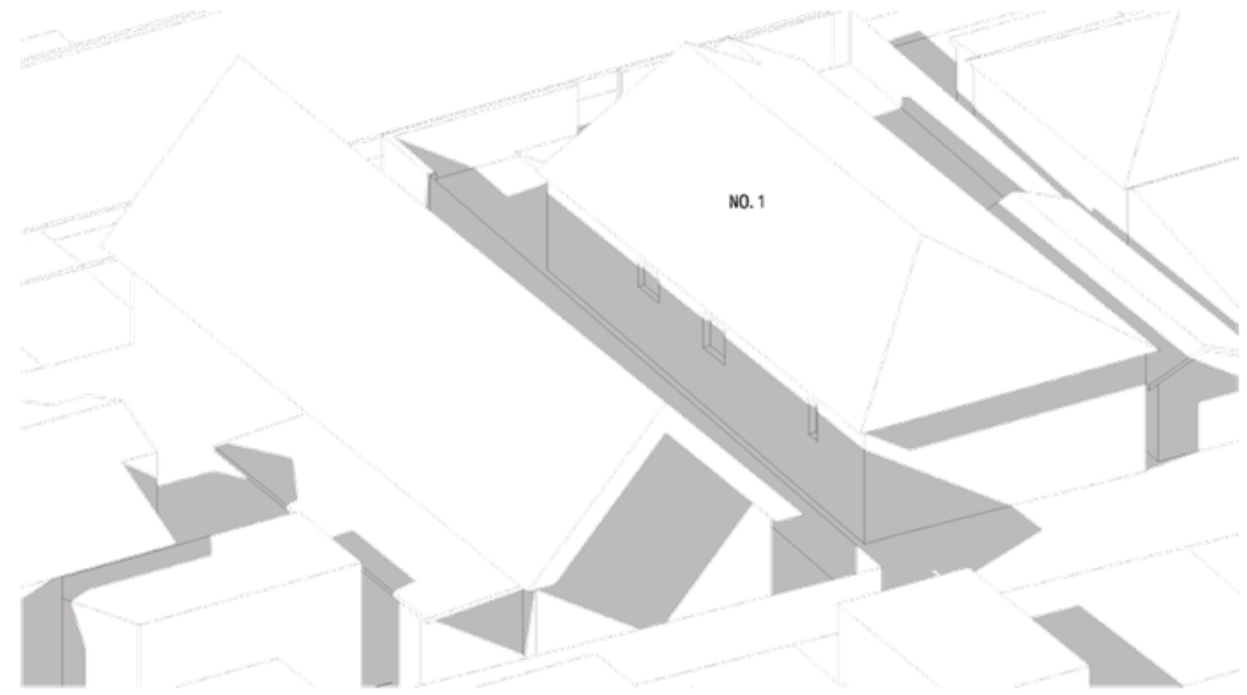


AMENDED PLANS

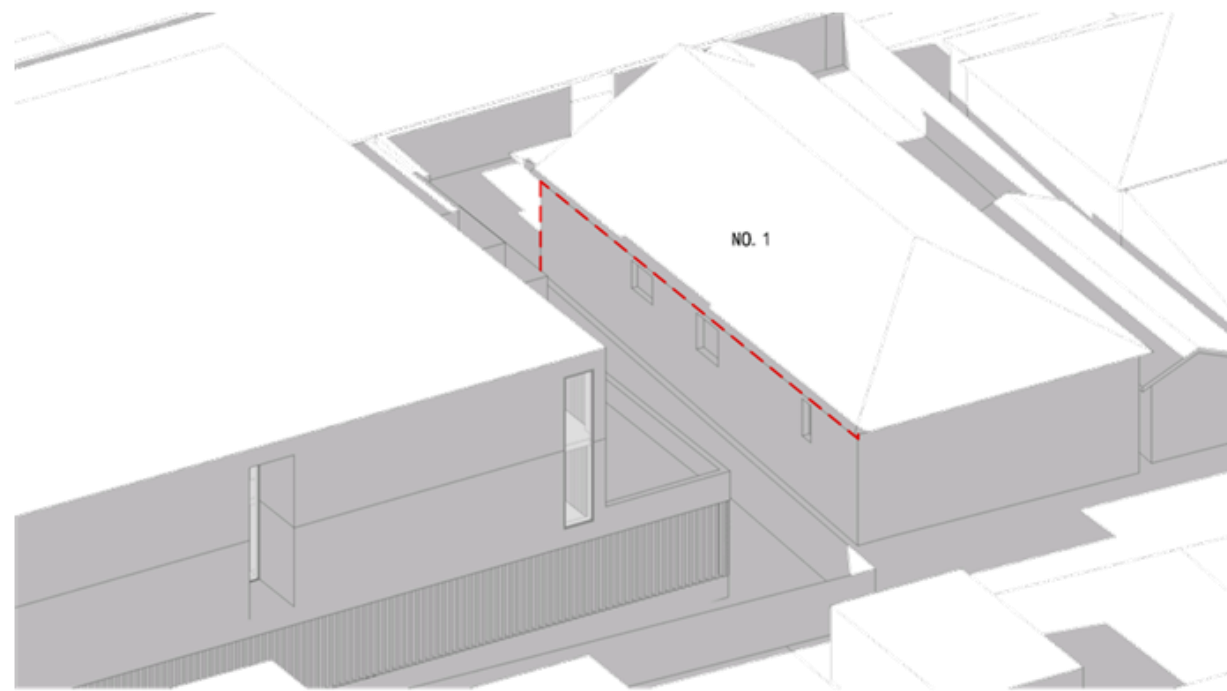
DA2018/0074  
7 March 2019



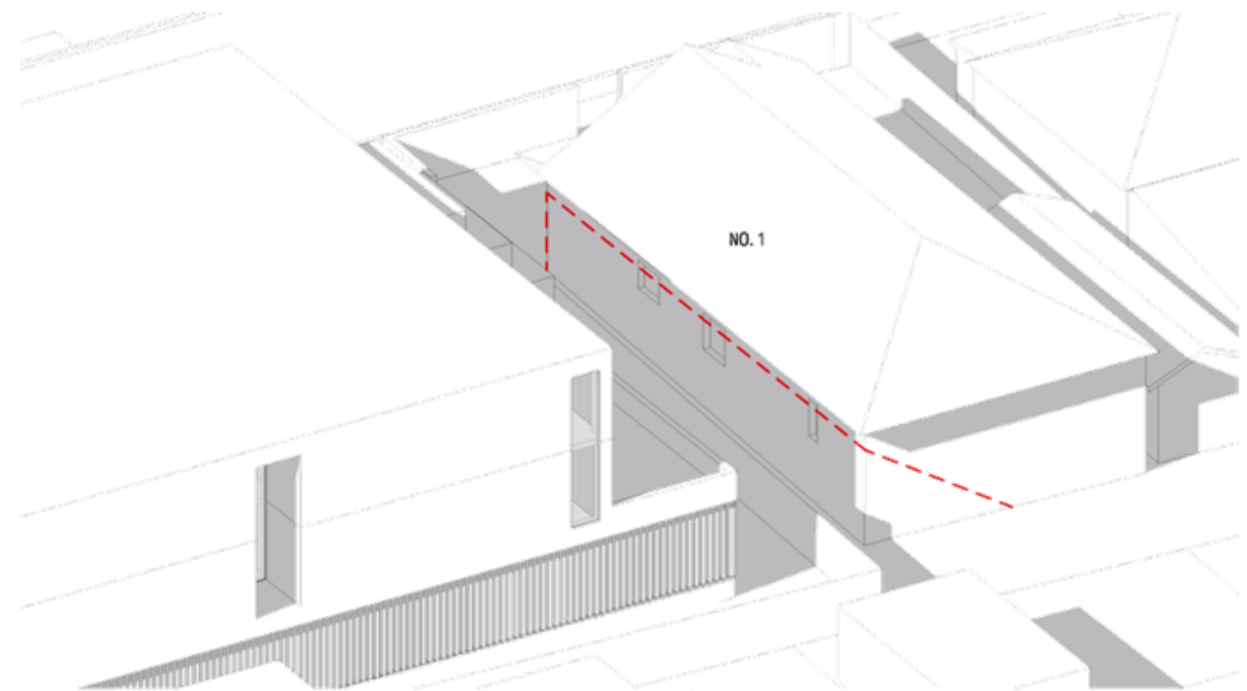
JUNE 21 - 11:00am EXISTING



JUNE 21 - 12:00pm EXISTING



JUNE 21 - 11:00am PROPOSED

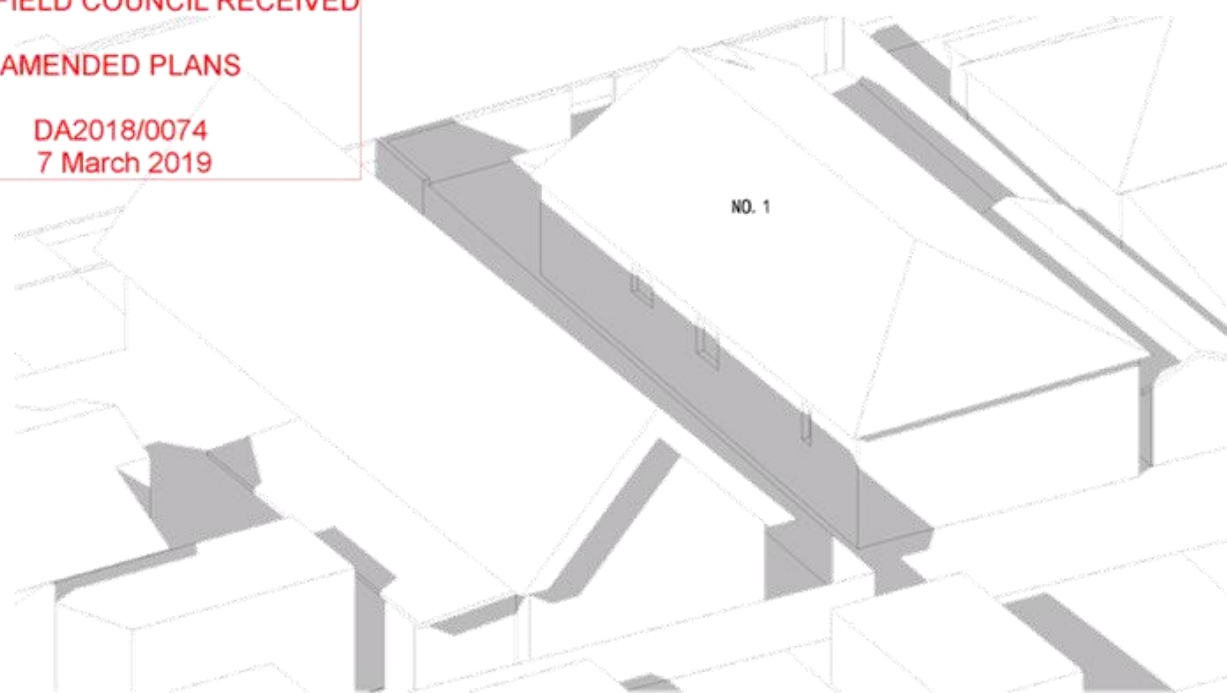


JUNE 21 - 12:00pm PROPOSED

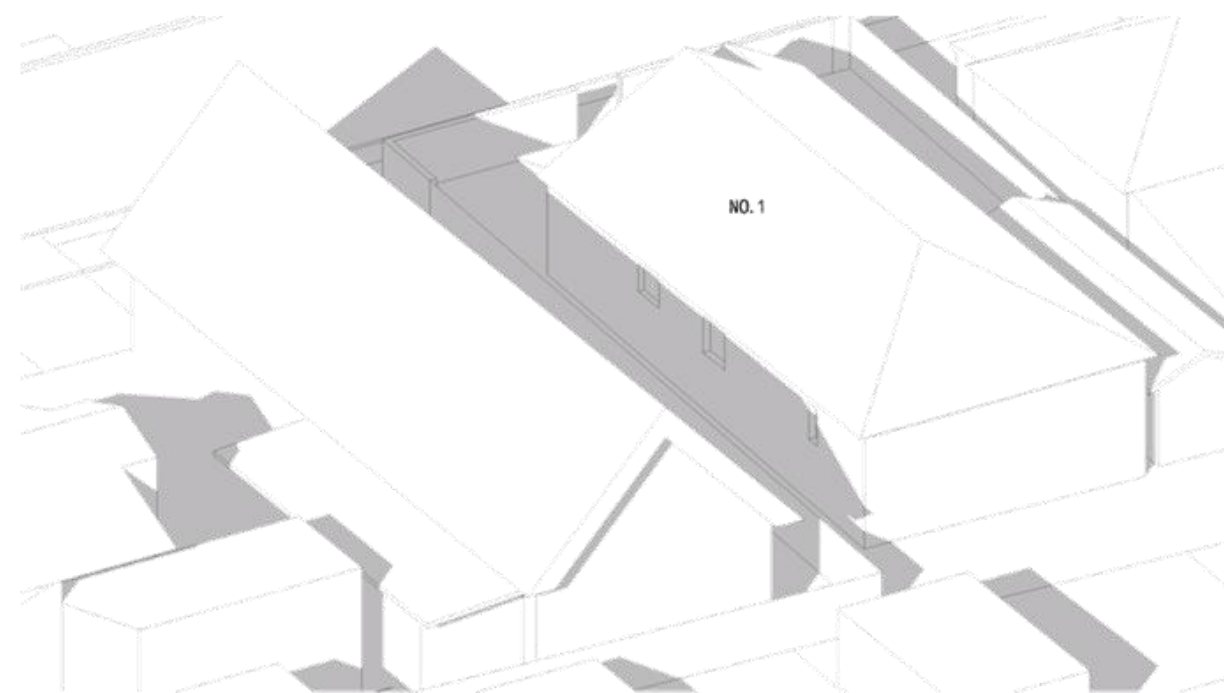
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	A	07.05.18	issue for information	J	21.01.19	issue to consultants		BOARDING HOUSE	440 LIVERPOOL ROAD	SOLAR IMPACT - NO.1 FRANCES AVENUE (REAR)	DA	915	926
	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants	for client	at	JUNE 21	chld	LT	07/03/19	revision
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants	UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH					N
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
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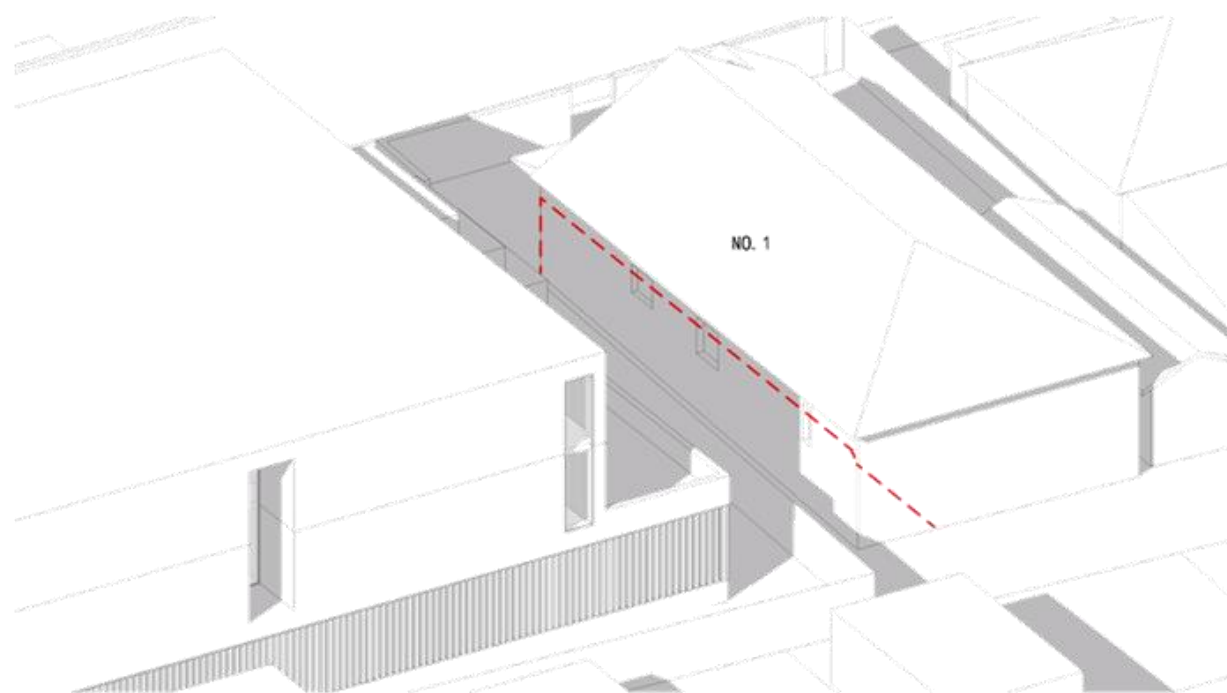
ATHFIELD COUNCIL RECEIVED  
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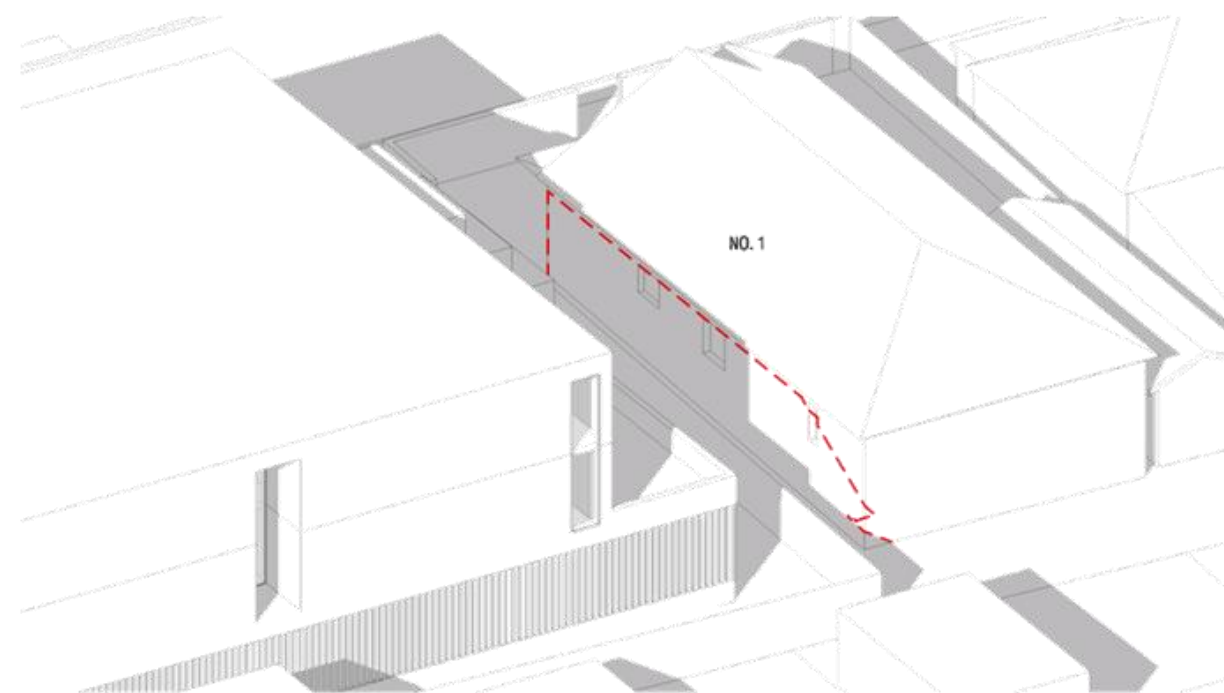
JUNE 21 - 1:00pm EXISTING



JUNE 21 - 2:00pm EXISTING



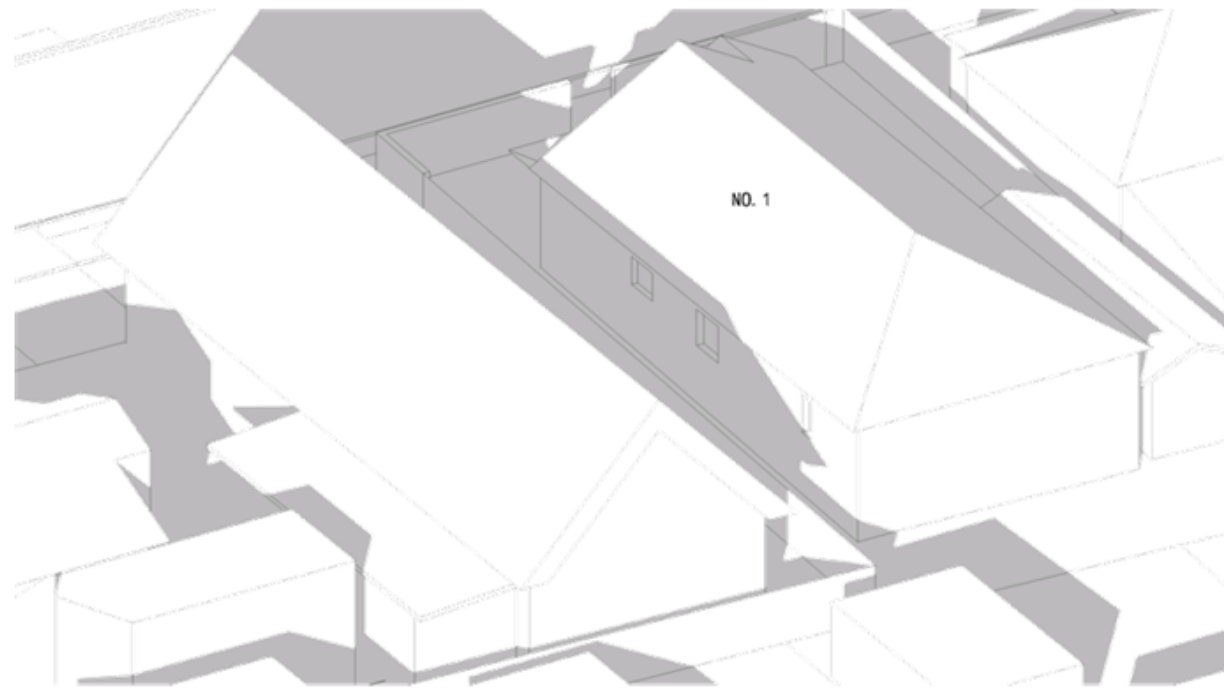
JUNE 21 - 1:00pm PROPOSED



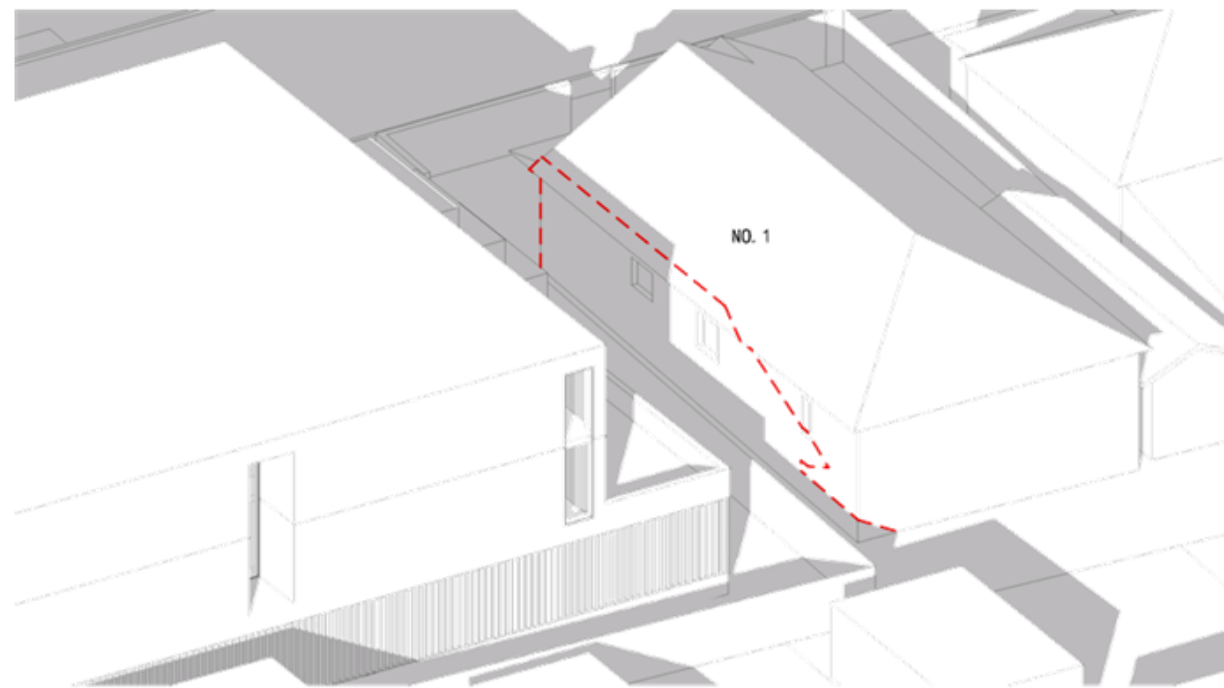
JUNE 21 - 2:00pm PROPOSED

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notes	rev	date	amendment	rev	date	amendment	environa studio	project	location	drawing	stage	project no.	dwg no.
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	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants							
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants							
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	F	25.10.18	issue to council	N	07.03.19	issue to council - DA additional information							
	G	12.11.18	issue to planner										
	H	14.11.18	issue for design review forum										
							for client	at	drawing	chkd	own	date	revision
							UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	TW	LT	07/03/19	N



JUNE 21 - 3:00pm EXISTING



JUNE 21 - 3:00pm PROPOSED

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	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	STRATHFIELD SOUTH	JUNE 21	TW LT	07/03/19	N	
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
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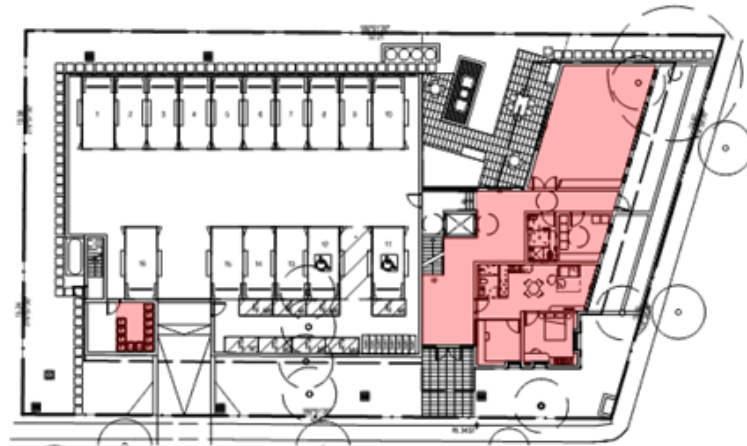


Thermal Comfort Inclusions	
Glazing Doors/windows	Aluminium frame single clear glazing: A – awning windows U-Value: 6.70 (equal to or lower than) SHGC: 0.57 (±10%) B – sliding doors/windows + fixed glazing U-Value: 6.70 (equal to or lower than) SHGC: 0.70 (±10%) Aluminium frame performance glazing to units 4, 17 & 18 A – awning windows U-Value: 4.80 (equal to or lower than) SHGC: 0.51 (±10%) B – sliding doors/windows + fixed glazing U-Value: 4.80 (equal to or lower than) SHGC: 0.59 (±10%) Given values are NFRC, total window system values (glass and frame) NOTE: Openability modelled as per BASIX Thermal Protocol - 4.14.2 and NatHERS Technical Note 1.2 – 10.11 with regard to restricted openings.
Roof	Concrete roof with minimum R4.0 top of slab insulation and waterproof membrane Light colour (SA<0.475)
Ceiling	Exposed concrete ceiling If plasterboard ceilings are proposed at a later date a reassessment will be required
Ceiling penetrations	No ceiling penetrations permitted. If downlights are proposed at a later date a reassessment will be required.
External wall	Minimum 110mm concrete with a minimum R2.0 insulation plasterboard lined Default colour modelled as per NatHERS Technical Note 1.2 – 10.4.
Inter-tenancy walls	Minimum 110mm concrete, plasterboard lined to inter tenancy walls Minimum 110mm concrete, R1.5 insulation plasterboard lined adjacent to fire stairs
Internal walls within dwellings	Plasterboard on studs, no insulation required.
Floors	Concrete, no insulation required to units with carpark below Concrete, with a minimum R1.2 insulation (insulation only value) where open sub-floor below Concrete between levels – no insulation required.
Floor coverings	Tiles to wet areas and entry timber elsewhere
External shading	Fixed exterior screens as per plans and elevations which provide 60% shading.

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	B	24.05.18	issue to consultants	K	06.02.19	issue to consultants		UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing	chld	drwn	date	revision
	C	29.05.18	DA issue to council	L	18.02.19	issue to consultants					TW	MA	07/03/19	N
	D	18.10.18	issue to planner	M	22.02.19	issue to consultants								
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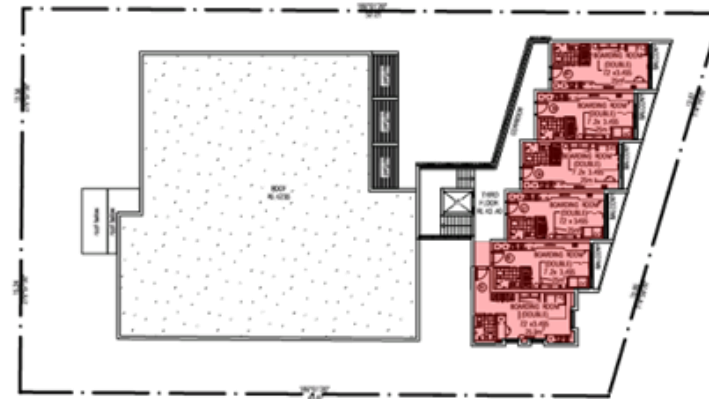
GROUND FLOOR AREA  
1:500 @ A3



FIRST FLOOR AREA  
1:500 @ A3



SECOND FLOOR AREA  
1:500 @ A3



THIRD FLOOR AREA  
1:500 @ A3

440 Liverpool road, strathfield south				
site area	1369.7			
FSR control	1.15			
FSR control area	1575.155			
FSR calcs	GFA	double	double (acc)	total rooms
ground floor	2158 sqm	0	0	0
first floor	5296 sqm	15	2	17
second floor	5296 sqm	15	2	17
third floor	1650 sqm	6	0	6
<b>total GFA</b>	<b>1440 sqm</b>	<b>36</b>	<b>4</b>	<b>40</b>
percentage of total		90 %	10 %	100 %
<b>total GFA</b>	<b>1440 sqm</b>			
proposed FSR	1.05			

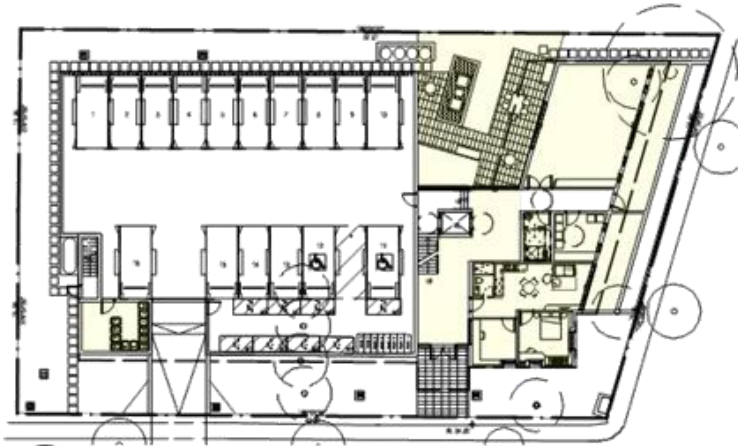
legend:  
 GFA

AREA CALCULATION SUMMARY  
NTS

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								for client UNITING (SYDNEY PRESBYTERY)	at STRATHFIELD SOUTH	drawing SHEET 1	chd TW	drwn MA	date 07/03/19

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**7 March 2019**



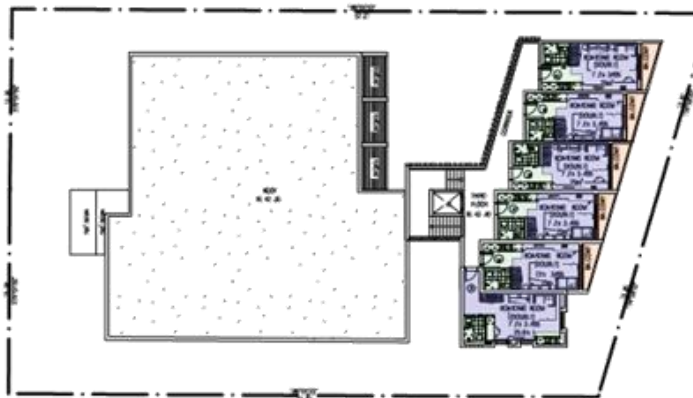
GROUND FLOOR PLAN  
1:500 @ A3



FIRST FLOOR PLAN  
1:500 @ A3



SECOND FLOOR PLAN  
1:500 @ A3



THIRD FLOOR PLAN  
1:500 @ A3

Legend:  
 ground floor area  
 lodger floor area  
 kitchen + bathroom  
 balconies

**440 Liverpool street, strathfield south**

ground floor area calculation summary	
room name	area
Caretaker's Apartment	46.7 sqm
Caretaker's Office	10.6 sqm
Caretaker's POS	18.0 sqm
Communal Room + Kitchen	63.2 sqm
Communal Open Space	27.3 sqm
Courtyard	106.6 sqm
Communal Laundry	12.0 sqm
Accessible Bathroom	7.3 sqm
Foyer	45.8 sqm
Bin Store + Utilities	18.4 sqm

room size calculation summary					
unit no.	type	lodger area	kitch + bath	total	balc. area
01	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
02	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
03	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
04	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
05	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
06	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
07	double	18.9 sqm	7 sqm	25.9 sqm	0 sqm
08	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
09	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
10	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
11	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
12	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
13	double	16 sqm	9 sqm	25 sqm	6 sqm
14	double	16 sqm	9 sqm	25 sqm	6 sqm
15	double	16 sqm	9 sqm	25 sqm	6 sqm
16	double-acc	20 sqm	13 sqm	33 sqm	0 sqm
17	double-acc	20 sqm	13 sqm	33 sqm	0 sqm
18	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
19	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
20	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
21	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
22	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
23	double	16.5 sqm	8.5 sqm	25 sqm	6 sqm
24	double	18.9 sqm	7 sqm	25.9 sqm	0 sqm
25	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
26	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
27	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
28	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
29	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
30	double	16 sqm	9 sqm	25 sqm	0 sqm
31	double	16 sqm	9 sqm	25 sqm	0 sqm
32	double	16 sqm	9 sqm	25 sqm	0 sqm
33	double-acc	20 sqm	13 sqm	33 sqm	0 sqm
34	double-acc	20 sqm	13 sqm	33 sqm	0 sqm
35	double	18.9 sqm	7 sqm	25.9 sqm	0 sqm
36	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
37	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
38	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
39	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm
40	double	16.5 sqm	8.5 sqm	25 sqm	3 sqm

ROOM AREA CALCULATION SUMMARY  
NTS

notes all work to be carried out in accordance with bca, see codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	rev A 07.05.18 issue for information	rev B 24.05.18 issue to consultants	rev C 29.05.18 DA issue to council	rev D 18.10.18 issue to planner	rev E 19.10.18 issue to council	rev F 25.10.18 issue to council	rev G 12.11.18 issue to planner	rev H 14.11.18 issue for design review forum	rev J 21.01.19 issue to consultants	rev K 06.02.19 issue to consultants	rev L 18.02.19 issue to consultants	rev M 22.02.19 issue to consultants	rev N 04.03.19 issue to consultants	rev N 07.03.19 issue to council - DA additional information	<b>environa studio</b> 224 riley st surry hills 2010 t: 02 9211 0000 w: www.environastudio.com.au architects registration number 6239	project <b>BOARDING HOUSE</b>	location <b>440 LIVERPOOL ROAD</b>	drawing <b>AREA CALCULATION SUMMARY</b>	stage <b>DA</b>	project no. <b>915</b>	dwg no. <b>981</b>
	for client <b>UNITING (SYDNEY PRESBYTERY)</b>	at <b>STRATHFIELD SOUTH</b>	drawing <b>SHEET 2</b>	chkd <b>TW</b>	drwn <b>MA</b>	date <b>07/03/19</b>	revision <b>N</b>														







**TO:** Strathfield Local Planning Panel Meeting - 4 July 2019  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA9899/452/02 - 84-108 MADELINE STREET, STRATHFIELD SOUTH  
LOT 3 DP 556743  
**DA NO.** DA9899/452/02

## SUMMARY

**Proposal:** Section 4.55(2) modification to DA9899/452 which approved the operation of a waste transfer and recycling facility for solid and inert building and demolition waste. The modifications sought involve amendment to the consented noise levels and modification of conditions to refer to the current policies and standards.

**Applicant:** EMM Consulting Pty Ltd  
**Owner:** ISAS Pty Ltd  
**Date of lodgement:** 19 March 2019  
**Notification period:** 9 April to 2 May 2019  
**Submissions received:** 118 including 3 petitions containing 210 signatures in total  
**Assessment officer:** KW  
**Estimated cost of works:** \$0  
**Zoning:** IN1 - SLEP 2012  
**Heritage:** N/A  
**Flood affected:** Yes  
**Reason for SLPP referral:** Due to the number of individual submissions received  
**Is a Clause 4.6 variation proposed?** No  
**RECOMMENDATION OF OFFICER:** REFUSAL

## EXECUTIVE SUMMARY

1. On 17 April 2000, Council approved Development Application No. DA9899/452 for the operation of a waste transfer and recycling facility for solid and inert building and demolition waste. The original application was not considered to be designated development.
2. On 25 October 2016, Council refused a Section 96(1A) application to modify Development Application No. DA9899/452 involving the expansion of operations to allow for the receipt of new waste streams (household waste, green waste and electrical waste).
3. The current application seeks to modify Development Consent No. DA9899/452 involving Part B Conditions 12(a) and 12(b) of the original consent.

**DA9899/452/02 - 84-108 Madeline Street, Strathfield South  
LOT 3 DP 556743 (Cont'd)**

4. DA2018/174 sought approval for the construction of an acoustic enclosure. Council's assessment report stated that "Whilst the application purportedly seeks to reduce noise and dust emissions from operations on the site, inadequate information has been submitted to demonstrate that this will be the end result. Having regard to the deficiencies in the information submitted and potential adverse residential amenity impacts, the application is unable to be supported and is recommended for refusal." This application was refused by the Strathfield Local Planning Panel on 6 June 2019.
5. The current s.4.55(2) application for the amendment to operations noise targets relies on the acoustic structure having been approved to ameliorate the noise impacts arising from the modifications sought. The SEE discusses the acoustic performance of the enclosure as having a 3-5dBa impact on the noise levels at residential receptors, and this has guided the consideration of the noise targets proposed as part of this application. At the time of lodgement, the development application for this acoustic enclosure had not been determined.
6. As the modifying elements being relied upon to support the proposal have not been approved, and insufficient supporting information has been submitted to support the modifications sought, the proposal fails to demonstrate that the modifications sought would have an acceptable impact on the local area and that the proposal is in the public interest.
7. The proposal fails to establish that the development as modified is substantially the same as the development for which approval was originally granted and thus fails the threshold test within Section 4.55 of the Environmental Planning and Assessment Act 1979 and cannot be considered under this Section.
8. Therefore, the proposal is recommended for refusal.

## **BACKGROUND**

<b>17 April 2000</b>	Council granted consent to Development Application No. 9899/452 for use of the subject premises as a waste transfer and recycling facility for solid inert building and demolition wastes.
<b>18 June 2003</b>	Council granted consent to Development Application No. 0203/040 for the erection of a wall along part of the site boundary adjacent to the Sydney Water channel.
<b>19 July 2005</b>	Council approved a proposed modification of the above development consent (DA0203/040) to enable an extension of the wall further along the site boundary adjacent to Cox's Creek and along the eastern site boundary.
<b>24 February 2016</b>	Council granted consent to Development Application No. 2015/144 for installation of two (2) vehicle weighbridges to be used in conjunction with the approved waste transfer station.
<b>28 October 2016</b>	Council refused a proposed modification of the earlier development consent (DA9899/452) to allow for receipt of new waste streams including household waste, green waste and electrical waste.
<b>19 March 2019</b>	Council received the current S4.55(2) modification application.
<b>9 April 2019</b>	Public notification of the application commenced, with the closing date for receipt of submissions being 2 May 2019.
<b>6 June 2019</b>	Development Application No. DA2018/147 for the construction of an acoustic enclosure was refused at the Strathfield Local Planning Panel

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Meeting. The reasons for refusal given included inadequate information regarding the likely impact of the proposed development and lack of submission of an Environmental Impact Statement for "designated development", information regarding acid sulfate soils, noise and dust, that the proposal does not satisfy the objectives, guidelines and requirements for development in the industrial zone in accordance with Part D of the SDCP2005 and that the proposal is not in the public interest.

19 June 2019

A Class 1 appeal has been lodged in the Land and Environment Court against the "deemed refusal" of the application.

### DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The current application seeks to modify Development Consent No. DA9899/452 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The specific elements of the modification(s) sought are as follows:

1. Deletion of Condition 12(a) and amendment to Condition 12(b). Condition 12 currently reads:

*Any noise emanating from the use at any time shall:*

*(a) not have any detrimental effect on the adjoining residential amenity.*

*(b) generally comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority.*

The modification sought involves the deletion of Condition 12(a) and the replacement of the reference to Environmental Noise Control Manual in Condition 12(b) with the EPA Noise Policy for Industry.

2. Deletion of Condition 13 which currently reads:

*The noise emanating from the premises shall comply with the requirements of the Noise Control Act and Regulations thereunder.*

3. Modification of Condition 16 which currently reads:

*16. The operating noise level of plant and equipment shall not exceed 45db(A) when measured at any point on any residential premises between the hours of 7am to 6pm Monday to Saturday.*

The modification seeks to replace the approved operating noise level limit of 45dB(A) with a noise limit of 50 dB(A) <sub>Leq,15minute</sub>.

4. Modification of Condition 17 which currently reads: "Condition 17 of the April 2000 Consent currently states:

*17. The operating noise level of plant and equipment shall not exceed 65db(A) when measured at any point on the boundaries of the site."*

The proposed wording for Condition 17 is as follows:

*The operating noise level of plant and equipment shall not exceed 65 dB(A) Leq, 7am-6pm when measured at any point immediately to the south/south east of the noise barrier constructed on the south/south-eastern side of the subject land.*

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## SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the Environmental Planning and Assessment states as follows:

### ***“4.55 Modifications of consents – generally***

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

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

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.”*

The modification application is seeking to modify conditions 12, 13, 16 and 17 of the consent. The application has been made under section 4.55(2) of the EPA Act. Under this section, in order for Council to have the ability to modify the development consent, it needs to satisfy the test that the development is "substantially the same". If this provision is not satisfied, Council cannot grant consent to the modification of the development application.

The applicant argues at 3.1.1 of the Statement of Environmental Effects submitted with the modification application that the proposal as modified is substantially the same as the development for which the consent was originally granted on the basis that "The facility remains a waste transfer and recycling facility, with no proposed variation to processing volumes, materials, operating times or building envelope".

In seeking to answer this threshold question, Council has taken legal advice regarding the modifications sought, with the following discussion provided regarding the question of whether the proposal as modified would be "substantially the same development".

*In Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280:106 LGERA 298 in which the Court examined the requirements of this provision and the relevant test is that:*

- (a) In assessing whether the consent as modified will be substantially the same development one needs to compare the before and after situations.*
- (b) One should not fall into the trap of saying that the development was for a certain use – in this instance a waste transfer and recycling facility - and, as amended, it will be for precisely the same use and accordingly is substantially the same development. What is important is that a development, particularly waste transfer and recycling facility, must be assumed to*



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*include the way in which the development is to be carried out. Otherwise, there may be little purpose in s.4. 55.*

- (c) *The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).*

*[The applicant] is therefore seeking to relax the controls that were set to limit the environmental impacts of the development being carried out on the site. The justification for this being that the current noise controls for industrial development are higher than what they were previously when the consent was granted. However, in the context of a modification application, following the decision in Moto Projects, the question that must be asked is:*

- (a) *What were the original noise controls that were placed on the original consent? And*  
 (b) *What variation of these controls is now being sought?*

*When Council considers these questions, it is both:*

- (a) *a quantitative assessment, which would include things such as the application to increase the noise limit from the original 45dB(A) to 50dB(A)Leq, 15 minute; and*

*(b) a qualitative assessment, being the impacts arising from the modification application when compared to the development originally approved. This would include things such as the impacts arising from lower noise levels being lower impact than those arising from higher noise levels. Also, this would include impacts that would arise from the removal of condition 12(a) that says that noise should not have any detrimental effect on the adjoining residential amenity. The modification application also relies upon a development application for an acoustic enclosure to support the modification of the noise controls, DA 2018/174. DA 2018/174 is in effect a development application for alterations and additions to DA 9899/452. As such, when undertaking the comparison between what was approved, to what is proposed, this would involve a comparison between:*

- (a) *the operations that were originally approved under DA 9899/452; and*  
 (b) *an operation which includes expanded processing within the acoustic enclosure and reduced noise controls.*

This advice was taken prior to the determination of the development application DA2018/174 which was refused by the Strathfield Local Planning Panel however, the following discussion responding to the remaining points is provided.

The proposed modifications include the deletion of Condition 12(a), amendments to Condition 12(b), deletion of Condition of 13 and modification of Conditions 16 and 17. These amendments to the approved conditions seek to remove or otherwise diminish the requirement for the development to be carried out in a manner that is obliged to not detrimentally impact on the residential amenity of nearby dwellings, is limited in operational noise output to a specified threshold, and is required to be carried out in accordance with the applicable legislation.

Particular concern is raised regarding the proposed deletion of condition 12(a) which would remove the requirement for noise emanating from the use of the site to not have any detrimental effect on the adjoining residential amenity, and the deletion of condition 13 which would remove the requirement for the development to comply with the *Protection of the Environment Operations Act*

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1997 and the Protection of Environment (Noise Control) Regulation which have replaced the "Noise Control Act and Regulations" referred to in Condition 13.

The modification sought to Condition 16 seeks to increase the identified noise level within the condition to 50dB(A)<sub>L<sub>aeq,15</sub></sub> however, the proposal is not accompanied by an acoustic report prepared in accordance with the Noise Policy for Industry and demonstrating compliance with this policy.

It is noted that many of the submissions received in response to the notification of this modification identified noise impacts arising from crushing, dragging, spilling, tipping, etc as impacts arising from the current use of the site. These are examples of the activity that would give rise to noise spike incidents referred to above that would be ameliorated by the extended measurements periods sought in the amendments proposed to Conditions 16 and 17.

The cumulative impact of the amendments sought to the approved condition would result in amenity impacts arising from the development that have the potential to be very different than those impacts arising from the development as originally approved. It is therefore considered that the proposal as modified is not substantially the same as the development for which consent was originally granted. As such, the application cannot be considered under Section 4.55 of the Environmental Planning and Assessment Act 1979 and the proposal is recommended for refusal on this basis.

As regards subclause 'b', the application was referred to the Environment Protection Authority (EPA) for comment. The EPA advised that they had no comments on the modification application.

As regards subclause 'c', the application was notified in accordance with Part L of SCDPCP 2005. 118 submissions were received in respect of the proposed modification, including a petition submitted in 3 parts with a total of 210 signatures.

As regards subclause 'd', the matters raised in the submissions are addressed within this report.

## REFERRALS

### INTERNAL REFERRALS

#### Environmental Health Comments

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

"The Environmental Health Unit was asked to provide comment on the abovementioned application. The application was assessed for compliance with the *Protection of Environment Operations Act 1997* and associated noise policies.

The application seeks to modify noise criteria conditions of DA9899/452/02 for a waste transfer station operating at the abovementioned premises.

#### Proposed Modification 4.2.1 (i)

It is proposed to delete condition 12(a) which states:

*"Any noise emanating from the use at any time shall:*

*(a) Not have any detrimental effect on the adjoining residential amenity."*

It is argued that "any detrimental effect" from "any noise" at any time is an imprecise and ill-defined performance criteria.

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Standard language at the time took the form of “offensive noise”. The *Noise Control Act 1975* (the relevant legislation at the time the development approval was made) defined offensive noise as:

*“...noise that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances, is likely –*

*(a) to be harmful to:*

*(b) to be offensive to*

*(c) interfere unreasonably with the comfort or repose of,*

*persons who are*

*(d) if the noise is made in premises that are not a public place – outside those premises.....”*

This is substantially similar to the definition in the current *Protection of Environment Operations Act 1997*, which defines offensive noise as

“noise:

*(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*

*(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*

*(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*

*(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.”*

The deviation from the standard definition to a stricter standard is reflective of concerns regarding potential noise impacts from the then proposed development, and a stricter standard was imposed.

**Recommendation:** Deletion or amendment of Condition 12(a) is not recommended.

Proposed Modification 4.2.1 (ii)

It is proposed to remove references to “Environmental Noise Control Manual” and replace with “Noise Policy for Industry”.

While the Environmental Noise Control Manual has been updated into various policies, it is still regularly referenced and complied with across a variety of industries. This is confirmed by google search.

It is common practice for Council staff to refer to the most recent policy, only referring to outdated versions where the newer version is silent on the issue at hand.

The proposal seeks only to replace with the Noise Policy for Industry. However the Noise Policy for Industry is only one of the policies replacing the Environmental Noise Control Manual. It would be simpler to keep the current wording and update to most recent policies where required than limit the compliance to only one policy document.

**Recommendation:** Amendment of Condition 12(b) is not recommended.

Proposed Modification 4.3

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This modification proposes deletion of condition 13, which states:

*"The noise emanating from the premise shall comply with the requirements of the Noise Control Act and Regulations thereunder."*

The justification for the amendment is that the legislative references have been repealed and the condition is redundant.

Deleting this condition is not recommended. While repealed, it is common practice for regulators to automatically refer to the legislation or regulation replacing that which was repealed. In this case, the "*Noise Control Act and Regulations thereunder*" are replaced by the *Protection of Environment Operations Act 1997* and the *Protection of Environment (Noise Control) Regulation 2017*.

Deleting the clause will remove as a condition of development consent the need for the business to comply with the *Protection of Environment Operations Act 1997* and the *Protection of Environment (Noise Control) Regulation 2017*.

**Recommendation:** Deletion or amendment of Condition 13 is not recommended.

Proposal 4.4.1

The application proposes modification to Condition 16, which states:

*"The operating noise level of the plant and equipment shall not exceed 45dB(A) when measured at any point on any residential premises between the hours of 7am to 6pm Monday to Saturday."*

The modification proposes to change the noise limit from 45dB(a) to 50dB(A)<sub>Leq, 15minute</sub>.

The application contains a *Noise Review to modify consent limits* ("the Review") prepared by EMM and dated 18 March 2019. The review does not contain sufficient information to demonstrate the proposed modification meets the requirements of the Noise Policy for Industry. For a review of the Condition 16 to be undertaken, the application must be accompanied by an acoustic report prepared by a suitably qualified and experienced acoustic consultant. The acoustic report must be prepared in accordance with the Noise Policy for Industry 2017. The report needs to demonstrate a background noise level that is reflective of the normal background noise environment without the operations of applicant.

The justification for the modification relies on several factors, including:

1. The EPL requirements
2. The approval and construction of an acoustic enclosure

It is noted that the applicant has failed to submit documentation demonstrating EPA endorsement of the targets quoted.

The acoustic enclosure was subject to approval (DA2018/174). This application has been refused. As such it has not demonstrated that noise from the operations will meet the proposed modification.

The results of noise monitoring between 20/12/2018 and 3/01/2019 did not contain any information regarding the calibration of equipment, pre and post measurement calibration to identify drift or how wind and rain was measured. This information is needed to conduct a proper assessment of the readings.

**Recommendation:** Amendment of Condition 16 is not recommended.

Proposal 4.5

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The application proposes modification to Condition 17, which states:

*"The operating noise level of plant and equipment shall not exceed 65Db(a) when measured at any point on the boundaries of the site."*

The modification proposes to change the noise limit from 65dB(a) to 65dB(A)<sub>Leq, 7am-6pm</sub>. The justification provided is the change conforms with current EPA Policy. The policy, and a reason for how the change complies is not provided.

**Recommendation:** Amendment of Condition 17 is not recommended."

Comment: In summary, Council's Environmental Health Officer has advised that the application should not be supported as the modifications sought to each condition are not adequately justified by the provision of adequate supporting documentation or are ill-advised due to the implications of removal of the noise control conditions imposed on the original consent.

### **DESIGNATED DEVELOPMENT PROVISIONS - EP&A Regulation 2000**

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, as follows:

#### **32 Waste management facilities or works**

- (1) *Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:*
  - (a) *that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:*
    - (i) *that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
    - (ii) *that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*
    - (iii) *that comprises more than 1,000 tonnes per year of sludge or effluent, or*
    - (iv) *that comprises more than 200 tonnes per year of other waste material, or*
  - (b) *that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:*
    - (i) *that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
    - (ii) *that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*
    - (iii) *that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or*



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- (c) *that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*
- (d) *that are located:*
  - (i) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
  - (ii) *in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*
  - (iii) *within a drinking water catchment, or*
  - (iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*
  - (v) *on a floodplain, or*
  - (vi) ***within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.***

(2) *This clause does not apply to:*

- (a) *development comprising or involving any use of sludge or effluent if:*
  - (i) *the dominant purpose is not waste disposal, and*
  - (ii) *the development is carried out in a location other than one listed in subclause (1)(d), above, or*
- (b) *development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or*
- (c) *development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.*

The existing waste management facility meets the criteria set out in clauses (1)(b)(iii) and (1)(d)(vi) above. 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 by 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 & Assessment Act 1979 (EP&A 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.*

### **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:*

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- (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:*
  - (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 modification seeks the increase in the operational noise output associated with 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 in response to this modification application 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 has 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 impacts of the proposed modification cannot be predicted with adequate certainty to a significant degree, given the limited acoustic information submitted by the applicant and in light of the refusal of the acoustic enclosure proposed under DA2018/174 upon which the supporting information also relied. The waste management facility is located adjacent to public parkland used for a variety of recreational activities and in close proximity to low density residential areas occupied by families including children, both receiving environments of which have minimal capacity to accommodate changes in noise impacts.

Based on the above commentary, it cannot be concluded that the modifications sought to the operational noise output will not significantly increase the environmental impacts of the waste management facility (including the proposed building and its use) compared with the existing waste management facility. On this basis, the proposed development is declared to be 'designated development' for the purposes of the EP&A Act 1979.

Section 4.12(8) of the EP&A Act 1979 prescribes as follows, with respect to designated development:

*A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.*

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It is noted that the subject s.4.55 application is not accompanied by an 'environmental impact statement' and hence fails to satisfy the above provision. In circumstances where an EIS has not been submitted, as required by section 4.12(8) of the Act, the application must be refused.

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

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

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

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

The following environmental planning instruments are relevant to the assessment of the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Strathfield Local Environmental Plan 2012

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

Clause 7(1) of SEPP 55 prescribes as follows, with respect to consideration of contamination and remediation in determining development applications:

*A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Council's records do not indicate that the subject site is contaminated. Notwithstanding, it may potentially be contaminated due to its industrial zoning and long term use for commercial/industrial purposes. As the modification sought involves no change to the current use of the site for industrial purposes as a waste management facility and does not involve any physical works, no issues arise in terms of the suitability of the site in the context of the above provisions.

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

Division 23 (Clauses 120-123) of the State Environmental Planning Policy (Infrastructure) 2007 includes provisions pertaining to 'waste or resource management facilities'. The subject site is located within the IN1 General Industrial zone, which is identified as a prescribed zone under Clause 120 of State Environmental Planning Policy (Infrastructure) 2007. The modifications sought do not affect the permissibility of the use of the site as a waste or resource management facility in accordance with Clause 121(2)(a) of State Environmental Planning Policy (Infrastructure) 2007. and raise no additional issues having regard to the heads of consideration under Clause 123.

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

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

<b>Cl. 1.2(2) Aims</b>	<b>Complies</b>
------------------------	-----------------

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

**Comments:** The approved development as modified by this current Section 4.55 modification application is consistent with most of the general aims of SLEP 2012.

### Permissibility

No change is proposed to the approved use of the site for the purpose of a waste transfer and recycling facility for solid and inert building and demolition waste. While this use is not permitted in the IN1 General Industrial zone under the SLEP2012, the permissibility is established under the provisions of the State Environmental Planning Policy (Infrastructure) 2007 as described above.

### Zone Objectives

Clause 2.3(2) of the SLEP2012 prescribes as follows, with respect to the land use zone objectives:

(2) *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

The objectives for development in the 'IN1 General Industrial' zone provided in the Land Use Table within SLEP2012 are as follows:

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

The proposal is not inconsistent with all but one (1) of the above zone objectives, being the objective "*To minimise any adverse effect of industry on other land uses*".

While the supporting information includes noise assessment review that is of sufficient robust analysis to accurately depict the background noise levels in the locality during non-operational times, it does not take into account the background noise of the industrial area during operational times in the absence of the use of the subject site and the conclusions drawn in this assessment regarding the proposed amendments to the noise conditions rely on the approval and installation of the acoustic enclosure that was the subject of development application DA2018/174.

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This acoustic enclosure was refused by the SLPP on 6 June 2019 due to lack of information, including the lack of a robust acoustic assessment. As such, the arguments submitted to support the current modification application are undermined and the proposed increase in operational noise from the overall development involves no mitigation measures to minimise any adverse impact of the use on other land uses. Accordingly, the modifications sought do not satisfy the objective “*To minimise any adverse effect of industry on other land uses*”, with the other land uses being primarily the low density residential housing to the southeast of the site.

#### **Part 4: Principal development standards**

The modification application does not seek to amend the approved building height or floor space ratio. This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 4 of the SLEP 2012

#### **Part 5: Miscellaneous Provisions**

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the SLEP 2012.

#### **Part 6: Local Provisions**

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

##### **6.1 Acid sulfate soils**

The entirety of the site is located within an area that is designated as class 4 acid sulfate soils (AS soils). Within this class of AS soils, development consent is required for the carrying out of works more than two (2) metres below the natural ground surface (but subject to the works involving the disturbance of at least 1 tonne of soil and/or being likely to lower the water table). The modifications sought involve the conditions of consent pertaining to operational noise and no physical works are proposed. As such the modifications sought raise no additional issues having regard to Acid Sulfate Soils.

##### **6.3 Flood planning**

A minor portion of the site is located at or below the ‘flood planning level’ however the modifications sought do not involve any physical works and raise no additional issues having regard to flood planning.

##### **6.4 Essential services**

The modifications sought do not alter the requirement for essential services arising from of the current approved use to the site.

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

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

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

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

The Strathfield Consolidated Development Control Plan 2005 is relevant to the assessment of the proposal. The key provisions relating to development of land in industrial zones as prescribed in Part D of this development control plan are addressed as follows.

The specific objectives of Part D are:



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(1.2)	<b>Objectives</b>	<b>Complies</b>
(a)	To improve the quality of industrial development within the Strathfield Municipality;	N/A
(b)	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential;	No
(c)	To ensure development is consistent with the principles of Ecologically Sustainable Development;	N/A
(d)	To encourage high quality building design and industrial streetscape aesthetics;	N/A
(e)	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area;	N/A
(f)	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality;	N/A
(g)	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;	No
(h)	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements;	N/A
(i)	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles; and	N/A
(j)	To encourage employee amenity within industrial developments.	N/A

Comment: The proposal is not considered to accord with the objectives (b), (c) and (g) of Part D1.2 of the SCDP2005 as the proposal seeks to increase operational noise output and does not demonstrate that this modification would not result in an “unreasonable impact upon the amenity of any residential area within the vicinity.

#### Part P 2.14 – Air, Noise and Water Pollution

The proposal does not satisfy the relevant objectives and guidelines. As discussed throughout this report, the information submitted with the application does not properly and accurately establish the noise impacts of the modifications sought to conditions 12,13 16 and 17. It is not possible to determine conclusively that the proposed development will not create a pollution problem by the discharge of an unacceptable level noise emissions, consistent with the objectives.

#### **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*.

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

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

Not applicable.

**4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The 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).

The potential noise impacts of the proposed modifications to the conditions of consent approved under DA9899/452 building and its use cannot be predicted with adequate certainty to a significant degree, particularly given the limited acoustic information submitted by the applicant. The waste management facility is located adjacent to public parkland used for a variety of recreational activities and in close proximity to low density residential areas occupied by families including children, both receiving environments of which are sensitive receptors and have reduced capacity to accommodate any changes in noise and dust impacts.

In the absence of substantive and detailed information on the acoustic effects of the modifications sought, council is unable to be satisfied that the proposal will not have any unreasonable adverse impacts on the amenity of residents in the locality of the site.

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

It is acknowledged that other locations more remote from residential areas, public open space and the like would be better suited to the use. However, the use is permissible with consent in the general industrial zone and the site benefits from a development consent enabling its use as a waste transfer and recycling facility. Where such uses are in the vicinity of sensitive land uses such as residential areas and parkland, the risks of environmental impacts are obviously much greater and dictate a greater focus on physical measures (as well as operational measures) so as to manage those impacts. Based on the noise and dust complaints received from local residents, it is evident that the current use has been deficient in this respect.

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

The development application was publicly notified from 9 April 2019 to 2 May 2019 in accordance with the provisions of Part L of Strathfield Consolidated Development Control Plan 2005. A total of 118 submissions were received in respect of this application including 115 individual submissions, and a petition submitted in 3 parts with a total of 210 signatories (all objecting to the proposal).

A common theme throughout the submissions is that the current use of the site has been having a significant adverse impact on the amenity of local residents, particularly in terms of noise and dust nuisance and especially in the last few years. Some residents indicate that the business operations have expanded greatly over more recent years and noise and dust emissions became much worse around the end of 2016 and early in 2017. Concerns over truck traffic congestion and hazards in the vicinity of the driveway entry/exit in Madeline Street have also been raised by some residents. A few residents complain of vibration effects including their homes 'shaking' at the same time as hearing 'objects' fall onto the ground.

The key issues raised in the submissions received are outlined and addressed as follows:

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LOT 3 DP 556743 (Cont'd)

1. Suitability of site

*The site is inappropriate for the use due to its close proximity to residential areas and parkland and given the nature of the operations including its noise and dust generation. Waste or resource management facilities should be prohibited in the general industrial zone. Such facilities have no place next to homes. There are many other appropriate locations in Sydney.*

Comment: It is acknowledged that other locations more remote from residential areas, public open space and the like would be better suited to the use. However, the use is permissible with consent in the general industrial zone and the site benefits from a development consent enabling its use as a waste transfer and recycling facility. Where such uses are in the vicinity of sensitive land uses such as residential areas and parkland, the risks of environmental impacts are obviously much greater and dictate a greater focus on physical measures (as well as operational measures) so as to manage those impacts. Based on the noise and dust complaints received from local residents, it is evident that the current use has been deficient in this respect.

2. The use is prohibited in the relevant industrial zone

*Waste or resource management facilities are prohibited in the IN1 General Industrial zone under Strathfield Local Environmental Plan 2012. The current business operation should be prohibited in accordance with this local environmental plan due to its failure to comply with the development consent.*

Comment: 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 and the state policy prevails in the case of this inconsistency. The site also benefits from a consent enabling its use as a waste transfer and recycling facility. The failure of the current use to comply with the conditions of consent does not make it prohibited, but raises questions over its scale and intensity in the context of a residential/industrial zoning interface.

3. The amenity of the local residents has been adversely affected by the current use - noise, dust, vibration

Comment: There is no reason to dispute these allegations based on the documented history of resident complaints held by council and the EPA. This concern is not isolated, but is shared by numerous residents in their submissions.

4. The modification further compromises the amenity of the local residents including to nearby parks and open space- noise, dust, vibrations, odour

Comment: There is no reason to dispute these allegations based on the documented history of resident complaints held by council and the EPA. This concern is not isolated, but is shared by numerous residents in their submissions.

5. The noise modelling is unsubstantiated and based upon an 'acoustic barrier' which was not granted development consent (DA2018/174)

Comment: This concern is shared by Council's Environmental Health Officer has raised these concerns regarding the modifications sought which are discussed further within this report.

6. The additional noise will adversely impact the threatened ecological community on the adjoining site the remnant species of the Castlereagh Iron Bark Forest

Comment: The site is not identified on the NSW Office of Environment and Heritage Biodiversity Values Map and Threshold Tool has having biodiversity values.

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7. The proposal does not meet the criteria of s4.55(2) modification applications

Comment: Agreed. The modifications sought are not considered to be "substantially the same" as the development the subject of the original approval and as such does not meet the criteria of s.4.55(2) of the Act for the reasons identified within this report.

8. The proposal is not in the public interest

Comment: Agreed. Council's assessment of the modifications sought have concluded that the proposal is not in the public interest.

9. The modification will de-value surrounding homes

Comment: This is not a material planning consideration.

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

The public interest is served through the detailed assessment of this application under the relevant local planning controls and legislation and including consideration of any submissions received.

Based on the submissions received and previous resident complaints lodged with council, the on-going use of the site and its operations has been a major source of detrimental noise and dust emissions for a large number of nearby residents and very much not in the public interest. The potential adverse human health effects from noise and dust emissions associated with waste management facilities are a matter of significant interest to the general public.

Inadequate information has been submitted with the application to demonstrate that the proposed building and its on-going use will reduce noise and dust emissions, let alone not result in any increase in these emissions. Accordingly, the proposed development is not considered to be in the public interest.

### **LOCAL INFRASTRUCTURE CONTRIBUTIONS**

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

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

### **STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN**

The original application was not subject to a requirement for the payment of development contributions. Had this application been supported, it would still not trigger any requirement for payment of a contribution in accordance with Council's Section 7.11 Contributions Plan.

### **CONCLUSION**

The application has been assessed having regard to Section 4.55 of the *Environmental Planning and Assessment Act 1979*, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005. The proposal is considered to be unacceptable on its merits and is recommended for refusal.

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LOT 3 DP 556743 (Cont'd)

## PEER REVIEW

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

## RECOMMENDATION

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. DA9899/452 involving amendments to conditions 12,13, 16 and 17 at 84-108 Madeline Street be **REFUSED** for the following reasons:

1. The proposal as modified is not substantially the same as the development for which consent was originally granted (Section 4.55(2)(a) of the *Environmental Planning and Assessment Act 1979*).
2. The modification application is not accompanied by sufficient information as to the likely impact of the modifications sought, such that it cannot be concluded that the proposed amendments to conditions 12, 13, 16 and 17 will not significantly increase the environmental impacts of the total development compared with the existing development. Accordingly, the proposed development is declared to be 'designated development' for the purposes of clause 4(1) of the Environmental Planning & Assessment Regulation 2000. No environmental impact statement accompanies the application and this is required by Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*.
3. The application is not accompanied by sufficient information as to the likely impact of the proposed development, particularly with respect to noise and dust emissions as a result of the building and its use. Accordingly, council is unable to undertake a full and proper assessment of the proposed development (Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
4. The modifications sought do not satisfy the objectives, guidelines and requirements relating to development in industrial zones as prescribed in Part D of Strathfield Consolidated Development Control Plan 2005 (Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*).
5. The modifications sought are not in the public interest having regard to the uncertainties as to its impacts on the amenity of surrounding residents, particularly its noise impacts arising from the amended conditions (Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

## ATTACHMENTS

1. [↓](#) DA9899.452.02-SEE\_RP1\_Final-84-108 Madeline st



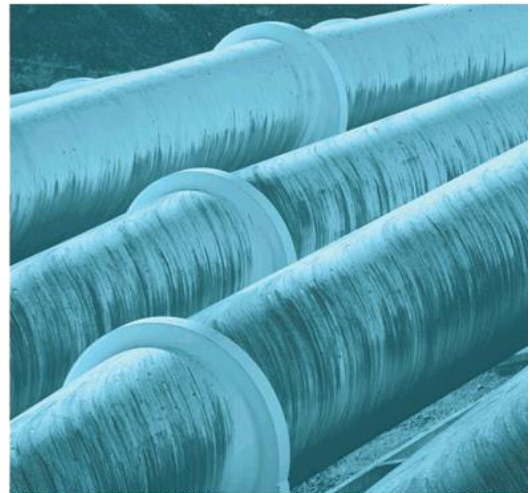


Statement of Environmental Effects  
Application to Modify Strathfield Consent DA 9899/452

**STRATHFIELD COUNCIL  
RECEIVED**

**DA9899/452/02  
19 March 2019**

Prepared for Aussie Skips Waste Services NSW Pty Ltd  
March 2019





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# Statement of Environmental Effects

Application to Modify Strathfield Consent DA9899/452

**Report Number**

J17084 RP1

**Client**

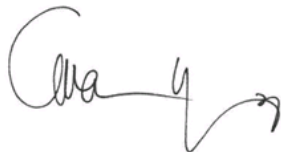
Aussie Skips Waste Services NSW Pty Ltd

**Date**

19 March 2019

**Version**

v1 Final

**Prepared by****Allan Young**

National Technical Leader, Urban and Regional Planning  
19 March 2019

**Approved by****Robert Morris**

Associate  
19 March 2019

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public.

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# 1 Introduction

## 1.1 Overview

EMM Consulting Pty Limited (EMM) has been engaged by Aussie Skips Industries Pty Ltd to prepare an application to modify Strathfield Council Consent DA 9899/452 which authorised the operation of a waste transfer and recycling facility for solid and inert building and demolition waste. This application seeks to modify the consented noise levels.

## 1.2 Proponent

Aussie Skips Waste Services NSW Pty Ltd (Aussie Skips) is a locally owned waste management company that was established in 1987 and was purchased by the current owners in November 2016. The business is proudly Australian owned and operated by a team with over 15 years' experience working in the waste management industry. The operation of the facility supports 19 employees.

The business provides skip bin hire throughout the Sydney metropolitan area as well as recycling services at its Strathfield South site. The skip bins are available in varying sizes and there is a support fleet of 34 trucks which transport the materials to various processing and recycling facilities throughout Sydney.

## 1.3 Objectives

This Statement of Environmental Effects (SEE) has been prepared to support the modification to Development Consent DA9899/452.

The proposed modification involves a revision of the operational noise metrics identified within the consent conditions. The objectives of this modification are:

- to ensure that the consent conditions refer to contemporary instruments and guidelines;
- to provide greater precision in the terminology and metrics that are used to describe noise targets;
- to provide all of the stakeholders – the operator, the residents and the regulators – with greater clarity of the operational performance expectations for the facility; and
- to apply achievable noise targets which represent the most feasible and reasonable, given the changed surrounding noise environment.

## 1.4 Report structure

The modification application has been prepared in consideration of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Division 12 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

This SEE describes the site, existing operations, the proposed modification, the legislative context of the application and provides an environmental assessment of the likely impacts. It is accompanied by a noise review prepared by EMM (Appendix A).

## 2 Site description

### 2.1 Site location and dimensions

The site is identified as 84-108 Madeline Street, Strathfield South (site), being legally described as Lot 1 in DP 556743 and Lot 1 in DP 107494. Refer to Figure 2.1 below.

The site is an irregular-shaped allotment of approximately 4650 m<sup>2</sup> in area. There is a metal shed for waste processing, concrete walled bins, a tank, ancillary small sheds, a weighbridge and associated offices.

The site is entirely sealed with concrete and is noise-fenced along the storm water channel. The site includes the stormwater channel at the southern end and has a large easement for the stormwater channel to pass through it.

The subject site is serviced by a 6.075 m right of carriageway over the adjacent Lot 3, from Madelaine Street. The entrance to the subject site is some 115m from the Madeline Street frontage.

The site is a rear allotment of a larger multi-unit industrial site and it does not have any direct street frontage.



Figure 2.1 Site location

## 2.2 Adjoining land

There are mixed industrial uses immediately adjoining the site to the north and west. There is a large existing building adjacent to the northern boundary. To the south is an open concrete-lined stormwater channel (Coxs Creek) which has mature vegetation (10-15 m in height) along both sides of the channel (refer to Figure 2.2).



Source: Google Earth

**Figure 2.2** The site, Coxs Creek channel, vegetation and fields

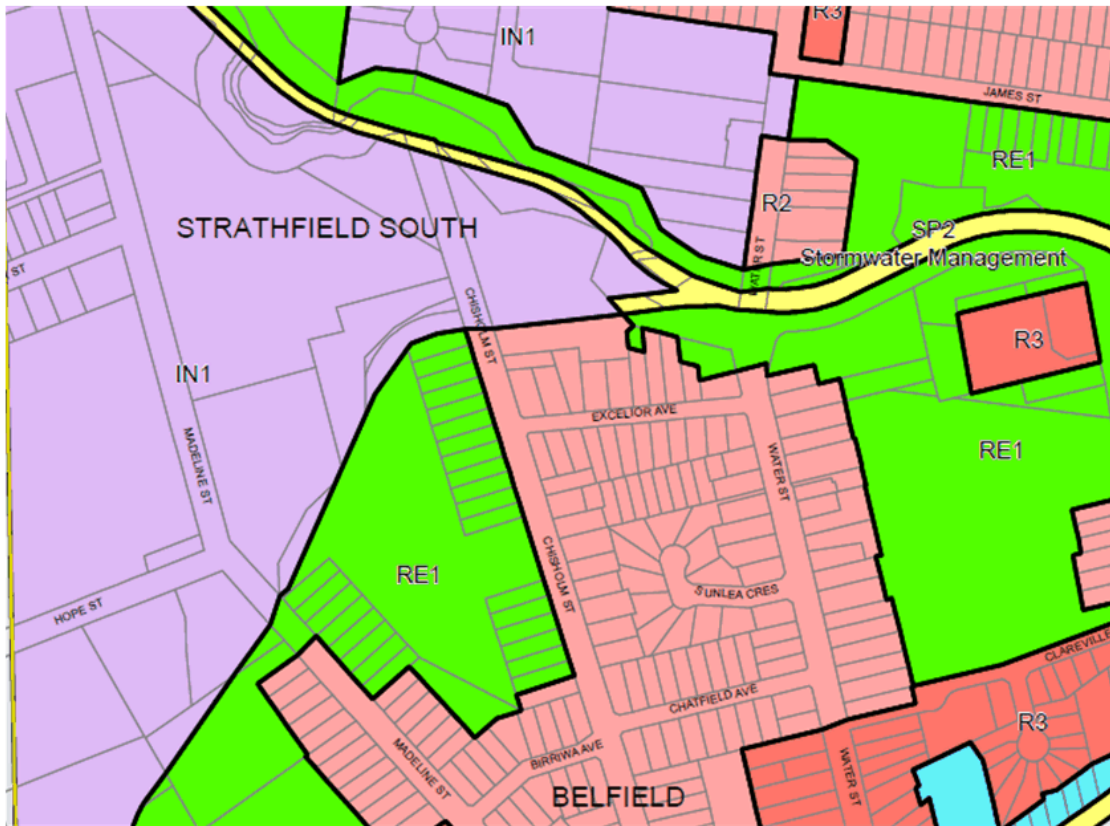
## 2.3 Land use zoning

The site is within a Strathfield South precinct zoned IN1 (General Industrial). Refer to Figure 2.3.

Land to the south of the site is zoned RE1 (Public Recreation)

Land to the south-east of the site is zoned R2 (Low Density Residential)





Source: Strathfield Local Environmental Plan 2012, Map LZN\_006 (detail)

**Figure 2.3 Land use zones**

**2.4 Existing operations**

The facility receives and processes inert waste materials.

A diagram of the general site arrangement is provided at Figure 2.4.



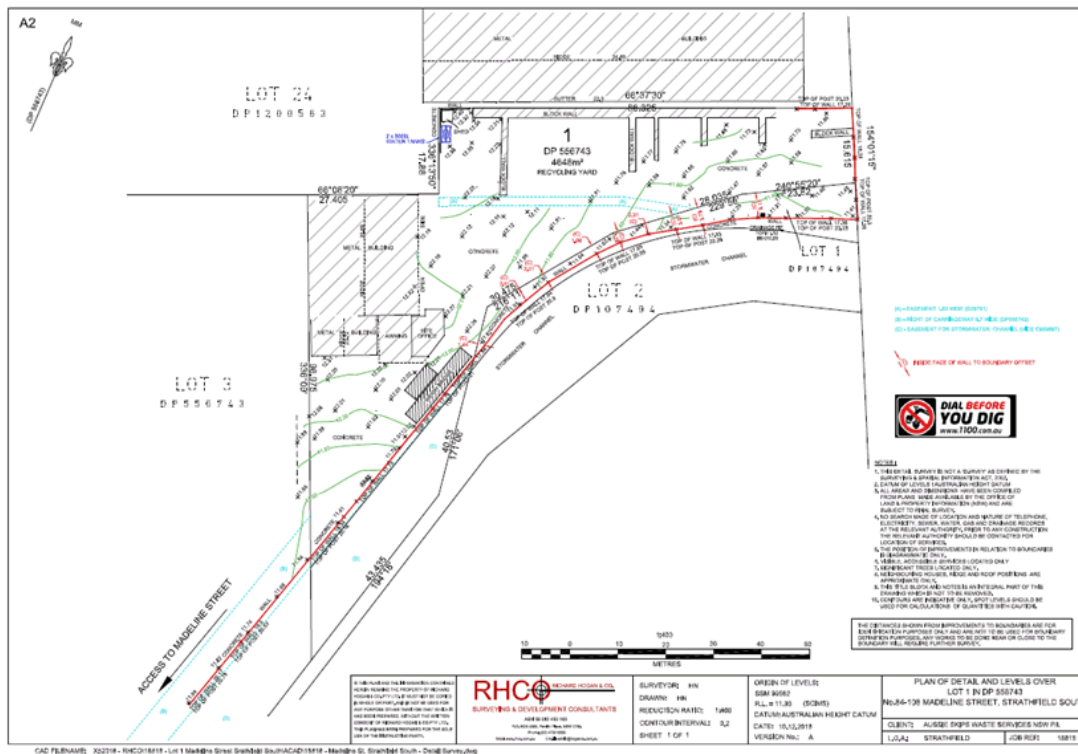


Figure 2.4 Site layout

2.4.1 Development consents

The development consents pertaining to the site are:

- DA 9899/365 Site approved for storage of waste collection bins (30 August 1999).
- DA 9899/452 Site approved for waste transfer and recycling facility for solid inert building and demolition waste (17 April 2000).
- DA 2015/144 Site approved for installation of a weighbridge to comply with NSW Environment Protection Authority (EPA) Environment Protection Licence (EPL) provisions (March 2016).
- DA 0203/040 Construction of a wall along the eastern boundary (June 2003).

There is also a development application (DA) currently submitted to Council, but not yet determined, proposing the construction of an acoustic enclosure (DA 2018/174).

The acoustic enclosure proposed in the DA was considered in the preparation of this SEE to the extent that the modelling for acoustic performance suggests that a noise impact at residential receptors can be reduced by 3 to 5 dB(A) through the installation of the enclosure and this has guided consideration of the proposed new noise targets.

It is therefore proposed that this modification application and the development application seeking development consent for an acoustic enclosure would be assessed concurrently. As the attached letter from EMM dated 18 March 2019 demonstrates, the figure of 50dB(A)  $L_{eq,15minute}$  has been modelled based on the design to be proposed for the acoustic enclosure such that the revised limits sought in this application are dependent on development consent being granted for the acoustic enclosure.

#### 2.4.2 Environment protection licence

The operation of the facility is subject to an EPL issued by the NSW EPA.

EPL 20885 identifies the scheduled activities as resource recovery and waste storage.

Licence conditions include requirements for noise impact assessment, noise monitoring and compliance reporting.

## 3 Legislation and policy

### 3.1 Environmental Planning and Assessment Act 1979

#### 3.1.1 Provisions relating to modification applications

Development consents granted under Part 4 of the EP&A Act may be modified under Section 4.55 of the Act. The proposed modification is proposed to be modified under Section 4.55(2) which states:

##### **Other modifications**

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

- a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- c) it has notified the application in accordance with:
  - i) the regulations, if the regulations so require, or
  - ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

The proposed modification is considered to be substantially the same development for which the consent was originally granted. The facility remains a waste transfer and recycling facility, with no proposed variation to processing volumes, materials, operating times or building envelope.

#### 3.1.2 Matters for consideration

In accordance with Section 4.55(3) of the EP&A Act, when determining a modification of development consent, the consent authority must take into consideration the matters referred in Section 4.15(1) of the EP&A Act. The Section 4.15(1) matters and where they are addressed in this SEE are detailed in Table 3.1.

**Table 3.1 EP&A Act Section 4.15(1) matters for consideration**

Matter	Where addressed
(a) the provisions of:	
(i) any environmental planning instrument, and	Sections 3.3 (State) and 3.6 (Local)
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred definitely or has not been approved), and	Section 3.9
(iii) any development control plan, and	Section 3.7
(iv) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Section 3.8
(v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,	Section 3.2
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Section 5
(c) the suitability of the site for the development,	Section 6
(d) any submissions made in accordance with this Act or the regulations,	Section 7
(e) the public interest.	Section 8

### 3.2 Environmental Planning and Assessment Regulation 2000

Under Section 4.10, Part 4 of the EP&A Act, a designated development is a development that is declared to be designated development by an environmental planning instrument or the Regulation.

Clause 32 of Schedule 3 of the Regulation lists the following as designated development:

#### 32 Waste management facilities or works

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:

(i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

(ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or

(iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or

- (iv) that comprises more than 200 tonnes per year of other waste material, or
  - (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:
    - (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
    - (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
    - (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or
  - (c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or
  - (d) that are located:
    - (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
    - (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
    - (iii) within a drinking water catchment, or
    - (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
    - (v) on a floodplain, or
    - (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.
- (2) This clause does not apply to:
- (a) development comprising or involving any use of sludge or effluent if:
    - (i) the dominant purpose is not waste disposal, and
    - (ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or
  - (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or
  - (c) (Repealed)

It is noted that Condition 20 of DA9899/452 20 provides "the amount of materials to be handled shall not exceed 100,000 tonnes per annum" and that the development is within 250 m of a residential dwelling. The facility is



therefore properly characterised as *waste management facilities or works* and is treated as designated development.

Once a development is characterised as being a waste management facility (or other prescribed development) there needs to be consideration of Parts 2 and 3 of Schedule 3.

Part 2 of Schedule 3 articulates (at clause 35) the circumstances when alteration or additions are not designated 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.

Clause 36 lists the factors to be taken into consideration. These are presented below and tabulated with analysis at Table 3.2.

### **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:
  - (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.

**Table 3.2 Factors to be taken into consideration under Regulation clause 36**

Matter	Analysis
(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	EPL 20885: Clean up notice (2016) – subsequently revoked Prevention notice (2017) – subsequently revoked Penalty notices (2017, 2018, 2019) – licence condition
(ii) rehabilitation or restoration of any disturbed land, and	Nil.
(iii) the number and nature of all past changes and their cumulative effects, and	Operational and structural improvements made to mitigate noise and DA currently with Council seeking approval to install an acoustic enclosure.
(b) the likely impact of the proposed alterations or additions having regard to factors including:	
(i) the scale, character or nature of the proposal in relation to the development, and	The proposed variation to acoustic criteria is considered modest.
(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	Ambient noise is consistent with an urban and industrial landscape.
(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and	There is a high degree of reliability in the data which is based on technical measurements at the site and the residential premises.
(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and	The receiving residential environment currently experiences 53 dB(A) Leq,15minute. Under contemporary assessment, under the latest noise policy, the ideal target would be 48 dB(A) Leq,15minute. The difference between 48 dB(A) and 53dB(A) is not considered to be a significant increase.
(c) any proposals:	
(i) to mitigate the environmental impacts and manage any residual risk, and	The proponent is currently seeking approval to install an acoustic enclosure to further mitigate noise impacts on residential sites.
(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.	As above.

This SEE details the predicted increase in environmental impacts as compared to the impacts of the approved development. The findings throughout the SEE are that there is no significant increase in the environmental impacts of the total development. Accordingly, the proposed modification is not considered designated development. Our recommendation is that Council, after considering the matter pursuant to clause 36, form a similar view.

### 3.3 State Environmental Planning Policy

#### 3.3.1 State Environmental Planning Policy (Coastal Management) 2018

The State Environmental Planning Policy (Coastal Management) 2018 does not apply to the site.

This SEPP applies in areas mapped as the Coastal Zone, and this mapping extends generally as far as any tidal limit.

The tidal limit for Cooks River ends at or near Punchbowl Road – approximately 850 m to the south east of the site.

#### 3.3.2 State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) aims to ensure any measures proposed to be employed to reduce the impact of the development are taken into consideration when considering any application to carry out potential hazardous or offensive development.

The development of this waste management facility was the subject of an approval after the date on which SEPP 33 commenced (1992) and therefore the SEPP applies.

The operation of the facility is considered to meet the definition of a ‘potentially offensive industry’. SEPP 33 defines that terms as follows:

**potentially offensive industry** means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

SEPP 33 provides (at clause 12) that a preliminary hazard analysis is required when a person proposes to make a development application to carry out development for the purposes of a potentially hazardous industry. This clause does not apply to potentially offensive development.

Clause 13 of SEPP 33 does apply and it provides that a consent authority must consider (in addition to the other matters specified in the EP&A Act) a range of matters. These are reproduced below and tabulated at Table 3.3.

(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and

(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and

(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and

(e) any likely future use of the land surrounding the development.

**Table 3.3 Matters to be taken into consideration under SEPP 33**

Matter	Analysis
(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and	<i>Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis</i> (NSW Planning) was noted but refers to potentially hazardous development (not potentially offensive development)
(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and	The views of the Environment Protection Authority are a relevant consideration and these are expressed through official guidance on acoustic impact mitigation.
(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and	This development is not characterised as ‘potentially hazardous industry’
(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and	Feasibility is at the core of this issue. The location of the waste management facility is taken as given and it remains an approved land use at the site. The proposed modification seeks to adjust the noise criteria, as specified in the consent conditions, to a metric which better reflects contemporary acoustic conditions, and which balances the interests of nearby residents with the technical constraints on mitigation measures. Alternatives have been considered in terms of substitute metrics and structural or operational arrangements.
(e) any likely future use of the land surrounding the development.	Surrounding land use is established and zoned. There are no known planning proposals which might alter the pattern of land use or its intensity.

### 3.4 Commonwealth legislation

### 3.5 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Commonwealth Department of the Environment and Energy. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places defined as ‘matters of national environmental significance’ (MNES). If significant impacts are considered likely, and the action is deemed to be a ‘controlled action’, then proponent may be asked to provide further information about the proposal.

The Modification is not likely to have a significant impact on any MNES listed under the EPBC Act and consequently has not been referred to the Department of Environment and Energy.

### 3.6 Local environmental plan

#### 3.6.1 Strathfield Local Environmental Plan

The Strathfield Local Environmental Plan 2012 (LEP) is the relevant local environmental planning instrument and it identifies, amongst other things, the land uses permissible at the site.

The site is within land zoned IN1 – General Industrial.

The Land Use Table within the LEP stipulates the following for land zoned IN1 (underline added):

**Zone IN1 General Industrial**

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

*Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental protection works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation areas; Roads; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies*

4 Prohibited

*Pond-based aquaculture Any development not specified in item 2 or 3*

The facility is appropriately characterised as a waste or resource management facility, defined in the LEP as:

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

and this is a form of general industry which is defined in the LEP as:

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

The development is therefore permissible with consent.

It is noted that the facility currently operates under a development approval (DA9899/452).



### 3.6.2 Other development controls

The site is located within land mapped under the LEP as Acid Sulfate Soil (Class 4).

The proposed development relates only to operational noise criteria. No soil is proposed to be disturbed.

### 3.6.3 Aircraft Noise Exposure Forecast

The site is not within the area mapped as Aircraft Noise Exposure Forecast (ANEF) for Sydney Airport.

## 3.7 Development control plan

Strathfield Council has a published Consolidated Development Control Plan 2005.

There are also four site specific Development Control Plans (DCPs) but the subject site for this application is not within those sites. The consolidated (2005) DCP therefore is the relevant DCP.

Part D of the Consolidated Development Control Plan relates to industrial development.

The specific objectives of Part D are as follows:

- a. To improve the quality of industrial development within the Strathfield Municipality;*
- b. To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential;*
- c. To ensure development is consistent with the principles of Ecologically Sustainable Development;*
- d. To encourage high quality building design and industrial streetscape aesthetics;*
- e. To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area;*
- f. To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality;*
- g. To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;*
- h. To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements;*
- i. To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles; and*
- j. To encourage employee amenity within industrial developments.*

The DCP provides guidance for development adjoining residential zones (Section 2.4). The provisions are reproduced below and the relevant policy guidelines are addressed in Table 3.4.

**Objective:**

*To ensure industrial development does not unreasonably impact or intrude upon any adjoining residential area(s).*

**Guidelines:**

1. *The proposed building is to be sympathetic to the height, scale, siting and character of existing adjoining and/or nearby residential development.*
2. *Solar access to the windows of habitable rooms and to the majority of private open space of adjoining residential properties must be substantially maintained or achieved for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 22).*
3. *Windows facing residential areas must be treated to avoid overlooking of private open space or private windows.*
4. *Goods, plant equipment and other materials are to be stored within the proposed industrial building or suitably screened from residential development.*
5. *Noise associated with the premises including plant and equipment will be subject to the NSW Environmental Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.*
6. *Noise generated from fixed sources or motor vehicles associated with the proposed industrial development must be effectively insulated or otherwise minimised.*
7. *The operating noise level of plant and equipment shall generally not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises between the hours of 7.00am and 10.00pm. If existing background levels are above the Environmental Protection Authority (EPA) criteria, then a merit based assessment will be carried out.*
8. *If operating noise levels of plant and equipment are proposed outside the hours of 7.00pm and 10.00pm, the applicant may be subject to a merit based assessment which may need to be supported by an Acoustical Engineers' report.*
9. *The development shall not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting and the like.*
10. *Refer to Section 2.10.8 for details of landscape buffer requirements.*

There are also provisions relating to noise at Section 2.14 of Part D of the DCP. Those provisions are:

**Objective:**

*To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.*

**Guidelines:****2.14.1 General**

1. *The emission of any air impurities including offensive odours, the discharge of any waste into any waters or the emission of noise associated with any development shall not contravene the Protection of the Environment Operations Act 1997.*

**2.14.2 Noise**

2. *The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.*

3. The proposed building(s) must be designed (orientated, insulated etc) to inhibit the transmission of noise. Hours of operation and access to the site through residential streets may be restricted where the proposed development involves the generation of noise likely to affect residential areas. Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.

4. The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.

**Table 3.4 Relevant policy guidelines under DCP**

Matter	Analysis
<i>DCP Part D Section 2.4</i>	
5. Noise associated with the premises including plant and equipment will be subject to the NSW Environmental Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.	Agreed. This is addressed in the noise review (Attachment A)
6. Noise generated from fixed sources or motor vehicles associated with the proposed industrial development must be effectively insulated or otherwise minimised.	It is noted that the site is the subject of a current development application to install an acoustic enclosure.
7. The operating noise level of plant and equipment shall generally not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises between the hours of 7.00am and 10.00pm. If existing background levels are above the Environmental Protection Authority (EPA) criteria, then a merit based assessment will be carried out.	<p>A Project Specific Noise Level (PSNL) of 48 dB, <math>L_{eq,15minute}</math> is applicable for operations during the day (7am to 6pm).</p> <p>There is limited opportunity to define a representative background level (RBL) for the nearest residence at 2 Chisholm Street in the absence of site noise influences as required by the INP for assessment purposes. EMM staff conducted a long-term noise monitoring survey at 2 Chisholm Street in the 2018 Christmas holiday period. During the period of 23 December 2018 and 6 January 2019 the site was not operational according to site log records provided to EMM. The resulting background noise level for the relatively quieter holiday period for sampling between 24 December 2018 to 3 January 2019 was 42dB(A) <math>L_{eq,15minute}</math> for the daytime in accordance with the NPfl or INP methods. This period in time would have seen not only the Aussie Skips site non-operational but also neighbouring industrial sites non-operational and a general lack of general traffic in the area and surrounds. It is therefore concluded that monitoring during 'normal' or non-holiday periods as recommended by the EPA policies would show a higher background noise level i.e. at least 43dB(A) <math>L_{eq,15minute}</math>.</p> <p>The proposed operating level of 50dB(A) <math>L_{eq,15minute}</math> is 2dB(A) above the 5dB(A) exceedance articulated in the DCP. It is noted however that the requirement is for operating noise to "generally not exceed" 5dB(A) above background noise levels. Some latitude is therefore considered appropriate, and this is also consistent with the guidance in State policies such as the INP and NPfl.</p>
8. If operating noise levels of plant and equipment are proposed outside the hours of 7.00pm and 10.00pm, the applicant may be subject to a merit based assessment	It is assumed that this performance guideline in the DCP is intended to refer to 7.00am (not 7.00pm).

**Table 3.4** Relevant policy guidelines under DCP

Matter	Analysis
<i>which may need to be supported by an Acoustical Engineers' report</i>	There is no proposal to vary the hours during which plant and equipment are operated.
<i>DCP Part D Section 2.14</i>	
2. <i>The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.</i>	The permissibility of the land use and machinery are the subject of an existing development consent (DA988/452)
3. <i>The proposed building(s) must be designed (orientated, insulated etc) to inhibit the transmission of noise. Hours of operation and access to the site through residential streets may be restricted where the proposed development involves the generation of noise likely to affect residential areas. Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.</i>	An acoustic report accompanies this application to modify a development consent.
4. <i>The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.</i>	The EPA INP and NPfl have been adopted and require any level of residual noise (i.e. noise above the recommended target noise levels in the policy) be mitigated by adopting all feasible and reasonable noise management and mitigation measures.

### 3.8 Planning agreements

There is no planning agreement that has been entered into under section 7.4 of the EP&A Act, or any draft planning agreement that a developer has offered to enter into under section 7.4.

### 3.9 Proposed instruments

There are no proposed instruments identified, with direct relevance to this proposed modification, that are or have been the subject of public consultation under this Act and that have been notified to the consent authority.

## 4 Proposed modification

### 4.1 Introduction

The proposed modification is to revise the noise criteria which were set as a condition of DA 9899/452, determined by the then Strathfield Municipal Council on 17 April 2000.

A copy of the consent is attached at Appendix B.

The consent was issued subject to a range of conditions. This modification seeks to modify specific conditions relating to noise, as follows:

### 4.2 Condition 12

Condition 12 currently provides:

Any noise emanating from the use at any time shall:

- (a) not have any detrimental effect on the adjoining residential amenity.
- (b) generally comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority.

#### 4.2.1 Proposed modification and justification

The proposed modification is to modify two parts of this condition.

##### i Delete condition 12(a).

This condition requires performance against an imprecise and ill-defined criteria, being 'any detrimental effect' from 'any noise' and 'any time'. Performance criteria need a degree of precision for any meaningful compliance and enforcement to be applied. It is in the interests of the operator, residents and regulators to apply standards which are readily understood by all parties.

##### ii Update condition 12(b)

The reference to the *Environmental Noise Control Manual* is also redundant. The *EPA Noise Guide for Local Government* (2013) notes (underline added):

The Environmental Noise Control Manual previously published by the EPA does not contain current information on noise management and should not be used or relied upon. It has been superseded by the above policy documents and this Guide. Current noise policies are available at [www.epa.nsw.gov.au/noise/index.htm](http://www.epa.nsw.gov.au/noise/index.htm)

The intent of the condition is appropriate but the condition should refer to the *EPA Noise Policy for Industry* (as updated from time to time) rather than the *Environmental Noise Control Manual* which no longer represents Government policy.



### 4.3 Condition 13

Condition 13 provides:

The noise emanating from the premises shall comply with the requirements of the Noise Control Act and Regulations thereunder.

#### 4.3.1 Proposed modification and justification

The proposed modification is to delete this condition.

The Noise Control Act 1975 and Regulation 1975 have been repealed. This condition is redundant.

### 4.4 Condition 16

Condition 16 currently provides as follows:

The operating noise level of plant and equipment shall not exceed 45dB(A) when measured at any point on any residential premises between the hours of 7am to 6pm Monday to Saturday.

#### 4.4.1 Proposed modification and justification

The proposed modification is to replace the reference to a noise limit of 45dB(A) with a noise limit of 50 dB(A)  $L_{eq,15minute}$ .

The reference to 45 dB(A) is based on earlier acoustic standards which have since been superseded in NSW. Applying the policy current in 2000 or its replacement issued in 2017, the ideal EPA target value is 48 dB(A)  $L_{eq,15minute}$  for site noise contributions assessable at residences between 7am to 6pm.

It is also noted that the current noise impact from the facility has been confirmed through attended measurements as 53 dB(A)  $L_{eq,15minute}$  at the residential locations. A recent interlocutory Land and Environment Court (L&EC) order has also set a limit of 53 dB(A)  $L_{eq,15minute}$  at the residential locations.

The site operator has lodged a development application with Strathfield Council to install an acoustic enclosure as a means of addressing the current noise impacts.

Acoustic modelling indicates that an improvement of between 3 to 5 dB to the current offsite noise levels is achievable with the installation of the acoustic enclosure. This suggests that a practicable noise target at the residential area closest to site is in the range of 48 to 50 dB(A)  $L_{eq,15minute}$  based on the measured contributions currently experienced at residences of 53 dB(A).

It is important to note that the EPA INP and NPfl contemplate circumstances where noise targets may be exceeded. Specifically, the NPfl notes that where there are residual impacts "this may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant".

Chapter 10 of the INP also makes allowances for existing sites and situations as follows:

Where noise emissions from the site exceed the project-specific noise levels, the regulatory authorities and the noise-source manager need to negotiate achievable noise limits for the site. The project-specific noise levels should not be applied as mandatory noise limits. The project-specific noise levels supply the initial target levels and drive the process of assessing all feasible and reasonable control measures. Achievable noise limits result from applying all feasible and reasonable noise control measures. For sites with limited mitigation measures the achievable noise limits may some-times be above the project-specific noise levels.

Similarly, Section 2.1 of the NPfI provides:

The project noise trigger level provides a benchmark or objective for assessing a proposal or site. It is not intended for use as a mandatory requirement. The project noise trigger level is a level that, if exceeded, would indicate a potential noise impact on the community, and so 'trigger' a management response; for example, further investigation of mitigation measures.

The project noise trigger level, feasible and reasonable mitigation, and consideration of residual noise impacts are used together to assess noise impact and manage the noise from a proposal or site. **It is the combination of these elements that is designed to ensure that acceptable noise outcomes are determined by decision makers.**

The proponent has adopted a number of measures to date, together with the proposed acoustic enclosure, and these constitute actions which meet the definition of feasible and reasonable noise management measures.

## 4.5 Condition 17

Condition 17 of the April 2000 Consent currently states:

The operating noise level of plant and equipment shall not exceed 65db(A) when measured at any point on the boundaries of the site.

### 4.5.1 Proposed modification and justification

The proposed modification is to revise Condition 17 to refer only to the south and south-east boundaries of the site and to update the metric of the noise target to provide greater precision and to conform with current EPA policy (being 65 dB(A)  $L_{eq,7am-6pm}$ ).

This is considered necessary because the site is situated on the edge of an established industrial estate (zoned IN1 – General Industry) and there are industrial premises to the north and north-west. The boundaries where adjoining land uses include recreational open space and residential development are the south and south-east.

The proposed wording for this condition is:

*The operating noise level of plant and equipment shall not exceed 65 dB(A)  $L_{eq,7am-6pm}$  when measured at any point immediately to the south/south east of the noise barrier constructed on the south/south-eastern side of the subject land.*

## 4.6 Consideration of alternatives

A small range of alternative metrics were considered for those modifications proposing a new noise target.

The modifications proposing to update the references to guides and statutory instruments are not based on the relative merits of alternative options but rather seek to apply current best practice.

## 5 Environmental assessment

Key environmental and social impact categories are discussed below.

### 5.1 Water

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on water.

### 5.2 Soils

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on soils.

### 5.3 Biodiversity

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes are likely to have nil or negligible impact on biodiversity.

There is some research which investigates the impacts of noise on biodiversity (see for example, Newport, J, Shorthouse, D J and Manning, A D (2014) "The effects of light and noise from urban development on biodiversity: Implications for protected areas in Australia" in *Ecological Management and Restoration* 15:3). The findings are that there is potential for light and noise to impact the behaviour of animals.

The scale of the proposed changes for this modification however are unlikely to materially impact local animal species. It is also noted that the land adjoining the site is developed and modified land for purposes such as industrial activity, residential development, recreation space or stormwater management.

### 5.4 Traffic and transport

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on traffic and transport.

### 5.5 Air quality

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on air quality.

### 5.6 Natural hazards and bush fire

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on natural hazards and bush fire risk.

The site is within an area mapped as acid sulfate soil (class 4). There is no disturbance of soil associated with the modifications the subject of this application.

## 5.7 Greenhouse gas and climate change

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on (or be impacted by) greenhouse gas emissions or climate change.

## 5.8 Noise and vibration

The proposed modification is to replace the reference to a noise limit of 45 dB(A) with a noise limit of 50 dB(A)  $L_{eq,15minute}$ .

The reference in the 2000 Consent to 45 dB(A) is based on earlier acoustic standards which have been superseded in NSW. Applying the policy current in 2000 or its replacement issued in 2017, the ideal EPA target value is 48 dB(A)  $L_{eq,15minute}$  for site noise contributions assessable at residences between 7am to 6pm.

It is also noted that the current noise impact from the facility has been confirmed through attended measurements as 53 dB(A)  $L_{eq,15minute}$  at the residential locations. A recent interlocutory L&EC order has also set a limit of 53 dB(A)  $L_{eq,15minute}$  at the residential locations.

Acoustic modelling indicates that an improvement of between 3 to 5 dB to the current offsite noise levels is achievable with the installation of the acoustic enclosure which is the subject of a development application currently before Council.

The *Noise Policy for Industry* (NPfi) and the earlier *Industrial Noise Policy*, prepared by the NSW EPA, contemplate circumstances where noise targets may be exceeded. Specifically, the NPfi notes that where there are residual impacts “this may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant”.

Chapter 10 of the INP also makes allowances for existing sites and situations as follows:

Where noise emissions from the site exceed the project-specific noise levels, the regulatory authorities and the noise-source manager need to negotiate achievable noise limits for the site. The project-specific noise levels should not be applied as mandatory noise limits. The project-specific noise levels supply the initial target levels and drive the process of assessing all feasible and reasonable control measures. Achievable noise limits result from applying all feasible and reasonable noise control measures. For sites with limited mitigation measures the achievable noise limits may some-times be above the project-specific noise levels.

Similarly, Section 2.1 of the NPfi provides:

The project noise trigger level provides a benchmark or objective for assessing a proposal or site. It is not intended for use as a mandatory requirement. The project noise trigger level is a level that, if exceeded, would indicate a potential noise impact on the community, and so ‘trigger’ a management response; for example, further investigation of mitigation measures.

The project noise trigger level, feasible and reasonable mitigation, and consideration of residual noise impacts are used together to assess noise impact and manage the noise from a proposal or site. **It is the combination of these elements that is designed to ensure that acceptable noise outcomes are determined by decision makers.**

In summary, while the ideal target of 48 dB(A) is not proposed, the target of 50 dB(A) represents a reasonable compromise – as provided for under the INP and NPfi – in balancing the needs of nearby residents with the feasible and reasonable noise management measures that can be implemented on pre-existing sites. The noise trigger levels articulated in the NPfi are not mandatory requirements; nor do they indicate absolute binary outcomes of

acceptable and unacceptable noise impacts below or above the target metric. Rather they are targets for performance within a spectrum of possible acoustic settings. The presence of residual impacts above and beyond those targets is both contemplated by the policy and addressed by requiring a project specific management response.

### 5.9 Visual impact and lighting

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on visual amenity or lighting.

### 5.10 Aboriginal heritage

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on local Aboriginal heritage.

### 5.11 Historical heritage

The proposed modification seeks to vary the consent conditions which set operational performance measures for noise. These changes have nil or negligible impact on historic heritage.

The facility is not in a conservation area and there are no heritage items listed on a local or State register within or adjoining the site.

The Strathfield LEP identifies local heritage item 12 (being a cottage at 43 Water Street, Belfield) as situated approximately 240 m south-east of the site. At this distance, impacts will be imperceptible.

### 5.12 Socio-economic

The socio-economic impacts are expected to be minimal.

The facility is an established local business and the changes proposed to the noise-related conditions will not alter the employment generating capacity of the business or the industrial precinct within which it exists.

The scale of the noise changes proposed is sufficiently minor that impacts on the nearest residents will not be significant.

It is also noted that some of the proposed changes to the noise related conditions aim to bring the conditions into a contemporary regulatory framework. This is achieved by improving the precision of the performance measures and by ensuring that the conditions reference current best practice guides and statutory instruments. These changes bring a greater degree of control for regulators and improved clarity for residents regarding the obligations placed upon the operators of the facility.

### 5.13 Waste management

The changes to the noise targets will not, of itself, have any impact on the waste management of the facility. It will however enable the facility to continue to provide an essential service to Sydney in terms of waste management. The facility sorts, processes and diverts waste from landfill.



## 6 Suitability of the site

The overall suitability of the site as a location for a waste management facility was determined through DA9899/452 when this type of activity was proposed.

This modification does not seek to alter the fundamentals of the existing lawful operation. It remains a waste management facility.

The proposed changes to the noise-related conditions within DA9899/452 will help the operator, regulator and residents manage the operations and the noise impacts associated with the facility by providing a clearer contemporary framework with more precise rules, and a performance target which represents a reasonable balance between the needs of residents and the ability of the facility operator to further mitigate noise impacts.

The site is therefore considered suitable and able to accommodate the proposed changes to its operational noise conditions.

## 7 Submissions

No submissions have been received regarding this proposed modification.

## 8 The public interest

The proposed modification involves amendments to several of the conditions which are associated with consent DA9899/452.

The purpose of these amendments is four-fold:

- to ensure that the consent conditions refer to contemporary instruments and guidelines;
- to provide greater precision in the terminology and metrics that are used to describe noise targets;
- to provide all of the stakeholders – the operator, the residents and the regulators – with greater clarity of the operational performance expectations for the facility; and
- to apply achievable noise targets which represent the most feasible and reasonable, given the changed surrounding noise environment.

In combination, these proposed changes serve the public interest by finding an appropriate balance between the local individual interests of nearby residents and the efficient operation of a waste management facility which serves the waste management needs of the greater Sydney region.

## 9 Conclusion

The proposed modifications serve the interests of all parties by striking a practical balance between the interests of local residents in terms of noise impacts, and the interests of the facility operator in terms of achieving noise mitigation improvements which are feasible and reasonable.

We look forward to Council's favourable considerations of this proposed modification.

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Appendix A

## Noise review to modify consent limits

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18 March 2019

Emmanuel Roussakis  
CEO  
Aussie Skips Waste Services NSW Pty Ltd  
108 Madeline Street  
Strathfield South NSW 2136

**Re: Aussie Skips - 108 Madeline Street, Strathfield NSW - Noise review to modify consent limits**

Dear Sir,

## 1 Introduction

EMM Consulting Pty Limited (EMM) has been engaged by Aussie Industries to review their noise emissions assuming the acoustic enclosure Development Application DA2018/174 is approved for their recycling facility (site) at 108 Madeline Street, Strathfield South, NSW.

This report accompanies a modification application made to Strathfield Council to vary the site's noise limits which were set as a condition of Strathfield Municipal Council DA9899/452.

The information relied upon in our review is contained in a number of reports EMM has prepared previously and those before the Land and Environment Court of NSW in the matter of Strathfield Municipal Council v Aussie Skips Recycling Pty Ltd, Aussie Skips Bin Services Pty Ltd and ISAS Pty Ltd in the Case No. 2018/328340 in respect of an assessment of noise emitted from the existing waste transfer and recycling facility at 84-108 Madeline Street, Strathfield South.

Documents relied upon include:

- Acoustic monitoring of 5/84-108 Madeline Street, Strathfield South – L&EC Proceedings No 2018/328340, Noise analysis of week 5 prepared by Renzo Tonin & Associates 11 March 2019;
- Joint report of the acoustic experts 7 March 2019;
- Affidavit of Najah Ishac dated 6 February 2019;
- Unattended noise logging and attended noise monitoring provided as pdf files and spreadsheets respectively by Renzo Tonin, the independent expert retained to undertake noise monitoring in relation to Interlocutory Orders of the Court (data spans the period 14 January to 1 March 2019);
- Court's Orders of 19 December 2018;
- EMM Quarterly compliance report 16 October 2017;
- EMM Quarterly compliance report 15 June 2018;
- Noise Policy for Industry (2017) issued by the EPA;
- EMM Additional Background Noise Study 14 July 2017;

- EMM Noise Compliance report 4 May 2017;
- Environmental Protection Licence dated 20 April 2017;
- DA0203/040 dated 18 June 2003 (to erect a wall along the eastern boundary);
- RSA Acoustics report dated April 2002;
- Industrial Noise Policy (2001) issued by the EPA;
- DA9899/452 dated 17 April 2000 (the 2000 Consent); and
- Noise Assessment for Proposed Waste Transfer and Recycling Depot (1999) by RSA Acoustics.

## 2 Background

Since April 2017, EMM has completed a number of noise compliance monitoring projects to satisfy condition U2.2 and U2.3 of Environmental Protection Licence (EPL) 20885, issued by the NSW Environment Protection Authority (EPA) 31 March 2017.

The site is on the fringe of an industrial area and there are residential properties and parks to the south and east.

The approved operations within the site routinely occur outdoor and include delivery and processing of building waste material. The site also contains industrial processing machinery which is located within the western façade and inside of the main processing building.

In late 2017, a new front-end-loader (FEL) and excavator with improved acoustic characteristics were purchased by Aussie Skips. These replace existing equipment and were a result of recommendations provided in EMM's first quarterly compliance report, with an approximate value of \$600,000. Similarly, two skip trucks were fitted with reverse quackers in lieu of traditional beepers. More recently in November and December 2018 the southern and eastern walls of the site have been increased in height to further reduce offsite noise levels. The noise benefit of these measures was realised and observed by EMM in the monitoring results for subsequent quarters.

A list of plant and equipment that operate within the Aussie Skips site boundary is as follows:

- two excavators operating externally;
- excavator operating internally;
- a front-end-loader (FEL);
- bobcat;
- forklift;
- a variable number of skip trucks; and
- conveyor/sorting plant system (screener and trommel).

The nearest residence is 2 Chisholm Street, Belfield, which is located approximately 50 m south-east of the site and separated by open public space. Adjacent to number 2 Chisholm Street is 17 Excelsior Avenue which is similarly exposed to site noise.

The background noise levels for the day period, as well as noise criteria, were established in previous studies completed by EMM in 2017 and endorsed by the NSW EPA (correspondence attached). More recent background noise monitoring was completed in late 2018 and is provided in L&EC Joint Report of the acoustic experts, and also attached herein. The background noise monitoring results and recommended noise criteria are presented in Section 3.

At the outset it is acknowledged that the site's noise limits, as provided in DA9899/452, have not historically been satisfied in full and continue to not be fully satisfied. Improvements have been made to the management of site operations and the operators have introduced mitigation measures as described above. Hence this review is provided to support a more realistic, practical and achievable long-term noise limit for the site that also protects the amenity of the nearby community.

### 3 Criteria

#### 3.1 Council consent 2000 and 2003

The site's original consent for DA9899/452 issued on 17 April 2000 stipulated at conditions 16 and 17 the following:

Part B, Condition 16 of the 2000 Consent provides that:

*The operating noise level of plant and equipment shall not exceed 45 db(A) when measured at any point on any residential premises between the hours of 7 am to 6 pm Monday to Saturday.*

Part B, Condition 17 of the 2000 Consent provides that:

*The operating noise level of plant and equipment shall not exceed 65 db(A) when measured at any point on the boundaries of the site.*

Council's more recent benchmark for acceptable noise levels is provided in the consent for DA0203/040 of 18 June 2003 relating to the erection of an amenity wall along the eastern boundary. This consent (Condition 21) set the residential noise limit more clearly as an  $L_{Aeq,15\text{minute}}$  of 46dB. No industrial boundary condition was included in the 2003 consent.

#### 3.2 Environment Protection Licence requirements

It is important in the context of the site's history and current issues to acknowledge the EPA's approach to rectifying a breach of noise limits.

Condition U2 of Environment Protection Licence (EPL) 20885 outlines requirements relating to noise from site and is reproduced below. EMM's quarterly noise monitoring reports addresses requirement U2.2 and U2.3.

##### *U2.1 Noise Impact Assessment*

*By no later than 20 April 2017 complete a noise assessment at the Premises to establish appropriate project specific noise criteria for the operation and to determine compliance with these criteria. The assessment must be prepared by a suitably qualified and experienced acoustical practitioner and be undertaken in accordance with the NSW Industrial Noise Policy.*

*Note: Noise criteria established in the Noise Impact Assessment will be added as conditions of the licence.*

##### *U2.2 Noise monitoring*

To assess compliance with noise criteria established in the Noise Impact Assessment attended noise monitoring must be undertaken. Noise Monitoring must:

- a) occur quarterly for the first year;
- b) occur during the day period as defined in the NSW Industrial Noise Policy, for a minimum of 1.5 hours of typical operation
- c) occur for three consecutive operating days.

### U2.3 Noise compliance Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the quarterly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise criteria established in the Noise Impact Assessment; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the criteria.

### 3.3 EPA INP derived noise target

In addressing the site's EPL described above, noise targets for the site were derived in accordance with the INP<sup>1</sup> and EPA accepted methods as presented in EMM letter report dated 14 July 2017 and are reproduced below in Table 3.1 for the day period.

The NSW INP (EPA 2000), as opposed to the Noise Policy for Industry (EPA 2018), was the current noise policy at the time of the previous assessments.

**Table 3.1 Noise limits**

Location	Period <sup>2</sup>	Adopted rating background level (RBL)	Intrusive criteria, $L_{Aeq,15min}$	Amenity criteria, $L_{Aeq, period}$	PSNL, $L_{Aeq,15min}$
Surrounding residential properties	Day	43 dB	48 dB	55 dB	48 dB

Notes: 1. This existing industrial noise contribution excludes noise from Aussie Skips operations.  
2. Day: 7 am to 6 pm Monday to Saturday.

A Project Specific Noise Level (PSNL) of 48 dB,  $L_{Aeq,15min}$  is applicable for operations during the day (7am to 6pm).

There has been conjecture through the joint conferencing of acoustic experts in relation to the above derived 43 dB representative background level (RBL) as suitably representative of the existing acoustic environment for the impacted residential location.

There is limited opportunity to define a RBL for 2 Chisholm Street in the absence of site noise influences as required by the INP for assessment purposes. EMM staff conducted a long-term noise monitoring survey at 2 Chisholm Street in the 2018 Christmas holiday period. During the period of 23 December 2018 and 6 January 2019 the site was not operational according to site log records provided to EMM. The resulting background noise level for the relatively quieter holiday period for sampling between 24 December 2018 to 3 January

2019 was 42dB(A) for the daytime in accordance with the NPfI or INP methods. This period in time would have seen not only the Aussie Skips site non-operational but also neighbouring industrial sites non-operational and a general lack of general traffic in the area and surrounds. The logging data is annexed to this report. It is therefore concluded that monitoring during 'normal' or non-holiday periods as recommended by the EPA policies would provide a higher background noise level i.e. at least 43 dB(A) being the next number up from 42 dB(A).

In conclusion, therefore, this additional long-term data affirms the 43 dB(A) RBL value adopted previously to develop the ideal EPA target value of 48 dB(A)  $L_{eq,15\text{minute}}$  for site noise contributions.

#### 4 Noise monitoring results

Sample noise monitoring results taken at the nearest and most affected noise sensitive receiver are provided in the Affidavit of Najah Ishac of 6 February 2019 and in Renzo Tonin (the independent expert retained in the L&EC proceedings to provide data) report of 11 March 2019.

The summary of the monitoring data is that site is currently not exceeding the court order limit of 53 dB(A)  $L_{eq,15\text{minute}}$  at the residential locations according to Tonin 11/3/19. The data in Ishac 6/2/19 similarly shows levels not exceeding 53 dB(A)  $L_{eq,15\text{minute}}$  at the residential area.

Hence, to improve on the current situation and aim at achieving the EPA ideal target noise level of 48 dB(A) derived earlier, additional mitigation measures are needed.

#### 5 Acoustic enclosure

The proponent has submitted a development application for an acoustic enclosure (DA2018/174).

EMM has completed noise modelling for the expected benefits from the proposed enclosure, inclusive of the following further detailed requirements:

- acoustically seal all wall to roof and wall to wall junctions;
- increase the rigidity of the wall structures by ensuring horizontal members are no more than 1200 mm apart;
- no openings in any roof or eastern wall areas;
- underside of roof to include absorptive lining (i.e. insulation blanket with perforated sarking on underside); and
- at least 10 m of the eastern section of the southern façade elevation to be sheeted to the ground or extended to meet the existing noise barrier to its south.

#### 6 Noise modelling

The onsite noise levels of plant and equipment were measured by EMM and are as shown in Table 6.1. These provided the input to the three-dimensional noise model that includes plant and equipment operating in areas as observed on site, buildings, walls and residential assessment locations.



**Table 6.1 Noise model inputs as measured at site**

Plant	Description	Location	Measured short term Leq, dB(A)	Distance from source, m	Modelled Sound Power level, dB(A) <sup>1</sup>
Exc1	Excavator loading b-double w steel	Point source on first stockpile	80	5	107
Exc2	Excavator handling steel	Point source on second stockpile	73	7	106
Exc3	Excavator shaking/sifting dirt	Point source towards Eastern wall	77	10	106
FEL	FEL Pushing material into stockpiles	Point source in centre of site	81	7	106
Screen	Screen - Constant hum	Point source in position of screen	81	7	105
Trommel	Trommel Shed Opening	Emitting façade of shed opening	81	7	105
Truck Movements	Along driveway into site	Line source - dBA/m	-	-	100
Trucks Idling	-	Numerous point sources along driveway	-	-	90

Notes: 1. Levels were increased to match onsite readings, providing a calibrated model  
 2. Model assumes 100% work rate for all sources.

Predicted noise levels at 2 Chisholm Street and 17 Excelsior Avenue were both 51 dB(A) as presented in Ishac 6/2/19 Affidavit.

With the acoustic enclosure proposed having the above details, the modelling indicates an improvement of between 3 to 5 dB to the current offsite noise levels from site. This modest improvement is a consequence of the significant benefits being achieved by the existing boundary noise barrier, which was modelled to remain as per its current form. It is noted that modelling accuracy of commercial software packages are typically within the range of 2 to 5 dB or better if calibrated.

Hence, the final practicable achievable noise target at the residential area closest to site is 48 to 50 dB(A)  $L_{eq,15minute}$  based on the measured contributions currently experienced at residences of up to 53 dB(A) as per Tonin and Ishac reports referenced above.

The EPA INP and NPfI require any level of residual noise (i.e. noise above the recommended target noise levels in the policy) be mitigated by adopting all feasible and reasonable noise management and mitigation measures. It is our opinion that the measures adopted to date together with the proposed acoustic enclosure constitute actions which meet the definition of feasible and reasonable noise management measures.

The additional measures, being the proposed acoustic enclosure will come at a disproportionate cost when compared to the modest noise benefit it is likely to provide of 3 to 5dB for a relatively limited portion of the residential community affected. In our experience, if all feasible and reasonable mitigation measures have been applied and demonstrated to the satisfaction of the EPA, the EPA can license a premise through an EPL using limits that are within 5 dB of the ideal intrusiveness target such that the regulatory limit becomes that value that is reasonable to achieve. Furthermore, Chapter 10 of the INP also makes allowances for existing sites and situations as follows:

*Where noise emissions from the site exceed the project-specific noise levels, the regulatory authorities and the noise-source manager need to negotiate achievable noise limits for the site. The project-specific noise levels should not be applied as mandatory noise limits. The project-*

*specific noise levels supply the initial target levels and drive the process of assessing all feasible and reasonable control measures. Achievable noise limits result from applying all feasible and reasonable noise control measures. For sites with limited mitigation measures the achievable noise limits may some-times be above the project-specific noise levels.*

## 7 Summary and conclusion

General findings and recommendations from a noise impact perspective are provided as follows:

- the construction of a warehouse type acoustic enclosure to house most of the acoustically significant plant equipment and activity occurring on site would provide a means of noise reduction to sensitive receivers. Such a measure will require specific detail design as described herein;
- as far as practical, handle waste in existing shielded locations such as within the processing building or close to the boundary wall;
- continue to limit the use of truck horns;
- continue to manage impacts of machinery scoops and bucket impacts with the ground;
- minimise the height from which material is dropped; and
- minimise the speed at which skips and excavator buckets are emptied.

The achievable noise target of 50 dB(A)  $L_{eq,15minute}$  for the approved daytime operating hours of 7am to 6pm Monday to Saturday is recommended as a practical limit for the site's noise contribution at residential properties. This recommendation is only marginally higher than the EPA-derived ideal target of 48 dB(A). The 2 dB difference between these two values is not discernible by the average person in the subject environment and hence we expect no measurable detriment to the community by applying such a limit.

In recognition of the site boundaries that could be sensitive to noise, we recommend that Condition 17 of the 2000 consent be altered to the following (consistent with the L&EC order):

*The operating noise level of plant and equipment shall not exceed 65 dB(A)  $L_{eq,7am-6pm}$  when measured at any point immediately to the south/south east of the noise barrier constructed on the south/south-eastern boundary of the Land and/or Lot 1 DP 107494.*

We trust the preceding meets your current requirements. We are keen to provide any further assistance regarding the recommendations above, so please feel free to contact myself or Mr Allan Young should you wish to discuss the matter further.

Yours sincerely



**Najah Ishac**  
Director, MEngSc, BE, MEIAust, MAAS, JP  
[nisach@emmconsulting.com.au](mailto:nisach@emmconsulting.com.au)

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Appendix A

## 2018 Christmas noise logging data for 2 Chisholm Street, Belfield NSW

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**Table A.1** Long term unattended noise logging – 2 Chisholm Street, Belfield

Date	ABL Day, dB(A)	Site Operational (Yes/No)
Thursday, 20-12-18	-	
Friday, 21-12-18	47	Yes (data ignored)
Saturday, 22-12-18	-	Yes
Sunday, 23-12-18	-	n/a
Monday, 24-12-18	44	No
Tuesday, 25-12-18	41	No
Wednesday, 26-12-18	42	No
Thursday, 27-12-18	44	No
Friday, 28-12-18	44	No
Saturday, 29-12-18	43	No
Sunday, 30-12-18	-	n/a
Monday, 31-12-18	41	No
Tuesday, 01-01-19	41	No
Wednesday, 02-01-19	41	No
Thursday, 03-01-19	-	No
<b>Rating Background Level (RBL)</b>	<b>42</b>	RBL for non-operating period 24/12/18 to 2/1/19

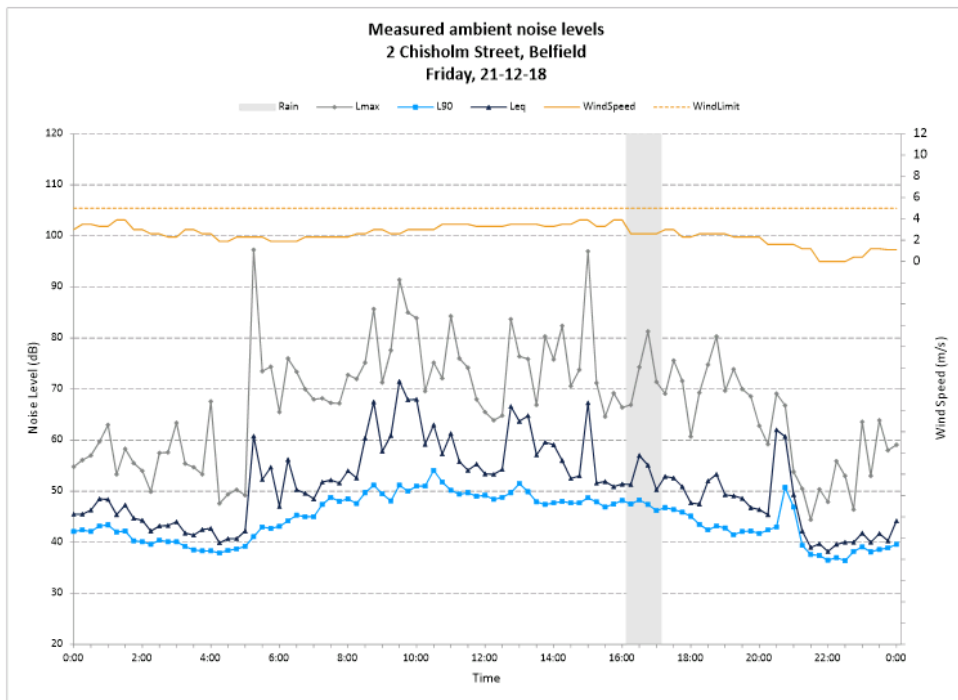
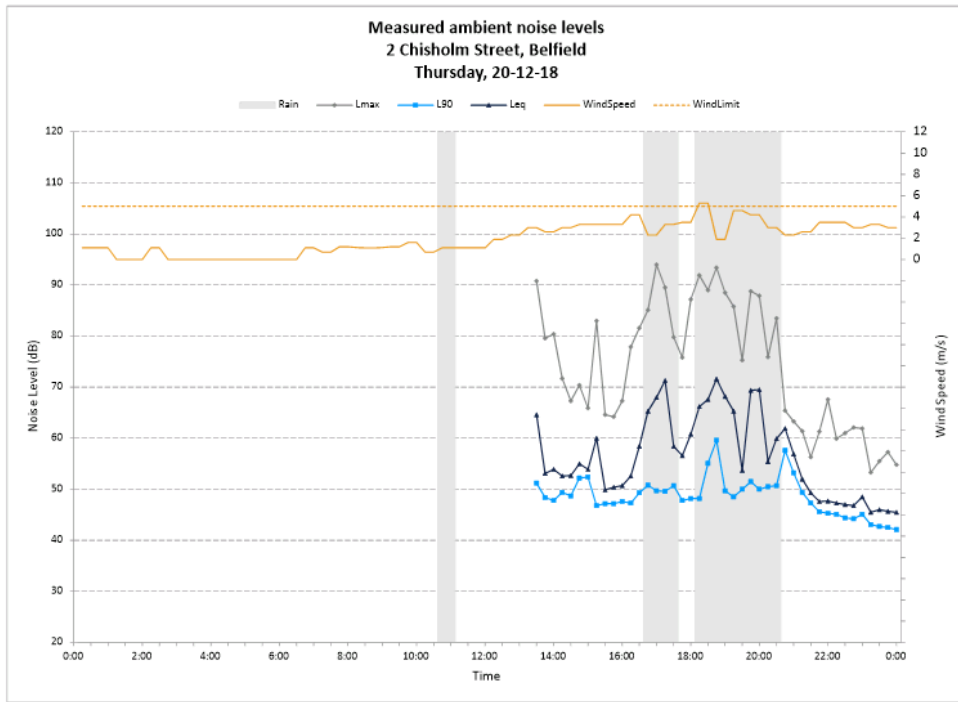
- indicates periods with too few valid samples due to weather or is a Sunday and therefore irrelevant  
 ABL Assessment Background Level as per NPfI

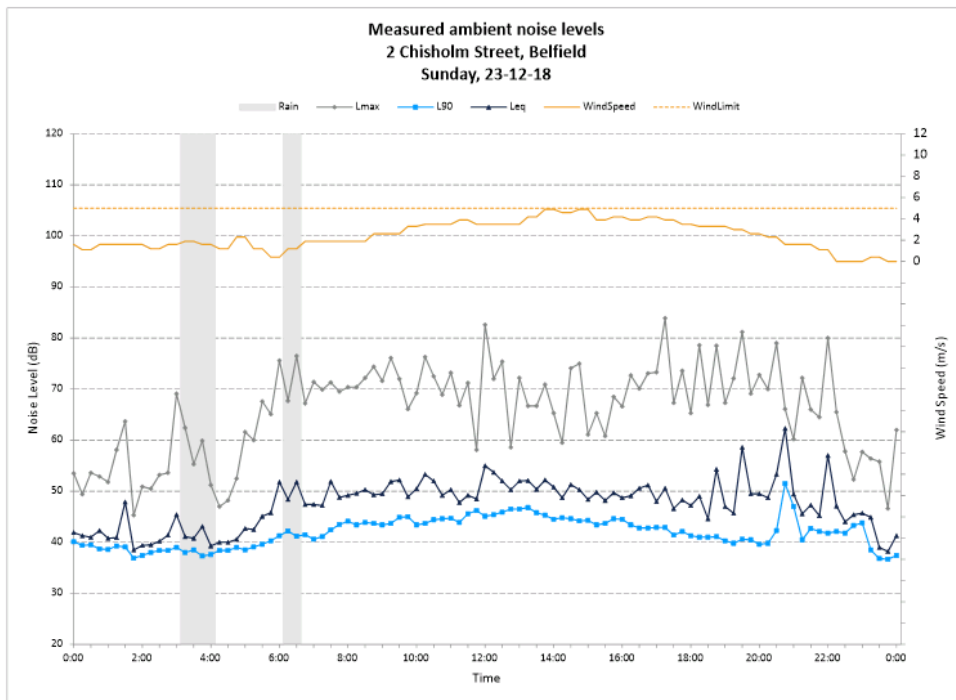
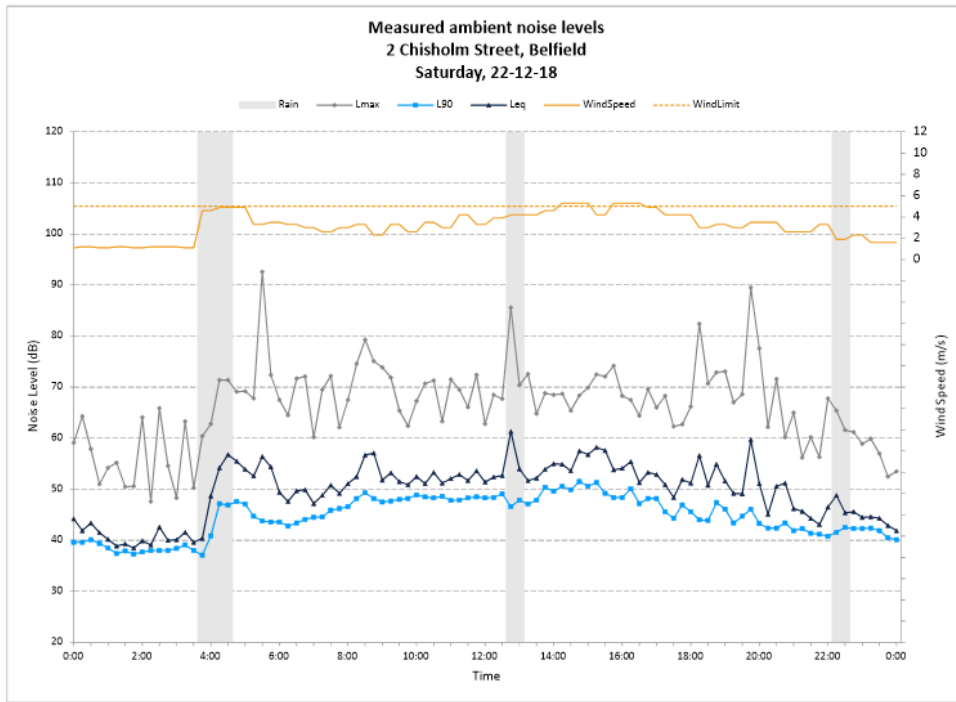
2019/07/01/2019

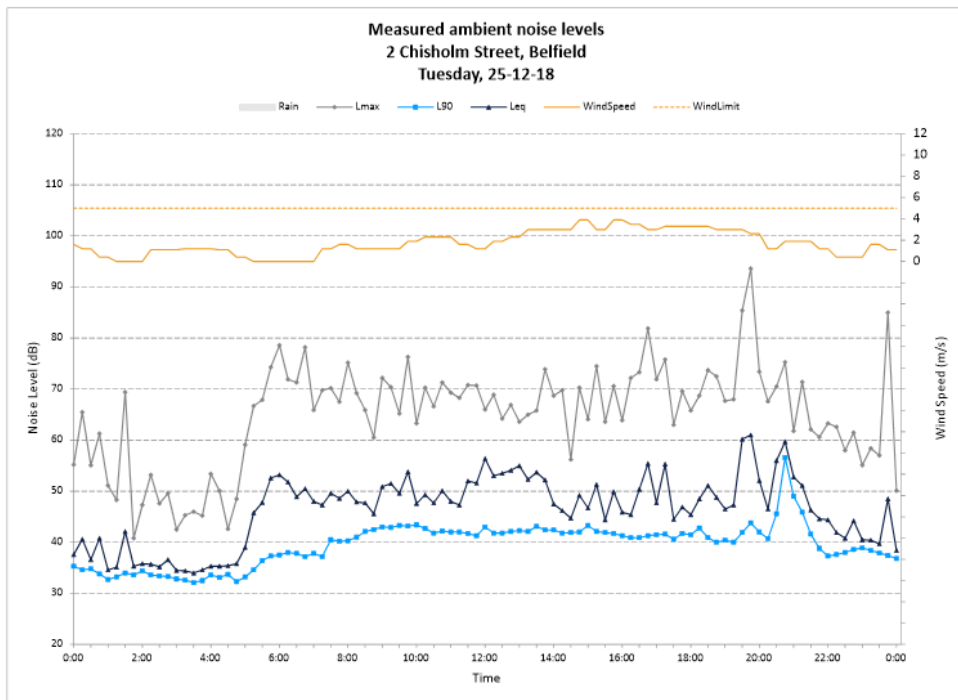
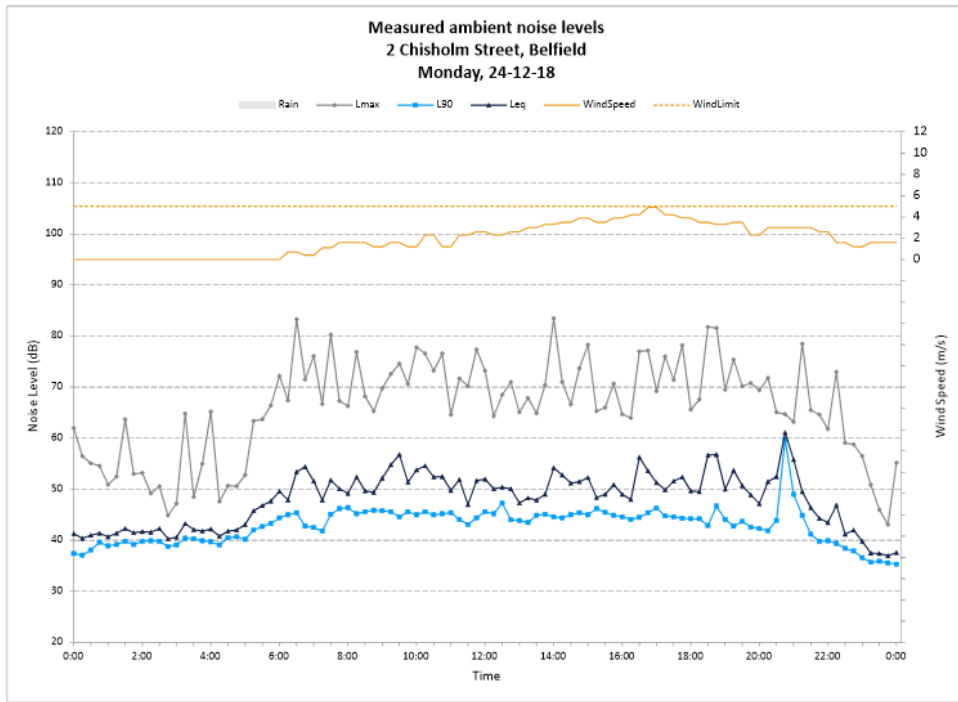
ing Loads	ate	Time In	Docket No.	Material	Gross	Tare	Nett	Volume
	/2018	7:27 AM	97172	Mixed Waste	20.82	14.22	6.60	20.00
	/2018	8:42 AM	97173	Mixed Waste	4.84	4.04	0.80	2.00
	/2018	9:58 AM	97174	Mixed Waste	15.35	11.30	4.05	2.00
	/2018	10:46 AM	97175	Mixed Waste	3.70	2.90	0.80	2.00
	/2019	7:30 AM	97176	Mixed Waste	12.28	11.38	0.90	10.00
	/2019	7:34 AM	97177	Mixed Waste	3.22	2.12	1.10	3.00
	/2019	7:39 AM	97178	Mixed Waste	11.69	9.40	2.29	5.00
	/2019	7:41 AM	97179	Mixed Waste	4.12	3.69	0.43	1.50
	/2019	7:44 AM	97180	Mixed Waste	6.08	4.20	1.88	4.00
	/2019	7:47 AM	97181	Mixed Waste	4.41	3.28	1.13	3.00
	/2019	8:08 AM	97182	Mixed Waste	6.12	2.60	3.52	2.50
	/2019	8:13 AM	97183	Mixed Waste	4.36	3.20	1.16	3.00
	/2019	8:21 AM	97184	Heavies	3.78	3.20	0.58	1.50
	/2019	8:25 AM	97185	GSW	20.16	10.63	9.53	10.00
	/2019	8:27 AM	97186	Mixed Waste	3.58	3.00	0.58	2.00
	/2019	8:35 AM	97187	GSW	20.74	11.50	9.24	10.00
	/2019	8:38 AM	97188	GSW	26.14	13.08	13.06	15.00
	/2019	8:41 AM	97189	Mixed Waste	10.27	8.90	1.37	5.00
	/2019	8:44 AM	97190	Mixed Waste	5.87	4.20	1.67	5.00
	/2019	8:48 AM	97191	Mixed Waste	17.34	13.24	4.10	15.00
	/2019	8:51 AM	97192	Mixed Waste	5.41	4.00	1.41	4.00
	/2019	9:06 AM	97193	Mixed Waste	3.34	2.76	0.58	2.50
	/2019	9:09 AM	97194	Mixed Waste	5.26	4.48	0.78	3.00
	/2019	9:33 AM	97195	Mixed Waste	3.52	2.72	0.80	2.50
	/2019	9:36 AM	97196	Mixed Waste	3.82	2.46	1.36	4.00
	/2019	9:52 AM	97197	GSW	22.50	10.63	11.87	15.00
	/2019	9:59 AM	97198	Mixed Waste	4.44	3.18	1.26	3.00
	/2019	10:01 AM	97199	Mixed Waste	3.76	2.74	1.02	2.50
	/2019	10:02 AM	97200	Clean Fill	4.68	4.04	0.64	1.50
	/2019	10:17 AM	97201	Mixed Waste	2.86	2.12	0.74	2.50
	/2019	10:23 AM	97202	Mixed Waste	13.24	6.10	7.14	3.00
	/2019	11:00 AM	97203	GSW	16.28	11.40	4.88	10.00
	/2019	10:29 AM	97204	Mixed Waste	4.84	3.76	1.08	2.00
	/2019	10:39 AM	97205	Mixed Waste	4.00	3.66	0.34	2.00
	/2019	10:45 AM	97206	Mixed Waste	2.92	2.38	0.54	3.00
	/2019	10:51 AM	97207	Mixed Waste	17.29	12.00	5.29	3.00
	/2019	11:04 AM	97208	GSW	21.56	11.50	10.06	10.00
	/2019	11:11 AM	97209	GSW	26.66	13.08	13.58	15.00
	/2019	11:13 AM	97210	GSW	16.20	8.92	7.28	10.00
	/2019	11:19 AM	97211	Mixed Waste	17.50	13.24	4.26	15.00
	/2019	11:23 AM	97212	Mixed Waste	4.08	3.54	0.54	1.50
	/2019	11:34 AM	97213	Mixed Waste	3.42	2.70	0.72	2.00
	/2019	11:40 AM	97214	Mixed Waste	13.46	12.36	1.10	3.00
	/2019	11:45 AM	97215	Mixed Waste	3.84	2.84	1.00	4.00
	/2019	11:58 AM	97216	Mixed Waste	5.72	4.20	1.52	5.00
	/2019	12:01 PM	97217	Mixed Waste	4.12	3.48	0.64	1.50
	/2019	12:15 PM	97218	Mixed Waste	3.06	2.46	0.60	3.00
	/2019	12:16 PM	97219	Mixed Waste	4.22	4.04	0.18	2.00
	/2019	12:22 PM	97220	Mixed Brick/Concrete	25.54	9.40	16.14	9.00
	/2019	12:26 PM	97221	GSW	22.94	11.50	11.44	10.00
	/2019	12:31 PM	97222	Mixed Waste	8.52	5.26	3.26	5.00
	/2019	12:48 PM	97223	Mixed Waste	3.56	2.98	0.58	2.00
	/2019	12:53 PM	97224	Mixed Waste	3.81	2.90	0.91	2.50
	/2019	12:58 PM	97225	Mixed Waste	17.06	13.24	3.82	15.00
	/2019	1:01 PM	97226	Mixed Waste	2.91	2.12	0.79	2.50
	/2019	1:20 PM	97227	Mixed Waste	26.69	11.92	14.77	7.50
	/2019	1:29 PM	97228	Mixed Waste	19.84	13.98	5.86	2.50
	/2019	1:37 PM	97229	GSW	22.40	10.63	11.77	10.00
	/2019	1:41 PM	97230	Mixed Waste	11.84	9.40	2.44	9.00
	/2019	2:01 PM	97231	GSW	19.02	11.50	7.52	10.00
	/2019	2:03 PM	97232	GSW	27.70	13.08	14.62	15.00
	/2019	2:06 PM	97233	GSW	17.16	8.92	8.24	10.00
	/2019	2:12 PM	97234	Mixed Waste	3.72	3.20	0.52	2.00
	/2019	2:15 PM	97235	Mixed Waste	11.32	10.86	0.46	15.00
	/2019	2:21 PM	97236	Mixed Waste	18.73	6.10	12.63	7.50
	/2019	2:21 PM	97237	Mixed Waste	5.67	4.20	1.47	4.50
	/2019	2:24 PM	97238	Mixed Waste	17.76	13.24	4.52	15.00
	/2019	2:39 PM	97239	Mixed Waste	4.12	3.76	0.36	2.00
	/2019	2:47 PM	97240	Mixed Waste	10.48	8.90	1.58	8.00
	/2019	2:48 PM	97241	Mixed Waste	20.56	6.10	14.46	7.50
	/2019	3:27 PM	97242	Mixed Waste	4.99	3.76	1.23	4.00
	/2019	3:29 PM	97243	Mixed Waste	15.97	7.84	8.13	5.00
	/2019	3:30 PM	97244	Mixed Waste	12.84	5.12	7.72	3.00
	/2019	3:33 PM	97245	Mixed Waste	27.88	12.00	15.88	9.50
	/2019	3:34 PM	97246	Mixed Waste	20.29	11.74	8.55	5.00
	/2019	3:54 PM	97247	MIXED CONSTRUCTION WASTE (ACCIONA)	21.52	11.50	10.02	10.00
	/2019	3:46 PM	97248	Mixed Waste	16.52	12.00	4.52	2.50
	/2019	4:08 PM	97249	Mixed Waste	3.72	3.18	0.54	2.00
	/2019	4:13 PM	97250	Mixed Waste	5.10	4.20	0.90	4.50
	/2019	4:21 PM	97251	Mixed Waste	4.91	3.38	1.53	5.00
	/2019	4:23 PM	97252	GSW	26.54	13.08	13.46	15.00
	/2019	4:23 PM	97253	GSW	23.88	11.50	12.38	10.00
	/2019	4:37 PM	97254	GSW	17.54	11.40	6.14	10.00
	/2019	4:28 PM	97255	GSW	21.87	10.63	11.24	10.00
	/2019	4:48 PM	97256	GSW	16.96	8.92	8.04	10.00
	/2019	5:13 PM	97257	Mixed Waste	14.52	6.10	8.42	4.00
	/2019	5:20 PM	97258	Mixed Waste	27.84	12.00	15.84	9.50
							418.32	545.50

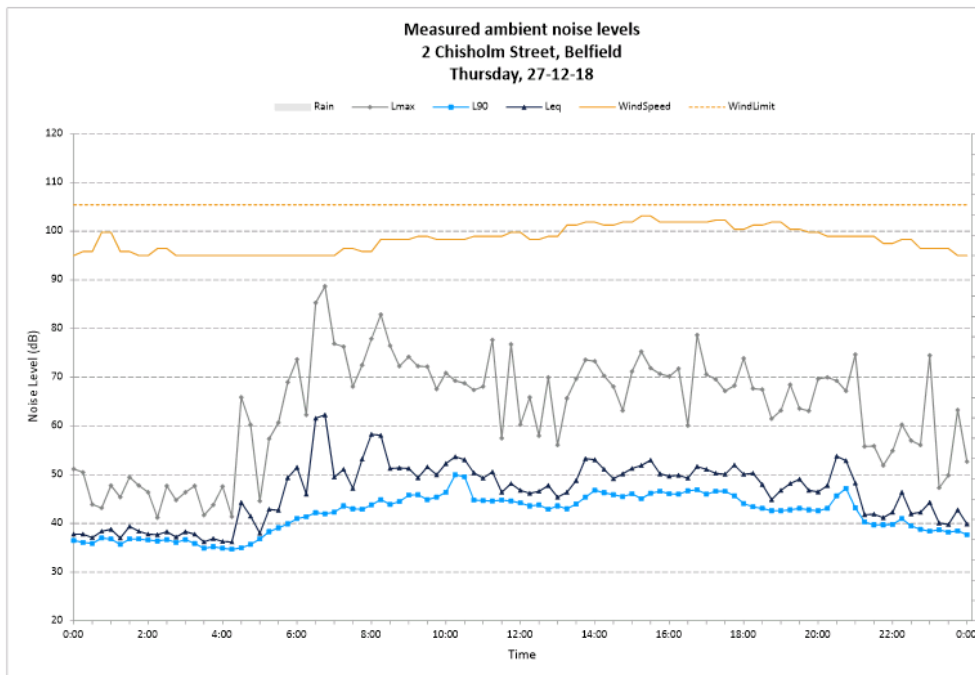
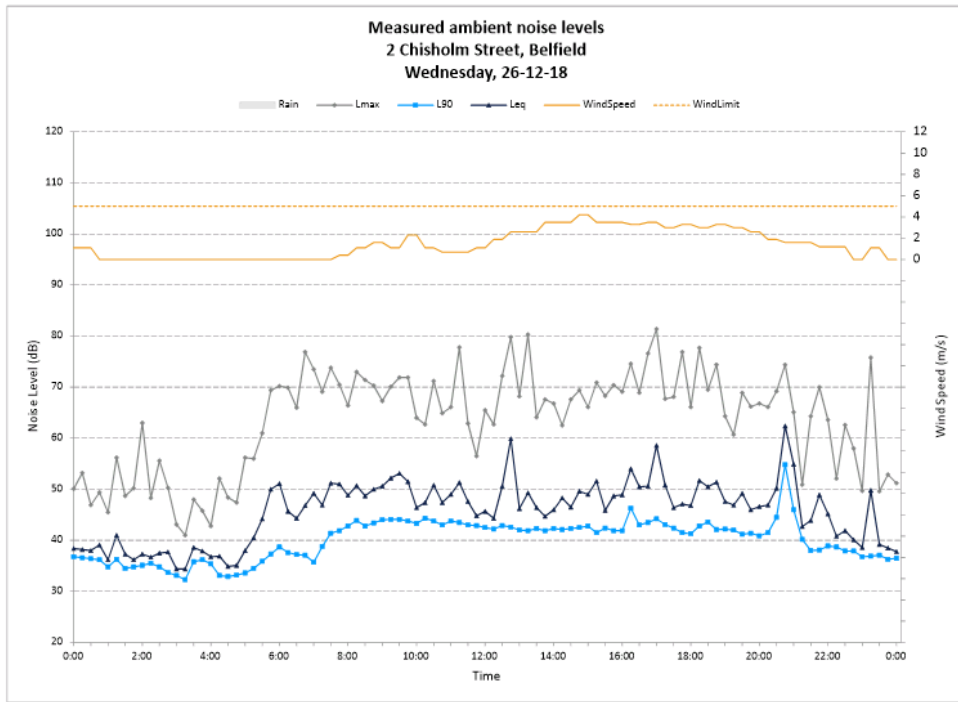
ing Loads	ate	Time Out	Docket No.	Material	Nett	Volume
	/2019	7:22 AM	3798	Recovered Fines	31.16	0.00
	/2019	10:59 AM	3799	SITE 18 - ENM	37.50	0.00
	/2019	11:47 AM	3800	SITE 18 - ENM	27.30	0.00
	/2019	12:43 PM	3801	Recovered Fines	30.78	0.00
	/2019	9:14 AM	3877	Rubble	10.38	0.00
	/2019	1:43 PM	3922	Light Waste	38.28	0.00
	/2019	1:44 PM	3923	Light Waste	37.52	0.00
					217.88	0.00

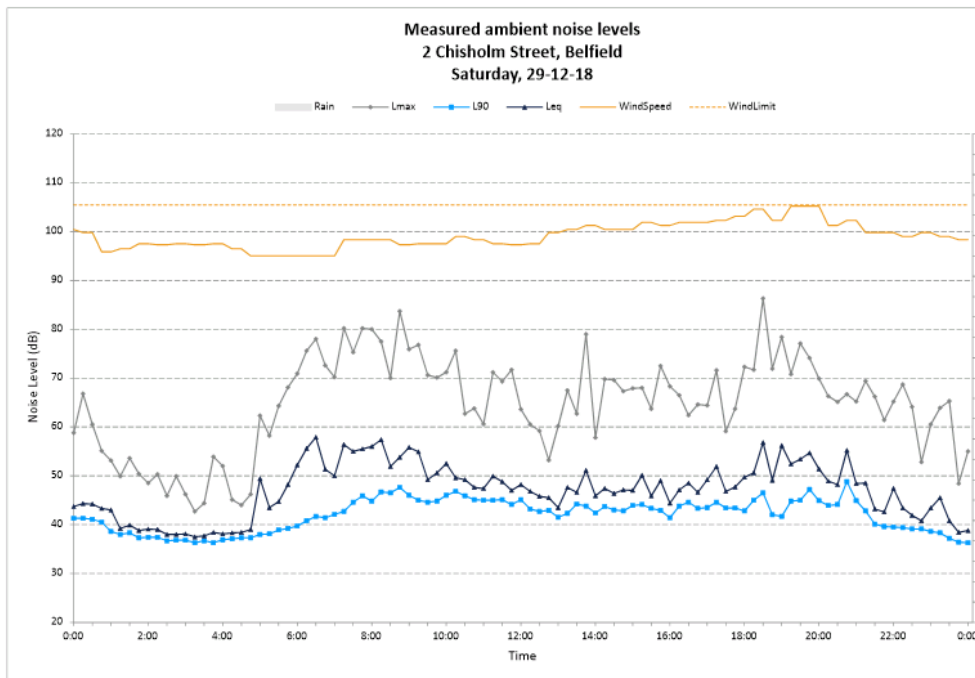
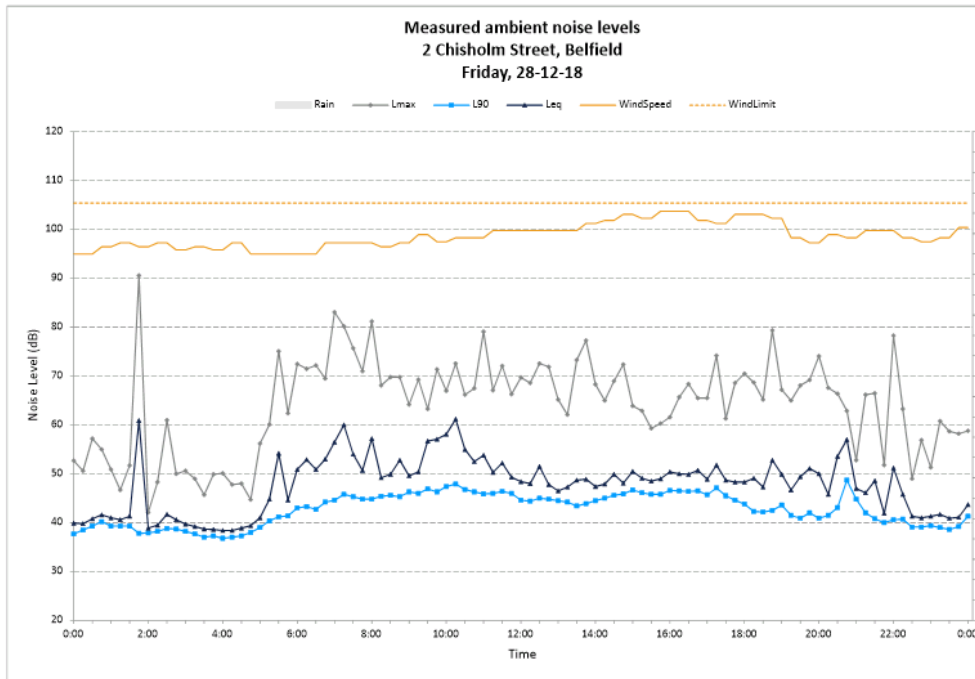




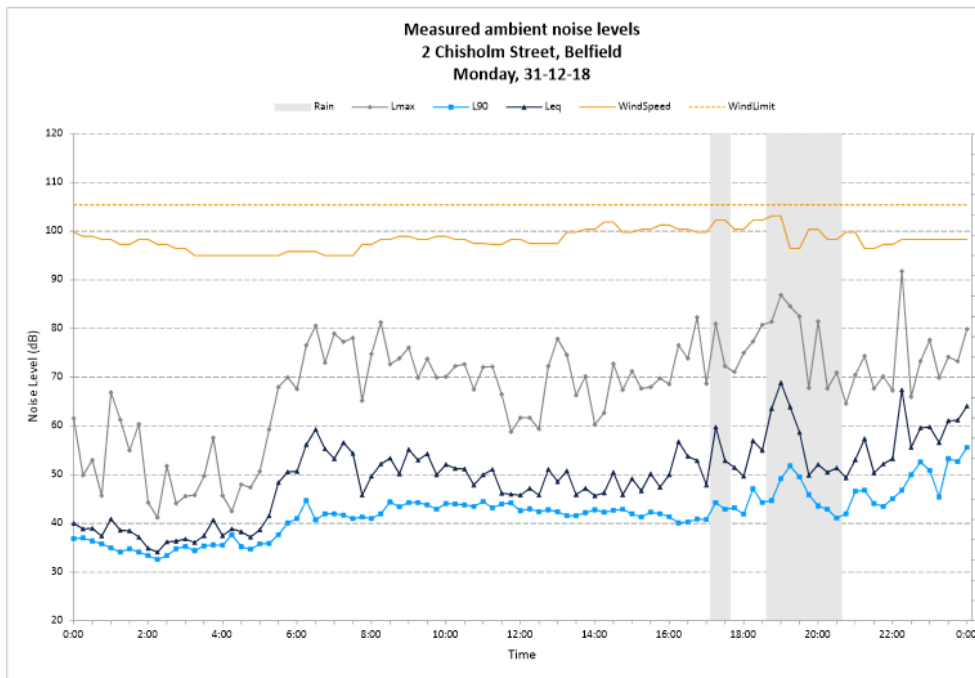
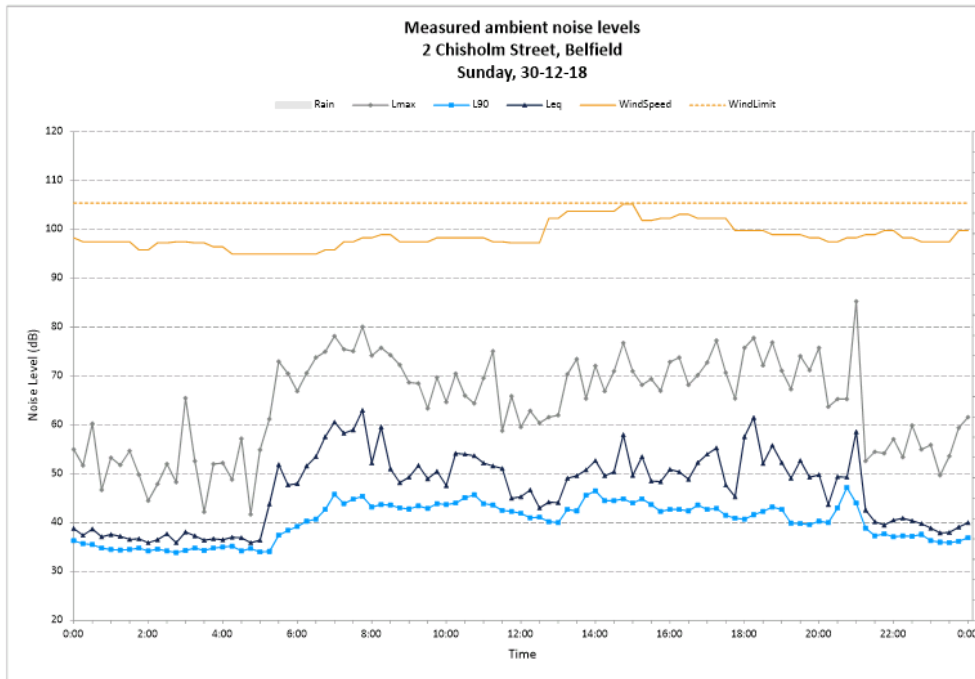


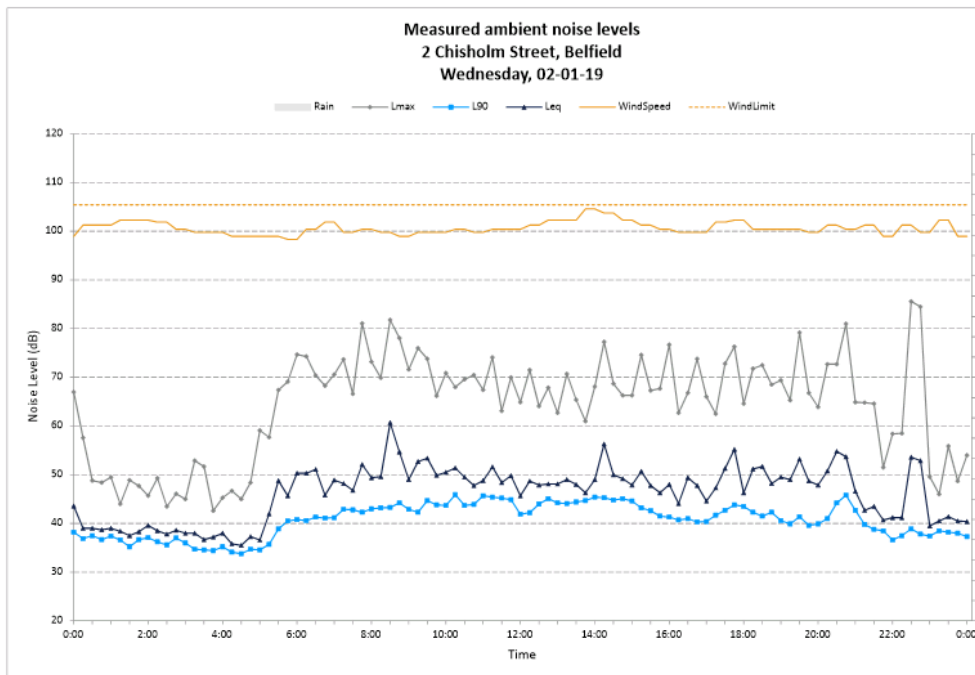
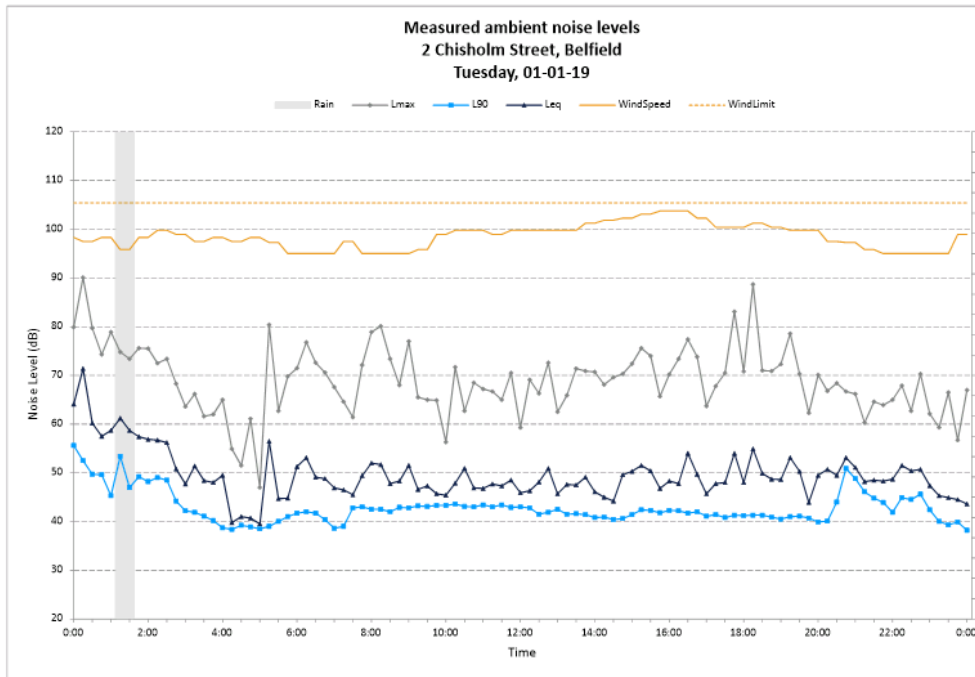


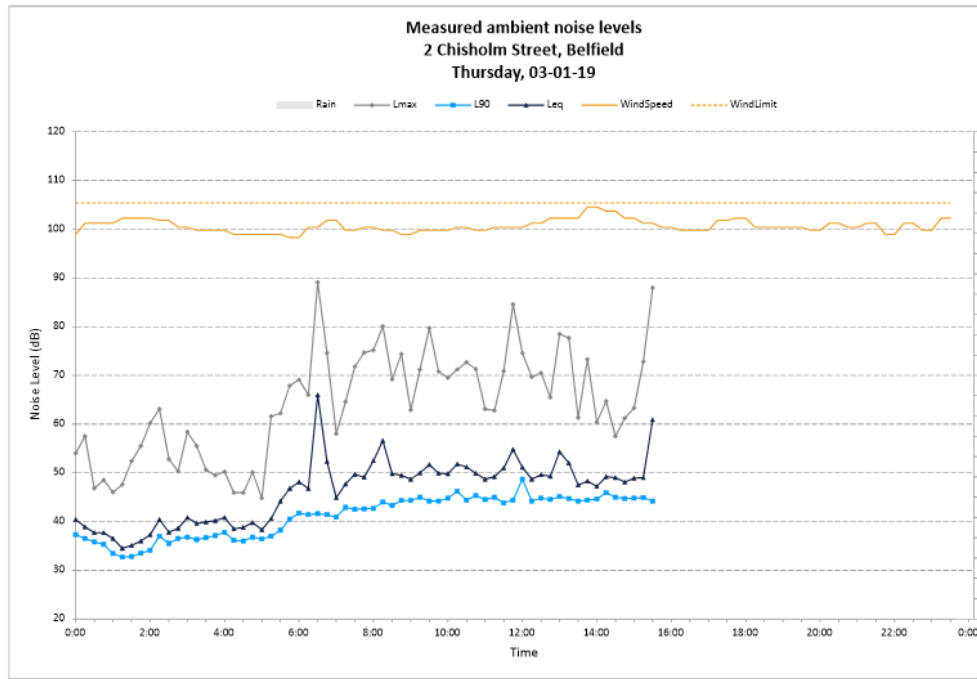












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Appendix B

## EPA correspondence

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DOC17/286612

Mr Emmanuel Roussakis  
General Manager  
Aussie Skips Waste Services Pty Ltd  
PO Box 166  
Belfield NSW 2191

Standard Mail and EMAIL

23 May 2017

Dear Mr Roussakis,

#### **EPA Review: Noise Compliance Assessment and Benchmarking Study**

Aussie Skips Waste Services Pty Ltd (**Aussie Skips**) holds Environment Protection Licence No.20885 (**the Licence**) for its waste facility at Unit 5, 84-108 Madeline St, Strathfield South, NSW, 2136 (**the Premises**).

#### **Noise Assessment**

As part of the licence application Aussie Skips engaged EMM to compile a "Noise Compliance Assessment" dated 4 May 2017 (**the Noise Assessment**) in relation to operations at the Premises. The EPA has reviewed the Noise Assessment and considers it inadequate because:

1. The method used by EMM to estimate the daytime rating background level at the nearest sensitive receiver contains errors and is not robust enough to support the proposed daytime rating background level.
2. Aussie Skips should consider the feasibility and reasonableness of all noise mitigation measures to meet a daytime level of  $L_{Aeq(15min)}$  48 dB at the nearest sensitive receiver, before EPA will further consider setting noise limits.

The Noise Assessment also does not provide any information on noise from the Premises before 7am. Therefore the EPA at this time can not support Aussie Skips operating between 6am and 7am Monday to Saturday.

#### **Benchmarking Study**

On 9 May 2017 Aussie Skips submitted to the EPA a benchmarking study to satisfy condition U1.1 of the Licence. In its current form the benchmarking study is inadequate for the following reasons:

1. The study does not demonstrate that air quality is not adversely impacted by the unloading of waste from trucks as the author of the benchmarking study did not observe any trucks unloading waste at the Premises.

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PO Box A290 Sydney South NSW 1232  
59-61 Goulburn St Sydney NSW 2000  
Tel: (02) 9995 5000 Fax: (02) 9995 5999  
TTY (02) 9211 4723  
ARN 43 692 285 758



2. The study does not include a process to evaluate controls and where necessary modify activities during extreme weather events.

**What you need to do**

Aussie Skips are required to:

- a) Submit a new noise assessment that addresses the issues identified in the Background section below.
- b) Incorporate the feedback provided in this letter in relation to the benchmarking study to inform the Air Quality Management Plan as described in condition U1.2 of the Licence.

The EPA notes that any assessment should encompass the **proposed hours of operation**.

If you have any questions regarding this matter, please contact me on 9995 6230 or EPA waste compliance officer Simon Matthews on 9995 6158.

Yours sincerely



24 May 2017

**CELESTE FORESTAL**  
**Unit Head Waste Compliance**  
**Environment Protection Authority**

Contact: Simon Matthews – 9995 6158

## Background

### **Analysis of issues - Noise Assessment**

The method used to estimate rating background levels at the nearest sensitive receiver is not robust enough to support the proposed daytime rating background level of 46 dBA

- The Noise Assessment compared time-synchronised attended measurements with logged data for four, 15-minute periods to calculate a difference between the rating background level at two monitoring locations:
  - o the closest residence, which was affected by noise from Aussie Skips
  - o another residence, nearby but less affected by noise from Aussie Skips.
- The last two times compared, 9:45am and 11:45am on 19 April 2017, are outside the time of logger operation stated in the report.
- The Noise Assessment appears to include errors in calculating the median values used to compare the two locations:
  - o For the logger, the Noise Assessment stated a median value of 39 for a dataset of 38, 41, 40 and 42, when the median should be 41 (40.5 rounded off).
  - o For the attended results, the Noise Assessment stated a median value of 46 for a dataset of 47, 46, 47 and 45, when the median should be 47 (46.5 rounded off).
- The Noise Assessment suggested that the rating background level at the nearest sensitive receiver should be 7 dBA above that measured at the logger, based on:
  - o The calculated median value of 39 dBA for the four time-synchronised 15 minute periods being equal to the rating background level. As identified above, the median value from the logger for those periods was 41 dBA, not the rating background level.
  - o The calculated median value of 46 dBA at the nearest sensitive receiver being 7dBA above the median value of 39 dBA at the logger for the same 15 minute periods.
- The approach of using the median of four attended measurements at the nearest sensitive receiver contains errors and too limited a data set to justify the proposed 46 dBA rating background level at the nearest residence.

If the short-term method from the industrial noise policy had been used, the daytime rating background level at the nearest sensitive receiver would have been 43 dBA

The industrial noise policy states that a short-term method can be used to measure background noise levels in certain circumstances, and that "where a number of measurements have been made, [the rating background level is] the lowest  $L_{A90, 15 \text{ minute}}$  value".

If the short-term method had been used for background noise levels at the nearest sensitive receiver, the rating background level would have been 43 dB, as that was the lowest  $L_{A90(15\text{min})}$  measured with the site off (at 2:45pm on 18 April 2017).

The EPA could support a licence limit for the day time of  $L_{Aeq(15\text{min})}$  48 dB. This would require additional mitigation measures, or replacement or noise mitigation of the front-end loader

The Noise Assessment stated that mitigating or replacing the front-end loader would feasibly reduce operational noise from the site by about 4 dBA.

Based on the maximum estimated site contribution in the assessment, this means that, if reasonable, mitigation or replacement of the front-end loader would reduce the site contribution to about 48 dBA, which is the  $L_{Aeq(15\text{min})}$  day time project specific noise level for a rating background level of 43 dBA.

The feasibility and reasonableness of other measures should also be considered to reduce noise levels. For example, the proponent should consider placing the Premises in an enclosed building to provide greater attenuation than the existing 6-metre-high barrier.

The Noise Assessment does not provide any support to change hours of operation

The assessment does not include any information on operational noise from the Premises before 7am.

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Appendix B

## Notice of determination of DA 9899/452

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PC

~~Strathfield~~ Part

P136084-~~13~~

MS

Unit 5



**STRATHFIELD MUNICIPAL COUNCIL**

65 HOMEBUSH ROAD, STRATHFIELD, NSW 2135  
P.O. BOX 120, STRATHFIELD NSW 2135  
TELEPHONE: 9746 0431 FACSIMILE: 9764 1034

OUR REFERENCE:  
DA9899/452/ac  
TELEPHONE INQUIRIES:  
Mr Allan Cambridge/nk  
(Fax 9763 1206)

Aussie Skips (Australia) Pty Ltd  
PO Box 376  
FIVE DOCK 2046

being the applicant in respect of this development application.

**NOTICE OF DETERMINATION  
OF DEVELOPMENT APPLICATION NO.9899/452**  
Issued under Section 81(1)(a) of the  
Environmental Planning and Assessment Act 1979

<b>Land to be developed</b>	Unit 5, 84-108 Madeline Street, Strathfield South
<b>Proposed development</b>	To use the premises as a waste transfer and recycling facility for solid inert building and demolition wastes.

**BUILDING CODE OF AUSTRALIA**  
**CLASSIFICATION** Class 8 Type C Construction

**DETERMINATION**

<b>Made on</b>	17 April 2000
<b>Determination</b>	Consent granted subject to conditions described below.
<b>Consent to operate from</b>	1 May 2000
<b>Consent to lapse on</b>	1 May 2002

Sharing the  
*Sydney 2000*  
Games



Page 2 of the Notice of Determination of Development Application  
9899/452

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#### DETAILS OF CONDITIONS

##### PART A - PRESCRIBED CONDITIONS

The following are Prescribed Conditions of Development Consent under the Environmental Planning & Assessment Regulation 1994 and **MUST** be complied with where relevant to the subject proposal.

##### **78A Compliance with Building Code of Australia**

- (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (2) This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I of the Environmental Planning & Assessment Regulation 1994, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4) of the Regulation.

##### **78B Change of building use**

- (1) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

*Note:* The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (2) This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I of the Environmental Planning & Assessment Regulation 1994, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4) of the Regulation.
- (3) In this clause, *Category 1 fire safety provision* means the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

##### **78C Residential building work**

- (1) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and



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9899/452

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- (ii) is satisfied that the licensee has complied with the requirement of Part 6 of that Act ie. has Home Building Insurance if the work is over \$5,000.

*(Note: The builder or tradesperson who proposes to carry out the work must obtain the Home Building Insurance from a company specified in the Notes at the end of the consent); OR*

- (b) in the case of work to be done by any other person:
  - (i) has been informed in writing of the person's name and owner-builder permit number, or
  - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than \$3,000

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

#### 78D Excavations and backfilling

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

#### 78E Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

#### 78F Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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9899/452

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- (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

**78G Protection of public places**

- (1) If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

**78H Signs to be erected on building and demolition sites**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited, and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.



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9899/452

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- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
  - (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

**78I Toilet facilities**

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
  - (a) must be standard flushing toilet, and
  - (b) must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
    - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

*accredited sewage management facility* means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

*approved by the council* means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

*public sewer* has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

*sewage management facility* has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

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PART B OTHER CONDITIONS

**Plans**

*The following conditions have been imposed to ensure the development is in accordance with the approved plans and specific requirements of Council.*

- 1 The development shall be generally in accordance with the approved plans accompanying this development consent but subject to any variation as required by the conditions detailed herein.
- 2 The premises shall comply generally with the requirements of the Building Code of Australia for a Class 8 building of type C construction.

**Parking/Traffic Matters**

*The following conditions have been imposed to require compliance with Council's parking requirements and to assist in traffic safety.*

- 3 \*(1) Fifty (50) off-street parking spaces for occupier, employee and customer parking shall be provided in accordance with the approved plans and such spaces shall be hardpaved, linemarked, signposted and drained in accordance with Council's Stormwater Management Code.  
  
(2) Construction details of the parking spaces, access thereto and all other external hardpaved areas shall be submitted and approved prior to issue of the Construction Certificate.  
  
(3) For the purpose of this condition a parking space shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
- 4 The loading docks and car parking spaces shall not be used for storage purposes at any time.
- 5 (1) The driveway from Madeline Street to the rear industrial building which is the subject of this application shall be paved within 3 months from the date of this consent and be kept clean of dust, mud etc. at all times.  
  
(2) Speed limiting signs of 20km per hour shall be erected facing both directions along the driveway leading from Madeline Street to the subject unit..

**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.*

- 6 Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the Sydney Water channel subject to the requirements of Sydney Water.



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**Site Operation**

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

- 7 All loading and unloading of goods, material, equipment and the like shall take place within the site.
- 8 The hours of operation shall be restricted to 6am-6pm Monday to Saturday.
- 9 No bin loading or unloading activities or use of front end loaders shall occur in the area designated "main yard" on the plans before 7am on any day.
- 10 (1) Council approval shall be obtained for:

- (a) the erection of any advertising structure attached to the building or proposed to be erected on the same land as the building is situated.

*"advertising structure" means a structure used or to be used principally for the display of an advertisement.*

- (b) the painting of any advertisement on the building or on any fence or other structure (not being an advertising structure) on the same land as the building is situated.

*"advertisement" means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.*

- (2) Notwithstanding (a) above, business identification signs may be displayed, erected or painted within the building and at ground floor level on the front facade of the building without Council approval.

*"business identification sign" means an advertisement which in respect of any place or premises to which it is fixed contains all or any of the following:*

- a) a reference to the identification or description of the place or premises;
- b) a reference to the identification or description of person residing or carrying on an occupation at the place or premises;
- c) particulars of any occupation carried on at the place or premises;
- d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;



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- e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of Parliament of the Commonwealth;*
- f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;*
- g) particulars of any activities held or to be held at the place or premises;*
- h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.*

(3) No advertising structure or advertisements shall be stored or displayed on the public footpath area except in accordance with Council's Materials on Footpath Policy.

(4) Any advertisement or advertising structure shall not be illuminated or floodlit without the prior consent of the Council.

11 No flashing lights or flashing animated signs shall be erected.

12 Any noise emanating from the use at any time shall:-

(a) not have any detrimental effect on the adjoining residential amenity.

(b) generally comply with the criteria in chapters 20 & 21 of the Environmental Noise Control Manual published by the Environment Protection Authority.

13 The noise emanating from the premises shall comply with the requirements of the Noise Control Act and Regulations thereunder.

14 All work shall be contained wholly within the building.

15 (1) All operations carried out on the site shall be conducted in accordance with the Environmental Management and Operational Procedures Manual, a final copy of which shall be signed by a person who can represent the occupant and submitted to Council within 60 days of this consent.

(2) Should a new occupant take over operation of the site, Council shall be notified and a new signed Environmental Management and Operational Procedures Manual shall be submitted to Council.

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- 16 The operating noise level of plant and equipment shall not exceed 45db(A) when measured at any point on any residential premises between the hours of 7am to 6pm Monday to Saturday.
- 17 The operating noise level of plant and equipment shall not exceed 65db(A) when measured at any point on the boundaries of the site.
- 18 A certificate signed by a qualified acoustical engineer shall be submitted to Council within one month of the approval date stating that the requirements of the conditions of approval and the acoustic report prepared by RSA Acoustics have been met.
- 19 (1) The implementation of this development shall not adversely affect the amenity of the neighbourhood by reason of the generation and escape of dust, waste products or sediment from the site.  
  
(2) If complaints arise it may be necessary for the occupant to provide a report from an environmental consultant experienced in sediment and dust control measures.
- 20 The amount of materials to be handled shall not exceed 100,000 tonnes per annum.

**Fire Safety Measures**

*The following conditions have been imposed to ensure adequate fire safety measures are included in the building.*

- 21 The exit travel distances are to comply with D1.4 of the Building Code of Australia. This may necessitate the installation of additional exits.
- 22 The hydrants are to be in accordance with E1.3 of the Building Code of Australia.
- 23 Hose reels are to be installed in accordance with E1.4 of the Building Code of Australia.
- 24 Install portable fire extinguishers selected, located and distributed to BCA Clause E1.6/Cable E1.6 and AS2444.
- 25 Emergency lighting complying with Australian Standard 2293.1 is to be installed throughout the building where required under BCA Clause E4.2 and AS2293.
- 26 Exit signs are to be provided in accordance with BCA Clause E4.5.



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27 (1) 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:

(2) 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 attached fire safety schedule.

Essential fire or other Safety Measures	Minimum Standard Performance	
	Building Code of Australia (BCA96A1) Part/Clause/Specification	Australian Standard No. or other reference
<u>New Measures</u>		
1. Exit signs	E E4.5-4.8	2293(Pt1/2) 1987/88/92
2. Fire hydrant systems	E E1.3	1851 (Pt4), 2419.1 1996
3. Portable fire extinguishers	E E1.6	1851(Pt1)1989, 2444-1995

28 Sanitary facilities are to comply with F2.3 of the Building Code of Australia.

29 Light and ventilation are to comply with F4 of the Building Code of Australia.

**Disabled Access**

*The following conditions have been imposed to ensure that the development provides for adequate access and facilities for persons with disabilities*

30 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 and Disability Discrimination Act.

**General**

*The following conditions have been imposed to ensure there is minimal impact during construction and that specific Council requirements are met.*

31 \*(1) The surrender by the owner of the land of:

(a) the consent to DA9899/365 approved 30 August 1999  
Storage of empty containers (bins and skips) which are used for storage and collection of solid inert waste and rubbish.

such surrender shall be in accordance with Form 3 of Schedule 5 of the Environmental Planning and Assessment Regulation, 1994.

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(2) Such surrender shall be executed prior to issue of the Construction Certificate and a copy forwarded to Council for its records.

**REVIEW OF DETERMINATION** Section 82A of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within twenty-eight (28) days of the determination and be accompanied by the required fee.

**RIGHT OF APPEAL** If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**WARNING**

**NO CONSTRUCTION WORK CAN COMMENCE UNTIL YOU HAVE OBTAINED A CONSTRUCTION CERTIFICATE**

SIGNED on behalf of the  
Strathfield Municipal Council



PETER CONROY  
MANAGER, PLANNING & BUILDING

per: Allan Cambridge



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ADVICE

The following matters are included as advice as relative to this application.

1. (a) Section 95A of the Act provides that the applicant or any other person entitled to act on the consent may apply to the Council, before the consent lapses, for a 1 year extension.  
  
(b) The consent will lapse unless the use or building, engineering or construction work related to the building is physically commenced on the land prior to the consent lapse date shown on page 1 of this consent.
2. In accordance with the Tree Preservation Order applying to the Strathfield Council area, any tree having a height greater than 4.0 metres or a girth greater than 0.5 metres measured at a point 1.0 metres above ground level, is not to be ringbarked, cut down, lopped, injured or wilfully destroyed excepting with the written consent of the Council.
3. Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
4. Section 126 of the Act provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding \$110,000 and to a further daily penalty not exceeding \$11,000.
5. The contributions required under s94 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council Chambers, 65 Homebush Road, Strathfield during normal business hours.
6. Council has resolved that any details submitted from structural engineers "satisfactory to Council" will be accepted for building work within the Council area. A register of engineers "satisfactory to Council" is kept by Council and information whether a particular structural engineer is on the list may be obtained by telephoning 9748-9911 during business hours. A structural engineer who wishes to be registered with Council should provide the following information:
  - (a) qualifications;
  - (b) field of expertise including experience in this general area of Sydney;
  - (c) nominated insurers for professional indemnity. *Note: It is considered that at least \$1million cover is suitable for Council for domestic work. A copy of the insurance certificate or details of the policy should be provided.*



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7. An application for a Construction Certificate complying with the Building Code of Australia and the Environmental Planning & Assessment Act for the proposed works, shall be submitted to and approved by the Principal Certifying Authority prior to any commencement of building work associated with this consent.
8. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission on (02) 9284-9600 or 1800-021199 in respect of the matter subject of this consent.
9. APPROVED INSURERS for Residential Building work under the Home Building Act 1989:

**Home Owners Warranty, a division of HIA Insurance Services Pty Ltd, underwritten by a panel of approved insurers managed by the lead insurer, Royal and Sun Alliance Insurance Australia Limited.**

- \* job-specific policies
- \* cover for builders and tradespeople
- \* cover for owner-builders

Contact number: 1300-363077

PO Box 3077  
Parramatta NSW 2124

**FAI General Insurance Company Limited, Master Home Warranty**

- \* job specific, Annual Blanket Extra and Annual Blanket policies
- \* cover for builders and tradespeople

To purchase Master Home Warranty by credit card contact 1800-1500.888

For your nearest Master Home Warranty Outlet contact 13 1000

333 Kent Street  
Sydney 1026

**MasterCover, available through Jardine Australian Insurance Brokers Pty Ltd and the Master Builders Association (MBA). Bovill Risk & Insurance Consultants P/L (BRIC) also provides residential building work insurance. Both underwritten by HIH Casualty and General Insurance Ltd.**

- \* job-specific, Annual-blanket job-specific, and Annual claims-made policies
- \* cover for builders and tradespeople

Contact number: 1800-810856

Jardines: L8, 66 Clarence St,  
Sydney 2000

Contact number for BRIC (03)9859.7933

BRIC: PO Box 428 East Kew  
Victoria 3102

Contact for claims queries

HIH: 50 Bridge St, Sydney

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**Owner Builder Insurance Services P/L, underwritten by Mercantile Mutual Insurance (Australia) Limited.**

\* cover for owner-builders only  
Contact number: 1300-655400

PO Box 77W Parramatta  
Westfield; or Level 2, 20-24  
Wentworth St Parramatta 2150

**Zurich Australian Insurance Limited**

\* job-specific certificates when used together with tradesperson's Liability policies  
\* cover for licensed tradespeople only (not licensed builders involved in home construction or major renovations)

Contact number: 1800-650517

5 Blue Street  
North Sydney 2060

10. **BEFORE YOU DIG**, applicants should telephone or fax Sydney One Call Service (SOCS) to ascertain which utility services are underground in the proposed excavation area. Enquiries will be assisted by providing details of:
- \* street number and street name
  - \* which side of street
  - \* distance from nearest cross street

Confirmation of enquiries will be faxed by SOCS to applicants and to the individual utilities - Phone: (02) 9806-0800 Fax: (02) 9806-0777.

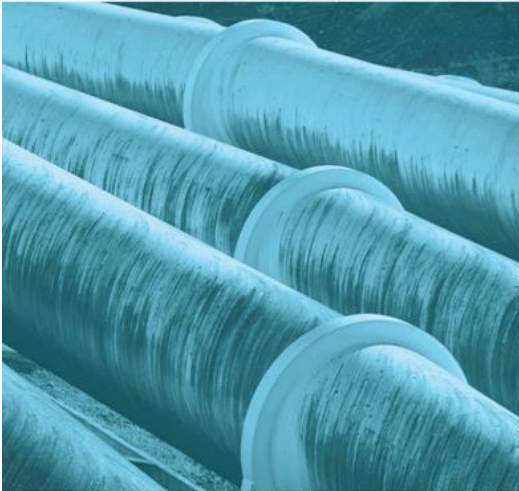
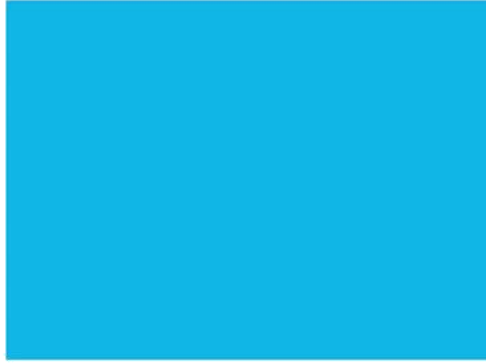
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cc Isas Pty Ltd, 84-108 Madeline Street, Strathfield South 2136



[www.emmconsulting.com.au](http://www.emmconsulting.com.au)





[www.emmconsulting.com.au](http://www.emmconsulting.com.au)

**TO:** Strathfield Local Planning Panel Meeting - 4 July 2019  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** DA2019/072 - 4-8 SMALLWOOD AVENUE, HOMEBUSH  
SP 96597  
**DA NO.** DA2019/072

### SUMMARY

**Proposal:** Removal of two (2) trees from Council land  
**Address of Proposed Development:** 4-8 Smallwood Avenue, Homebush  
**Applicant:** Mr Gordon Malesevic  
**Owner:** Strathfield Council  
**Date of lodgement:** 20 May 2019  
**Notification period:** 23 May 2019 to the 6 June 2019  
**Submissions received:** One (1)  
**Assessment officer:** HD  
**Estimated cost of works:** Nil  
**Zoning:** R2 - SLEP 2012  
**Heritage:** No  
**Flood affected:** No  
**Reason for Referral to the Local Planning Panel** Development located on Council land  
**RECOMMENDATION OF OFFICER:** APPROVAL

### DESCRIPTION OF THE SITE

The subject site is legally described as SP 96597 and is commonly known as 4-8 Smallwood Avenue, Homebush.

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks consent for the removal of two (2) trees from the garden bed/traffic island, being Council land.

### 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*



DA2019/072 - 4-8 Smallwood Avenue, Homebush  
SP 96597 (Cont'd)

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

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

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

The application was assessed by Council's Tree Management Officer.

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting as per the reasons detailed in the assessment tables below. Relevant consent conditions will be imposed.

It is considered the provisions of this clause have been considered and the application assessed accordingly and found to be satisfactory as conditioned.

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

The proposal is a permissible for of development and satisfies the general aims and objectives of SLEP 2012.

#### **Part 4: Principal development standards**

There are no relevant provisions contained within Part 4 of the SLEP 2012 that affect this application.

#### **Part 5: Miscellaneous Provisions**

There are no relevant provisions contained within Part 5 of the SLEP 2012 that affect this application.

#### **5.10 Heritage Conservation**

The application was not referred to Council's heritage adviser for comment.

#### **Part 6: Local Provisions**

There are no relevant provisions contained within Part 6 of the SLEP 2012 that affect this application.

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

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

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

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

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

DA2019/072 - 4-8 Smallwood Avenue, Homebush  
 SP 96597 (Cont'd)

**Part O – TREE Management (SCDCP 2005)**

Arboricultural Assessment

The following arboricultural assessment was carried out on site on the 20 June 2019.

Tree Species / Identification						
Tree 1 - <i>Leptospermum petersonii</i> (lemon scented tea tree)	Tree 4 -					
Tree 2 - <i>Hymenosporum flavum</i> (native frangipani)	Tree 5 -					
Tree 3 -	Tree 6 -					
<b>Assessment Criteria:</b> Bold highlight denotes code, estimate values in <i>percent</i> or answer Yes or ✓, No or ✗, N/A or other						
Tree Details	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6
Height x Spread (metres)	5x4	3x3				
DBH (mm)	160	160				
Age (Young, Semi-Mature, Mature, Senescent)	SM	SM				
Form (Symmetrical, Asymmetrical, Suppressed)	S	S				
Location (Front, Rear, Side, Neighbour)	IN ROAD	IN ROAD				
Tree Amenity Value						
Native, Locally Indigenous, Exotic	N	N				
Heritage Listed (LEP) / Significant Tree Register	-	-				
Landscape Amenity Value (High, Medium, Low)	L	L				
Exempt Species	-	-				
Tree Health / Vigour						
Foliage (Normal/Sparse/Necrotic/Chlorotic)	N	N				
Extension Growth (Good/Average/Poor/Excessive)	G	G				
General Condition (Good, Fair, Poor, Dead)	G	G				
Deadwood (Major / Dieback / General)	G	G				
Epicormic Growth / Shoots (%)	-	-				
Pest / Insects (Active / Inactive / Non)	N	N				
Structural Condition / Defects						
Branch Failure	-	-				
Trunk / Branch Wound	-	-				
Cavities	-	-				
Disease / Decay / Fungus	-	-				
Branch Inclusions	-	-				
Co-dominate Leaders / Multi-leaders	-	-				
Previously Lopped / Topped	-	-				
Root Damage / Disturbance	-	-				

**Matters for Consideration**

Council will determine if the proposed works are justified and the circumstances for tree removal and/or pruning are considered significant. In determining an application for works relating to trees, Council will have regard to:

DA2019/072 - 4-8 Smallwood Avenue, Homebush  
 SP 96597 (Cont'd)

<p>1. Matters of human life and minimisation of possibility of personal injury will be paramount in Council's considerations</p>	<p>Comments: NA                   Note: Council does not carry out risk assessments on private trees and these assessments will need to be carried out by the applicants AQF level 5 Arborist.</p>
<p>2. The health or condition of the tree/s; whether the tree is dead or dangerous; proximity to existing or proposed structures; and interference with utility services and amenity of any person or property</p>	<p>Comments: The trees are healthy. Roadworks require the removal of these trees.</p>
<p>3. Amenity value of the tree/s including visual amenity, ecological value, heritage significance, and whether the tree/s provide habitat for fauna and/or canopy connectivity</p>	<p>Comments: Both trees are small and not significant to the site. Replacement trees will more than compensate for their removal.</p>
<p>4. Necessity for action in order to construct improvements to the subject property</p>	<p>Comments: Roadworks require the removal of these trees.                   N/A. The removal of the trees will be considered as part of the DA for the proposed structures and other property improvements.</p>
<p>5. The number of healthy trees that a given area of land can support</p>	<p>Comments: N/A</p>
<p>6. Effects in the nature of erosion, soil retention or diversion or increased flow of surface waters</p>	<p>Comments: N/A</p>
<p>7. The number of trees in the subject area and the impact of the proposed work on the amenity of that area and its surrounds</p>	<p>Comments: N/A</p>

**Tree Assessment and Recommendations**

Tree Number	Decision	Reason/s
1 & 2	APPROVED	The removal of the subject tree is considered to be justified.

DA2019/072 - 4-8 Smallwood Avenue, Homebush  
SP 96597 (Cont'd)

**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* is not relevant to this application.

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

Not relevant to the subject application.

**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 tree removal is not considered to have any negative impact on the natural and built environments, social or economic impacts on the locality.

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

The proposed development is considered to be suitable to the site.

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

The application was notified in accordance with Part L of the SCDCP 2005 from **23 May 2019** to **6 June 2019**, with **one** submission was received, raising the following concerns:

1. Sydney Markets – road opening will cause traffic congestion issues.

Assessing officer's comments: *This is not a tree issue and Council's works engineers will be replying to the customers concerns separately.*

**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.

**CONCLUSION**

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

Signed: Harry Diversi  
Tree Management Officer

DA2019/072 - 4-8 Smallwood Avenue, Homebush  
SP 96597 (Cont'd)

## PEER REVIEW

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

Signed: Peter Bowmer  
**Executive Manager, Civic Services**

That Development Application No. DA2019/072 for the removal of two trees from Council land at 4-6 Smallwood Avenue, Homebush, subject to the following conditions;

### 1. PRESENTATION OF A COPY OF THIS DEVELOPMENT CONSENT

A copy of this development consent must be kept on the site of the tree works by the applicant and tree contractors and must be produced on demand to Strathfield Council's duly authorised officers, servants or agents.

### 2. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

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

Tree No. shown in Tree removal Development Application	Tree Species	Location
1 & 2	<i>Leptospermum petersonii</i> (lemon scented tea tree) & <i>Hymenosporum flavum</i> (native frangipani)	In the garden/Traffic Island

### 3. APPROVED WORKS

Only the work authorised by this consent is to be undertaken.

### 4. APPROVED HOURS OF WORK

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

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

### 5. NOTIFICATION OF NEIGHBOURS

You must notify your neighbours prior to carrying out this work.

### 6. GREEN WASTE

No green waste is to be stored on the street or road areas or on public land.



DA2019/072 - 4-8 Smallwood Avenue, Homebush  
SP 96597 (Cont'd)

**7. REPLACEMENT TREES**

The trees to be removed is (including stumps ground), replaced with six (6) trees, three (3) specimen tree/s for each tree removed capable of a minimum mature height of 6-10 metres, planted in the property, from a 100 litre container size capacity, as specified in the conditions of this development consent within twelve (12) months of the date of this development consent.

**8. SELECTION OF REPLACEMENT TREES**

The replacement tree/s must be selected from Council's recommended street tree list.

**9. CONDITION OF REPLACEMENT TREES**

The replacement trees shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, with a large healthy root system with no evidence of root curl, restriction or damage.

The replacement tree is to have a single leader and clear straight trunk.

The replacement tree is to be mulched to a depth of 50-75mm, 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 necessary to stabilize the tree.

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

**10. INSPECTION OF REPLACEMENT TREES**

Council will inspect the replacement trees at the time of planting, within 14 days of notified in writing by the applicant. A follow up (2rd) inspection will be conducted after 28 weeks to assess the health of the replacement tree/s.

**11. MAINTENANCE OF REPLACEMENT TREE**

The replacement tree is to be maintained for a thirty (30) week establishment phase at the expense of the applicant. If the replacement tree declines or dies during the establishment phase, it must be replaced with another replacement tree (subsequent replacement tree), at the applicant's sole expense, which will also be subject to a thirty (30) week establishment phase.

**12. REPLANTING OF REPLACEMENT TREE**

The applicant accepts the obligation to continue installing subsequent replacement trees until they survive past the conclusion of the thirty (30) week establishment phase, to Council's satisfaction and at the applicant's sole expense.

**13. SUITABLE REPLACEMENT TREES**

Palm trees or recognised varieties of fruit trees will not be considered as suitable as replacement tree planting.

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**14. PROTECTION OF REPLACEMENT TREES**

All trees planted as a condition of this consent must be raised in a healthy condition to maturity free of damage or wilful neglect and are protected by the Development Consent. This protection runs with the title of the land.

**15. SITE CONSTRAINTS OF REPLACEMENT TREES**

The replacement trees will be included as a site constraint for any future development application.

**ATTACHMENTS**

There are no attachments for this report.