

Agenda

Strathfield Local Planning Panel Meeting

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

Thursday, 7 November 2019

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

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

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TO: Strathfield Local Planning Panel Meeting - 7 November 2019
REPORT: SLPP – Report No. 1
SUBJECT: DA2019/064 - 8.2 REVIEW - 12 TERRY STREET EAST, STRATHFIELD SOUTH
LOTS 2 & 3 DP 207560
DA NO. DA2019/064 (Section 8.2 Review)

SUMMARY

Proposal: S8.2 review application of determination for demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment.

Applicant: Mounir El-Kaderi

Owner: JST Wong & SP Hong

Date of lodgement: 30 September 2019

Notification period: 4 to 21 October 2019

Submissions received: No submissions

Assessment officer: MR

Estimated cost of works: \$810,273

Zoning: R2 – Low Density Residential – SLEP 2012
Not a heritage item

Heritage: Not located within a heritage conservation area
In the vicinity of heritage items (St Anne’s Church and Pressure Tunnel and Shafts)

Flood affected: No
Yes – 46.9% variation sought to the minimum

Is a Clause 4.6 variation proposed? subdivision lot size under Clause 4.1 of the SLEP 2012.

Clause 4.6 supported? No

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

RECOMMENDATION OF OFFICER: REFUSAL

EXECUTIVE SUMMARY

The proposal involves demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment.

DA2019/064 was lodged to Council on 2 May 2019 and was refused by the Strathfield Local Planning Panel on 5 September 2019 for the following reasons:

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- Breach of minimum subdivision lot size development standard and objectives – Clause 4.1: Minimum subdivision lot size (Strathfield Local Environmental Plan 2012 – SLEP 2012);
- Inconsistency with objectives of the floor space ratio development standard – Clause 4.4: Floor space ratio (SLEP 2012);
- Inconsistency with the Objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) – Clause 1.3: Objects of Act;
- Inconsistency with aims of Strathfield Local Environmental Plan 2012 – Clause 1.2: Aims of plan (SLEP 2012);
- Inconsistent with purpose of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005) – Clause 1.4: Purpose of Plan;
- Inconsistency with SCDCP 2005 – Part R: Subdivision;
- The proposed development would give rise to unacceptable environmental impacts – Section 4.15(1)(b) of the EP&A Act 1979;
- The proposed development is unsuitable to the site – Section 4.15(1)(c) of the EP&A Act 1979; and
- The proposal is not in the public interest – Section 4.15(1)(e) of the EP&A Act 1979.

An application for a Section 8.2 review of DA2019/064 was submitted on 30 September 2019.

The plans and documentation submitted with the application were notified on 4 October 2019 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No submissions were received during this period.

The application is seeking a 46.9% variation to the minimum subdivision lot size development standard under Clause 4.1 of the SLEP 2012.

A Clause 4.6 written request has been provided as part of the application. This request is not considered to be well founded.

The application is recommended for **REFUSAL**.

BACKGROUND

- 2 May 2019: Development application DA2019/064, seeking approval for the demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment, was lodged to Council.
- 10 May 2019: DA2019/064 was notified for two (2) weeks. Notification period ended on 24 May 2019. No submissions were received.
- 28 May 2019: Unsatisfactory DA letter was sent to applicant.
- 27 June 2019: Additional information (including amended plans) were submitted to Council.
- 25 July 2019: DA2019/064 was re-allocated to another officer. Clause 4.6 requested to vary the minimum lot size development standard (Clause 4.1) of the SLEP 2012 was lodged.
- 5 September 2019: DA2019/064 was refused by the Strathfield Local Planning Panel.
- 30 September 2019: An application seeking a Section 8.2 review of DA2019/064 was lodged to Council.

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4 October 2019: The Section 8.2 review application was notified for two (2) weeks. Notification period ended on 21 October 2019. No submissions were received.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site comprises two (2) lots and is legally described as Lots 2 and 3 in DP 207560 and is commonly known as No. 12 Therry Street East, Strathfield South (refer to **Figure 1**). The site is located on the southern side of Therry Street East and has a total area of 594.9m².

The subject site is located within the R2 – Low Density Residential zone, pursuant to the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012).

The site is rectangular in shape and comprises a frontage of 12.19m, a rear boundary of 12.19m and a maximum side boundary length of 48.83m. The site has a 2.3m slope from Therry Street East to the rear boundary.

The subject site is predominantly modified and contains a single storey dwelling with ancillary structures such as a detached single car garage and an attached front verandah (refer to **Figure 2**). Vehicular access to the site is via an existing driveway off Therry Street East, located on the north-western portion of the site. Most of the site is devoid of any significant vegetation; however, there is a large canopy tree (*Eucalyptus scoparia*) within the front setback that is proposed to be retained.

The current streetscape is characterised by single dwellings within a typical suburban, low density residential setting. In general, these dwellings comprise 1-2 storeys and feature older styles that vary in terms of design, colours and textures. Common features observed in the streetscape are pitched roofing, exposed brown and red brick façades, low front fencing and garaging integrated into the dwelling design (refer to **Figures 3 to 7**). A number of established street trees occur along Therry Street East, which assist in softening the appearance of any existing buildings. It is noted that a semi-detached dwelling occurs within 20m of the site, at No. 16 and 18 Therry Street East (refer to **Figure 7**).

The subject site does not contain any heritage items and is not within a heritage conservation area; however, it is approximately 117m away from a locally listed heritage item (Item I231). Item I231 is *Original St Anne's Catholic Church—church, school and trees* and is located at No. 9-13 St Anne's Square.

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Figure 1: Aerial photo of No. 12 Therry Street East, Strathfield South



Figure 2: No. 12 Therry Street East, Strathfield South

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Figure 3: West-adjointing residence at No. 14 Therry Street East, Strathfield South



Figure 4: East-adjointing residence at No. 10 Therry Street East, Strathfield South

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Figure 5: Residence at No. 11 Therry Street East, Strathfield South



Figure 6: Residence at No. 9 Therry Street East, Strathfield South

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Figure 7: Semi-detached dwellings at No. 16 and 18 Therry Street East, Strathfield South

PROPERTY BURDENS AND CONSTRAINTS

A State heritage listed pressure tunnel and shafts easement traverses the front of the site. This easement is approximately 16 to 67m below ground. As the proposed development involves minimal excavation (less than 500mm in depth), it is unlikely that it will affect this easement. As such, there are no burdens or constraints that would preclude the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment.

The proposed boundary adjustment will result in the following changes to the dimensions and areas of the existing allotments:

Parameter	Lot 2		Lot 3	
	Existing	Proposed	Existing	Proposed
Width	4.77m	6.095m	7.42m	6.095m
Minimum Depth	48.819m	48.12m	48.795m	No change
Area	363.3m ²	297.49m ²	231.6m ²	297.37m ²

Each of the proposed semi-detached dwellings will comprise of:

- A single car garage;
- A ground floor with front entry, living and dining areas, combined bathroom and laundry, kitchen and outdoor alfresco area; and
- A first floor with a master bedroom with built in robe, ensuite and front facing balcony, 3 bedrooms, a bathroom and a rear facing balcony accessed via a bedroom.

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The proposed development will also involve the construction of a new aluminum front fence (maximum 1.2m high), two (2) separate driveways accessed via Therry Street East and landscaping works in the form of garden beds and grassed turf areas within the front and rear setback areas.

REFERRALS**INTERNAL REFERRALS**

The Section 8.2 review of application was referred to the following internal specialists:

- Heritage Advisor;
- Stormwater Engineer;
- Traffic Engineer; and
- Tree Management Coordinator.

It is noted that the siting and design of the proposed development (DA2019/064), as determined by the Strathfield Local Planning Panel on 5 September 2019, remain unchanged in the Section 8.2 review of application. Accordingly, an assessment of this application by internal specialists has resulted in comments that are identical to the previous application.

As with the previous application, there were no objections raised from these specialists, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

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

In accordance with the Statement Environmental Planning Policy – BASIX 2004 all new housing in NSW is required to meet a designated target for energy and water reduction.

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

State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

A search of Council's contaminated land register specifies that the site is not potentially contaminated.

A site inspection identified that the site is currently occupied by a dwelling house and ancillary structures. The site has a long history of residential use. Therefore, further consideration under Clause 7(1)(b) and (c) of SEPP 55 will not be required.

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The site is considered suitable for the proposed development in accordance with requirements of SEPP 55.

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

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

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

The proposal involves the removal of a tree within the rear yard and retention and protection of an existing canopy tree (*Eucalyptus scoparia*) in the front setback. It is noted that the proposal intended on minimising any impacts on the existing tree (*Eucalyptus nicholii*) in the neighbouring front yard of No. 14 Therry Street East. The current application was referred to Council's Tree Management Coordinator. As per the previous application, it was confirmed that the proposed tree removal is supported and specific conditions can be imposed to ensure the protection of the above canopy trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	No
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	No
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(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 proposed development is not consistent with the above objectives of the SLEP 2012 as it fails to achieve a high quality urban built form that appropriately responds to the constraints of the site and does not complement the existing and desired future streetscape character of the immediate vicinity. The proposal is unable to meet key objectives and controls under Council policy that ensure a well-balanced and well-considered built form is facilitated. A notable consideration that contributes to a poor built form is the proposed boundary adjustment and subsequent creation of significantly undersized lots. The reduced lot sizes restrict the ability to provide a built form that achieves the above objectives and that respects the residential character and setting of the area.

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The proposed development is also unable to promote an appropriate land use as it fails to meet the minimum lot size development standard under Clause 4.1 of the SLEP 2012. Whilst the site benefits from having two (2) undersized lots, the surrounding area is generally characterised by residential properties on allotments greater than 560m², and therefore, meet the minimum lot size development standard. As such, the existing lots are considered anomalies within the current landscape. The proposed boundary adjustment exacerbates the existing non-compliance and further, provides an excessive built form that is out of place and does not complement the low density residential dwelling character of the immediate area.

Permissibility

The subject site is within the R2 – Low Density Residential under the SLEP 2012.

Semi-detached dwellings are permissible within the R2 – Low Density Residential zone with consent and is defined under SLEP 2012 as follows:

“Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.”

The proposed development for the purpose of semi-detached dwellings is consistent with the definition above and is permissible within the R2 – Low Density Residential zone with consent.

Zone Objectives

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

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

Comments: It is noted that whilst the subject site does not contain any heritage items, is not located adjacent to any heritage items and is not within any heritage conservation areas; however, several heritage items (St Anne’s Church and Pressure Tunnel and Shafts) occur within the vicinity. Given the nature and location of the proposal, any potential adverse impacts on these items are considered negligible.

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.

Minimum subdivision lot size

Cl.	Standard	Controls	Proposed	Complies
4.2	<i>Minimum subdivision lot size (excluding strata subdivision)</i>	560m ²	Lot 2: 297.49m ² Lot 3: 297.37m ²	No

Objectives	Complies
(a) <i>To promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area</i>	No
(b) <i>To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types</i>	No
(c) <i>To preserve large industrial lots in order to provide a range of large-scale</i>	N/A

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sites suitable for industrial activities that require integrated and large floorplates

Comments: In determining the relevance of the minimum lot size development standard under Clause 4.1 of the SLEP 2012, the definition of the “subdivision of land” under Clause 6.2 of the EP&A Act 1979 was reviewed.

Meaning of “Subdivision of Land” under Section 6.2 of the EP&A Act 1979

6.2 Meaning of “subdivision of land”:

- (1) For the purposes of this Act, **subdivision** of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:
 - (a) by conveyance, transfer or partition, or
 - (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

- (2) Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of:
 - (a) a **plan of subdivision** within the meaning of **section 195 of the Conveyancing Act 1919**, or
 - (b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.

- (3) However, **subdivision** of land does not include:
 - (a) a lease (of any duration) of a building or part of a building, or
 - (b) the opening of a public road, or the dedication of land as a public road, by the Crown, a statutory body representing the Crown or a council, or
 - (c) the acquisition of land, by agreement or compulsory process, under a provision of an Act (including a Commonwealth Act) that authorises the acquisition of land by compulsory process, or
 - (d) a division of land effected by means of a transaction referred to in section 23G of the Conveyancing Act 1919, or
 - (e) the procuring of the registration in the office of the Registrar-General of:
 - (i) a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919, or
 - (ii) a strata plan of consolidation or a building alteration plan within the meaning of the Strata Schemes Development Act 2015.

Conveyancing Act 1919 No 6

Section 195

(1) In this Division:

Plan of subdivision means a plan that shows....:

- (b) the consolidation of 2 or more existing lots and their simultaneous redivision, along new boundaries, into 2 or more new lots.

The proposed boundary adjustment results in the subdivision of land, as defined in Section 8.2 of the EP&A Act 1979. Therefore, Clause 4.1 of the SLEP 2012 applies. The proposal involves a significant non-compliance of at least 46.9% (262.51m²) to the above minimum subdivision lot size development standard under the SLEP 2012. The applicant submitted a revised Clause 4.6 variation request to vary the minimum lot size development standard as part of the current application. An assessment of the proposed variation including consideration of the proposal against the objectives of the standard is addressed in the Clause 4.6 appraisal below.

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Clause 4.6 Exceptions to Development Standards

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

As demonstrated in the table above, the proposed development fails to comply with the minimum lot size development standard under Clause 4.1 of the SLEP 2012. The area of non-compliance relates to the proposed boundary adjustment. As discussed above, the proposed boundary adjustment results in the creation of 2 new allotments, which is defined as "subdivision of land" under the EP&A Act 1979. Subsequently, Clause 4.1 is triggered and a 46.9% (or at least 262.51m²) variation to this development standard is proposed.

Clause 4.6(3) of the SLEP 2012 states the following:

"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."

In accordance with Clause 4.6(3) of the SLEP 2012, the applicant lodged a written request that seeks to justify the proposed contravention of the minimum lot size development standard (Clause 4.1). A fully copy of this request is on the file and the most relevant section is reproduced below:

"The variation is not contrary to the objectives that underpin Clause 4.1 of the SLEP and does not hinder the achievement of those objectives. Those objectives are:

(a) to promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area.

There are numerous lots in the zone that are less than the prescribed 560m² in size. Further, there are lots in the zone that are in the order of 300m² in size which have been developed for inter-war era semi-detached housing...The proposed boundary adjustment seeks to achieve a permissible form of development has been carried out on other land in the neighbourhood by merely centralising the common boundary.

The subject land is comprised of 2 lots which already exist as part of the subdivision pattern of the zone. Carrying out of the boundary adjustment does not create a subdivision pattern that is not already in existence. Rather, the proposed boundary adjustment seeks to make equal those two lots which is more in keeping with other semi-detached housing lots in the zone.

The retention of the 2 lots does not result in any change the predominant subdivision pattern of the area.

(b) to ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types.

The proposal results in 2 lots of 297m² which adds to the variety of lot sizes in the zone and the opportunities for semi-detached housing options. It is reiterated that there are a number of inter-war era semi-detached dwellings in the neighbourhood. The proposed boundary adjustment seeks

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to achieve what has been carried out on other land in the neighbourhood by centralising the common boundary.

Those lots are of sufficient size and width to accommodate the development of two semi-detached dwellings that adds to the variety of development that is provided in the low density residential zone.

The proposed boundary adjustment and associated development with semi-detached dwellings meets this objective.

The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The subject land is already comprised of 2 lots. Notwithstanding that a boundary adjustment falls into the definition of a subdivision, the proposal does not involve the creation of an additional lot. Rather, the proposal involves the spatial redistribution of the lots by moving the internal boundary. The purpose of the development standard to ensure a minimum lot size must be tempered by the fact that there are already 2 lots comprising the subject land. The underlying objective of

the standard is not relevant to the development given those unique circumstances of the land.

In summary, strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances as the land is already comprised of 2 lots. The development is not contrary to the relevant objectives underpinning the development standard for minimum lot size noting those unique circumstances of the land.

It is not necessary to demonstrate a benefit resulting from the breach, only that there are sufficient environmental planning grounds to support the variation.

The proposal does not create new lots. The development application does not seek to create new lots that do not meet the minimum lot size standard. Rather, the development application seeks a spatial redistribution of the existing lots that comprise the land. The lots already exist as part of the subdivision pattern of the area.

There are numerous lots in the immediate vicinity of the subject land that are occupied by single dwellings that are also less than 400m². The proposal to carry out semi-detached housing on lots in the order of 300m² does not promote a subdivision pattern that is out of character with the locality.

The development does not establish a precedent. There are no other parcels of land in the zone that are comprised of 2 lots that are in the order of 360m² and 230m² that have not yet been developed for semi-detached housing. The characteristics of the subject land are unique in that regard.

Approval of the boundary adjustment would not establish a precedent for other lots to be subdivided in a similar fashion. The proposal also involves the carrying out of development over the lots. This differs to a regular subdivision where lots are put to market without certainty as to the development outcome. Council is provided with some comfort that the lots, while less than the prescribed minimum lot size, are capable of being developed. Further, Council is provided with some certainty of the development outcome. Council may impose a condition of consent that the Linen Plan for the subdivision not be registered until such time as the dwellings have been completed.

The variation facilitates the orderly and economic use of the land. The common between Lots 2 and 3 is not centred and as such Lot 3 is of a size that hinders its development. If the common boundary was centred on the land, the development of two semi-detached dwellings could be

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carried out without the need to vary the minimum lot size. Moving the common boundary facilitates the development of two semi-detached dwellings on the land thus promoting the orderly and economic development of the land.

The objectives of the DCP are not offended. The proposed boundary adjustment does not offend the objectives of the Strathfield Consolidated DCP 2005 Part R – Subdivision.

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment. This objective is met in that the proposed development provides opportunities for housing in the low density residential environment. Further, the zoning table to the LEP permits semi-detached housing.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents. This objective is not relevant to the subject development. Notwithstanding, the proposal does not prevent this objective from being met within the zone.*
- To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas. The nearest item of environmental heritage is the St Anne's Catholic Church and grounds at 9-133 St Anne's Square. The development of the land would not have any adverse impact or influence on that item. The site is also traversed by the heritage listed pressure tunnels from the Potts Hill Reservoir. The tunnels are at a depth in the front setback of the land and will not be impacted by the development. The subject land is not within a heritage conservation area. The proposed development is consistent with this objective."*

Clause 4.6(4) of the SLEP 2012 states the following:

"Development consent must not be granted for a 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)

The applicant's written request to justify the contravention of the minimum lot size development standard does not adequately address the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is not considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, bulk, scale and form, and visual amenity impacts.

The allotments comprising the subject site at No.12 Therry Street East are considered unique and undesirable anomalies within the current subdivision pattern of Therry Street East and the immediate locality. The combined area of these allotments is 594.9m², which is only 34.9m² larger than the required minimum lot size for the site. The proposed boundary adjustment maintains the undersized lots, thereby resulting in a significant departure to the development standard and encouraging a built form that is unable to appropriately respond to the site constraints and fails to complement the existing and desired future streetscape character of the immediate vicinity. This is demonstrated by the proposed semi-detached dwellings, which are unable to comply with key objectives and controls under Council policy. It is apparent that the smaller lot size significantly constrains the site's ability to accommodate a well-considered built form of an appropriate design, scale and mass that is able to achieve full compliance with the relevant development standards, requirements and controls under Council policy.

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- (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.*

The proposed development is not in the public interest as it fails to meet the following objectives in the minimum lot size development standard under Clause 4.1 of the SLEP 2012:

- (a) *to promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area; and*
- (b) *to ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types.*

Part R of the SCDP 2005 defines the 'prevailing subdivision' catchment to be: "*the typical characteristic of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern.*" As such, Council is of the view that the predominant subdivision pattern of the area can be regarded as the 'prevailing subdivision' catchment as defined above. The following table provides a summary of lot sizes that are captured in the prevailing subdivision catchment that relate to the proposal.

Adjoining to the east (Therry Street East)	Area	Adjoining to the west (Therry Street East)	Area	Opposite (Therry Street East)	Area
No. 10	829m ²	No. 14	694	No. 5	343m ²
No. 8	605m ²	No. 16	494	No. 7	368m ²
No. 6	676m ²	No. 18	433	No. 9	386m ²
No. 4	658m ²	No. 20	620	No. 11	575m ²
No. 2A	882m ²	No. 22	613	No. 13	483m ²
No.2B	433m ²	No. 24	492	No. 15	493m ²
		No. 26	486	No. 17	605m ²
		No. 28	991	No. 19	590m ²
				No. 21	443m ²
				No. 23	443m ²
Average size of lots to the east:	680.5m²	Average size of lots to the west:	602.88m²	Average size of lots opposite:	472.9m²

(Source: RP Data)

It is noted that all existing sites that are less than the minimum lot size of 560m² (except for No. 16 and 18 Therry Street East), are developed with detached dwelling houses. The average lot size to the east and west of the site exceeds the prescribed minimum subdivision lot size development standard of 560m². The average size of lots opposite the site (472.9m²), whilst less than the standard, is approximately (176m²) larger than the lot sizes proposed of 297.49m² (Lot 2) and 297.37m² (Lot 3). Notwithstanding that the site currently benefits from having two (2) undersized lots, the surrounding area is generally characterised by residential properties on allotments greater than 560m² and that meet the minimum lot size development standard. Therefore, a more acceptable planning outcome is for the two (2) allotments to be amalgamated to create a more appropriately sized and compliant lot. This ensures that the subsequent subdivision is able to promote consistent subdivision and development patterns that reflect the predominant subdivision pattern of the area. In addition, an enlarged lot also enables greater capacity for the land to provide a more balanced and adequately designed residential building that is able to comply with the relevant development standards, requirements and controls under Council policy. The proposed development exacerbates the existing non-compliance and further, provides an excessive built

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form that is out of place and does not complement the low density residential dwelling character of the immediate area.

The proposed development does not ensure that there is sufficient area in both lots for the proposed semi-detached dwellings. This is evidenced by:

- Each resultant lot having a maximum width of 6.095m and failing to meet the minimum lot width requirement under Part R of the SCDCP 2005. Subsequently, there is limited area within the front setback to allow for further screening of the development;
- Each lot significantly lacking in landscaped areas for both the total area and for the front setback; and
- Each dwelling having a reduced setback from the side boundaries, which result in poor separation of buildings and visual amenity impacts.

It is apparent that the narrow and elongated design of the proposed semi-detached dwellings is a response to the proposed lots' limited size and width. These restrictive dimensions do not allow for a residential built form that provides appropriate presentation to Therry Street East, public space and from private properties. The proposed semi-detached dwellings feature expansive, dual level walls that stretch along considerable depths of the site (refer to **Figures 8 and 9**). These walls have minimal articulation to interrupt the massing of the side elevations. As a result, these elevations are considered excessive, particularly when viewed from the adjoining properties, and will therefore have unacceptable visual amenity impacts.

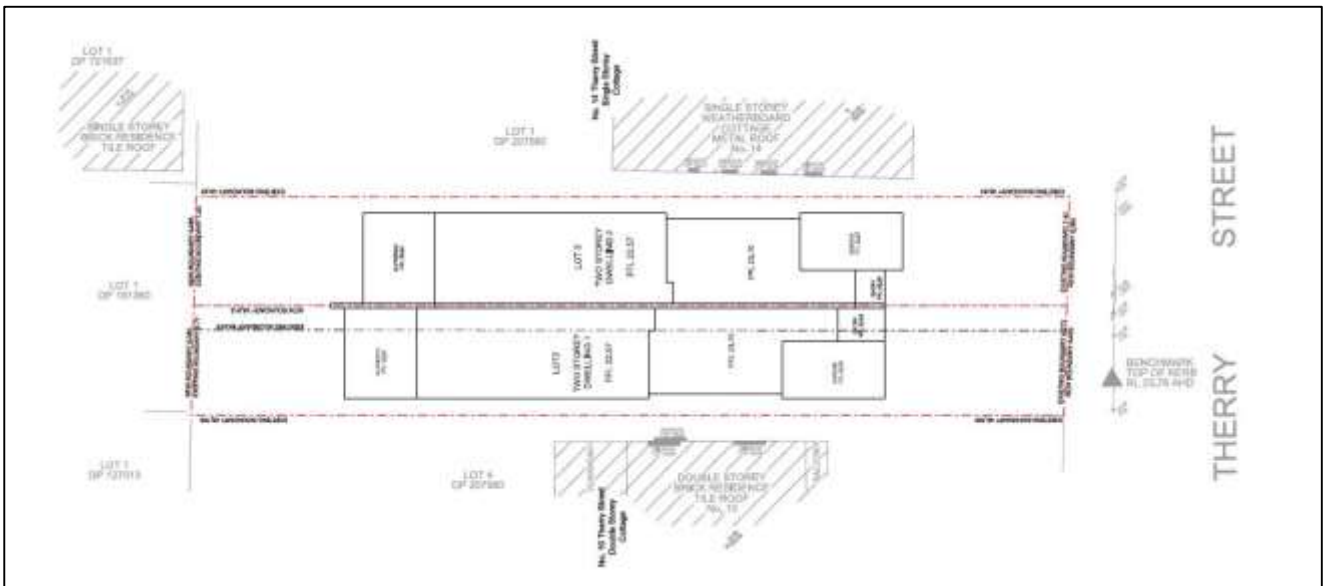
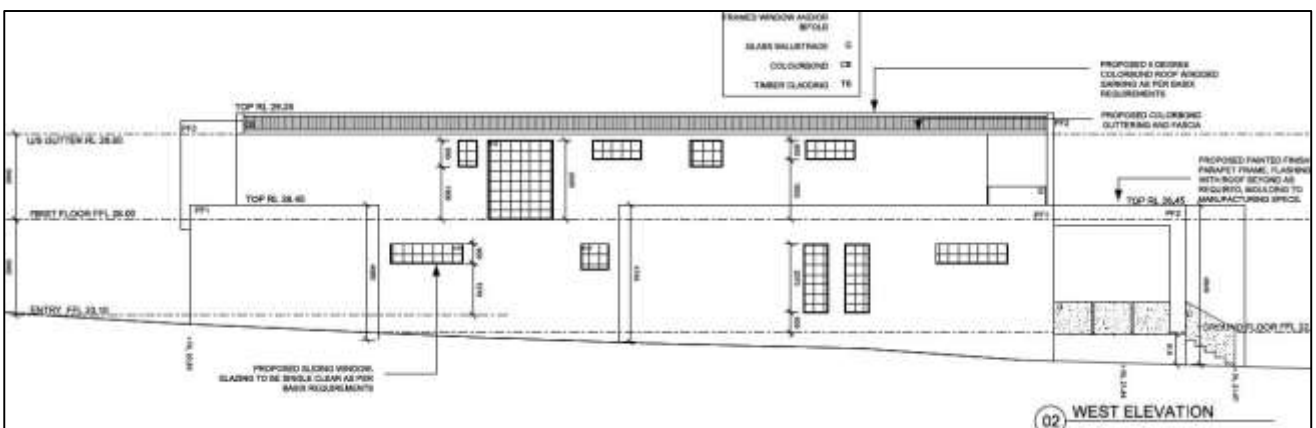


Figure 8: Site plan of proposed development



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Figure 9: West (side) elevation of proposed semi-detached dwellings

In terms of streetscape presentation, the proposed development will feature a unique residential building that is uncharacteristic of the locality, including along Therry Street East. The provision of two (2) separate driveways, two (2) distinct garages and front entries, and two (2) independent pedestrian paths within the front setback, combined with the narrow widths of each lot, significantly restricts the ability for the site to provide adequate deep soil landscaping treatments to obscure any views of the built form and achieve a more balanced scheme with a high aesthetic quality (refer to **Figure 10**).

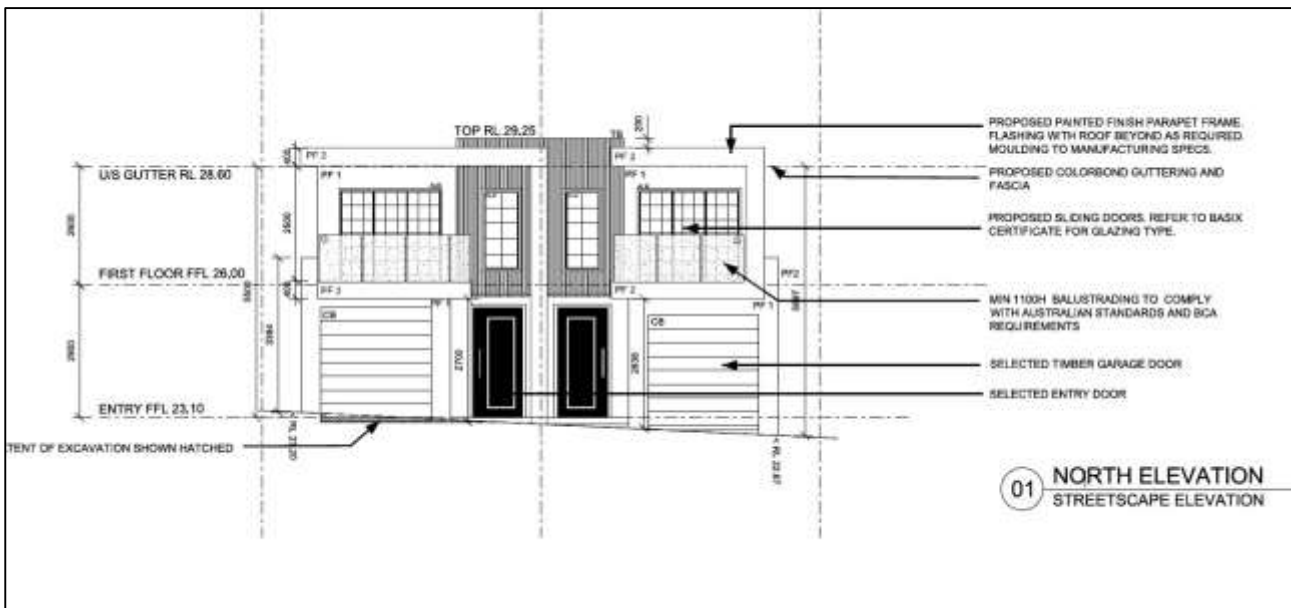


Figure 10: North (front) elevation of proposed semi-detached dwellings

It is noted that existing semi-detached dwellings have been established within 20m from the site at No.16-18 Therry Street East. These dwellings feature a more traditional and conservative style and a single storey design; have been largely screened on one side with hedges and trees; and are contained within allotments that are over 135m² larger than the proposed lots. These dwellings also comprise various design elements within the front façade that distinguish each dwelling. It is noted that the existing parking arrangements also assist in differentiating each dwelling; with an open form carport for No. 16 Therry Street East and an attached and fully enclosed garage for No. 18 Therry Street East. Consequently, the overall design of these semi-detached dwellings are read as two (2) low-scale, distinctive dwellings that have an appropriate and minimal presentation to Therry Street East. Thus, these dwellings are considered compatible with the single dwelling character of the immediate locality. By comparison, the proposed development presents as one continuous built form that is considered excessive and incompatible with the prevailing streetscape. The semi-detached dwellings will have a dominant streetscape presentation, comprising a larger, more modern, built form with significantly less landscaping treatments provided to soften the bulky design. The massing of the proposal is further enhanced by the limited areas and narrow widths of each lot. The proposal fails to ensure that a sufficient lot size and shape are maintained to facilitate a variety of development types. The undersized lots ultimately dictate the design and form that could be accommodated. It is evident that the significant departure to the minimum lot size development standard demonstrates that the site is not suited for semi-detached housing and will result in poor planning outcomes in terms of streetscape quality and visual amenity impacts. The limited built form that can be accommodated by the lots is reflected by the proposed semi-detached dwellings that also fail to meet certain requirements under the SCDP 2005.

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The site is within the R2 – Low Density Residential zone under SLEP 2012 wherein development for the purposes of semi-detached dwellings is permissible with consent. The proposal is generally consistent with the objectives of the R2 – Low Density Residential zone, as mentioned above.

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

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

The applicant's written request to justify the contravention of the minimum lot size development standard is considered to be inadequate in that the applicant has unsatisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case. The applicant has failed to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development is not in the public interest as it fails to meet the key objectives of the minimum lot size development standard under Clause 4.1 of the SLEP 2012 and will have unacceptable adverse impacts in terms of streetscape quality and visual amenity.

In conclusion, the variation to the minimum lot size development standard does not satisfy the relevant parts of Clause 4.6 and is therefore, not supported. The application is recommended for refusal.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	Maximum 9.5m	Dwelling 1: 7.35m Dwelling 2: 7.44m	Yes

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

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	Dwelling 1 Maximum 0.65:1 (193.4m ²) Dwelling 2 Maximum 0.65:1 (193.3m ²)	Dwelling 1 Maximum 0.65:1 (192.9m ²) Dwelling 2 Maximum 0.65:1 (192.9m ²)	Yes

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	No
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	No
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	No
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	Yes
(e)	<i>In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and</i>	N/A

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- transport development around key public transport infrastructure, and*
ii. *to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development*

- (f) *In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor* **N/A**

Comments: The proposed development fails to meet the above objectives of the maximum floor space ratio (FSR) development standard (Clause 4.4) of the SLEP 2012 as it will introduce an unusual and uncommon built form to the streetscape and locality of Therry Street East, Strathfield. The proposed semi-detached dwellings are not in keeping with the built form character of the local area and are not consistent in terms of bulk and scale for new dwellings in residential areas. The undersized lots created through the proposed boundary adjustment significantly lack width and area, and are unable to provide an appropriately designed built form that complements that character of the locality. The proposal provides a set of dwellings that comprise narrow, expansive, 2-storey walls that stretch along considerable depths of the site. The built form contains minimal articulation to break up the massing of the side elevations. This is mostly due to the design's response to the limited lot dimensions. The built form is considered excessive and uninterrupted when viewed from neighbouring properties (including their respective private open spaces). This is further exacerbated by the more conservative built forms that are appropriately scaled and are built on larger allotments. The resultant built form will be highly visible from neighbouring properties and will have unacceptable visual amenity impacts.

Due to the proposed boundary adjustment and the semi-detached nature of the proposal, an alternative scheme at this location is unable to provide effective visual relief without a significant compromise to the design layout and further reduction to the scale and massing of the building. A more acceptable design should involve the spreading of the building mass across the width and depth of the site as well as the provision of deep soil landscaping treatments to screen views of the building. The semi-detached nature of the scheme and the dual driveways proposed, combined with the narrow widths of each lot, severely limits any opportunities to accomplish a more adequate design. Therefore, the proposed development is unable to meet several key objectives of the maximum FSR development standard (Clause 4.4) of the SLEP 2012.

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

Pursuant to SLEP 2012 *Heritage Map*, the site does not contain a heritage item and is not located within a heritage conservation area. The site is located in the vicinity of two (2) heritage items, as follows:

Item	Address	Local significance	State significance
St Anne's Roman Catholic Church (former)	St Anne's Square, Strathfield South	Item 143 Schedule 5 of the SLEP 2012	State Heritage Register (SHR) Item No. 00508
Pressure Tunnel and Shafts	Potts Hill (Bankstown LGA). Tunnel traverses the front setback of the site.	Nil	SHR Item No. 01630

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Council's Heritage Advisor previously conducted an assessment of the extent to which the carrying out of the proposed development would affect the heritage significance of the listed items, and determined that:

- the proposed development would not adversely impact upon the heritage significance of the Church; and
- there would be no impact to the significance of the tunnel.

As such, the proposed development satisfies objectives (a) and (b) under subclause (1):

- (a) to conserve the environmental heritage of Strathfield; and*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

Therefore, the proposed development is acceptable with regard to clause 5.10 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 within 'Class 5 – Acid Sulfate Soils' land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Within Class 5, the trigger under SLEP 2012 is works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land. Given the location of the site is not within 500m of adjacent Class 1, 2, 3 or 4 land and the limited extent of ground disturbance involved in the proposed development, it is unlikely that there will be any impacts on the watertable that would warrant further assessment with regard to acid sulfate soil.

6.2 Earthworks

Part 6.2(1) requires Council to ensure that any earthworks would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed development involves excavation up to 400mm to accommodate the footings of the proposed semi-detached dwellings.

No objections are raised to the proposed excavation by Council's Engineer. As such, the proposal is acceptable with regard to Clause 6.2 of the SLEP 2012.

6.3 Flood planning

The subject site is not mapped as flood prone land. Therefore, Clause 6.3 is not triggered by the proposal.

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.

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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

There are no specific provisions and controls for semi-detached dwellings under the SCDCP 2005; however, the certain provisions and controls relating to dwelling houses and ancillary structures under Part A of the SCDCP 2005 can be applied given that the proposal involves 2 dwellings on 2 separate allotments. The proposal has been assessed against the provisions and controls associated with architectural design and streetscape presentation, building envelope, landscaping, privacy and amenity under Part A.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	No
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes No pitched roof form; the flat roof design can be considered acceptable.
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes
J.	To protect and retain the amenity of adjoining properties.	No

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2.2	<i>Development Controls</i>		<i>Complies</i>
	<i>Streetscape Presentation</i>		
.1.	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	<i>Scale, Massing & Rhythm of Street</i>		
.2.	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	No
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	No
.3.	<i>Building Forms</i>		
	1	Building form articulated.	No
.4.	<i>Roof Forms</i>		
			Yes
	1	Roof form complements predominant form in the locality	As above. Flat roof design can be acceptable.
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	<i>Materials</i>		
5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes	
	<i>Colours</i>		
8	New development incorporates traditional colour schemes	Yes	
9	The external colours integrate harmoniously with the external design of the building	Yes	

Comments: The proposed semi-detached dwellings have a distinctive contemporary design that features a box-shaped façade, flat roofing and brick rendering that are not commonly featured along Therry Street East. In general, a more modern design can be considered acceptable in the locality as it will add variation and may enrich the character of the existing streetscape and setting. However, the overall scheme of the proposal will appear excessive and will have a dominant presentation to Therry Street East, public space and from adjoining properties. As mentioned above, the proposal's design is severely constrained by the lack of lot area and width created by the proposed boundary adjustment. Consequently, the narrow and elongated design features expansive, dual level walls that stretch along considerable depths of the site. These walls will have unacceptable visual amenity impacts for adjoining properties as the expansive elevations are largely interrupted and are highly visible from private open spaces.

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The scale, massing, bulk and layout of the proposed semi-detached dwellings do not complement the existing streetscape and the dominant building rhythm. This is mostly due to the semi-detached nature of the proposal and the design's response to the restricted lot sizes. The design features separate driveways and pedestrian paths, distinct garages and front entries within the front setback which are forced to fit within the narrow width of the site. These elements add harshness to the highly constructed appearance of the front façade. Further, the reduced site areas and widths of the lots restricts the ability for the site to provide adequate deep soil landscaping treatments to obscure any views of the built form and achieve a more balanced scheme with a high aesthetic quality.

In light of the above matters, the proposal fails to meet the objectives and controls under Section 2, Part A of the SCDP 2012 as the proposed design and building mass of the semi-detached dwellings will result in poor planning outcomes in terms of streetscape quality and visual amenity impacts. It is further noted that the proposed boundary adjustment largely contributes to this as it is evident that the site's dimensions are not suited for semi-detached housing.

4: Building Envelope

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

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<i>Street Setbacks</i>			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	Yes
	<i>Side and Rear Setbacks</i>		
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). <ul style="list-style-type: none"> Dwelling 1: 0.9m (min.) Dwelling 2: 0.9m (min.) 	No No
	2	A rear setback of 6m (min)	Yes
	4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposed development involves semi-detached dwellings that are not compatible with the built form of the local area. The overall bulk and scale, size and height of these dwellings fail to respond appropriately to the adjoining dwellings and desired future character of Therry Street East. As mentioned above, these dwellings will have adverse impacts in terms of streetscape quality and visual amenity.

The semi-detached dwellings appear imposing and highly constructed and are not compatible with the lot size. The proposal demonstrates that each allotment does not have a sufficient lot size and shape to facilitate a semi-detached residential development. This is further evidenced by the lack of landscaped areas provided to balance the building and structural elements.

The proposed development fails to comply with the minimum side setback requirement (1.2m). The proposed semi-detached dwellings will have a side setback of 0.9m from each side boundary. This reduced setback exacerbates the excessive design of the proposal, particularly the expansive side walls that are visibly imposing when viewed from adjoining properties. Consequently, these will result in poor building separation and adverse visual amenity impacts on these properties. Given the above, the proposal fails to meet the objectives and controls under Section 4, Part A of the SCDCP 2012.

5: Landscaping

5.1	Objectives	Satisfactory
A.	<i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i>	No
B.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i>	No
C.	<i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i>	Yes
D.	<i>To ensure adequate deep soil planting is retained on each allotment.</i>	No
E.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i>	No
F.	<i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i>	Yes

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G.	<i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i>	No
H.	<i>To ensure that landscaped areas are designed to minimise water use.</i>	Yes
I.	<i>To provide functional private open spaces for active or passive use by residents.</i>	Yes
J.	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>	Yes
K.	<i>To ensure the protection of trees during construction</i>	Yes
L.	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	Yes
M.	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	Yes

5.2 *Development Controls* *Complies*

<i>Landscaped area</i>			
.1.	1	Landscaped area in accordance with Table A.3 Dwelling 1: min. 104.12m ² (35%) Dwelling 2: min. 104.08m ² (35%)	<p style="text-align: center;">No</p> <p style="text-align: center;">Dwelling 1: 65.53m² (22%) - 37% variation</p> <p style="text-align: center;">No</p> <p style="text-align: center;">Dwelling 2: 74.75m² (25.1%) - 28% variation</p>
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping Dwelling 1: min. 54.8m ² (35%) Dwelling 2: min. 54.8m ² (35%)	<p style="text-align: center;">No</p> <p style="text-align: center;">Dwelling 1: 13.2m² - 76% variation</p> <p style="text-align: center;">No</p> <p style="text-align: center;">Dwelling 2: 17.98m² - 67% variation</p>
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	No
	6	Front gardens respond and contribute to the garden character of Strathfield.	No

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	7	Retain and reinforce the prevailing streetscape and surrounding locality	No
	8	Plant species must be retained, selected and planted to improve amenity	Yes

Tree Protection

	1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	Yes
.2.	2	The Arboricultural Impact Assessment Report address minimum criteria	Yes
	3	Development provides for the retention and protection of existing significant trees	Yes

Private Open Space

	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	No
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	No
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes

Fencing

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

Comments: The restricted lot dimensions resulting from the proposed boundary adjustment significantly limits any opportunities to provide sufficient landscaped areas within the site whilst providing appropriate facilities and amenities for each semi-detached dwelling. This is clearly demonstrated by the variations to the minimum landscaped area controls for both the total site area of each lot and the front setback area of the entire site. Consequently, the proposed landscaped areas fail to soften the built form and counter the building and structural elements of the overall scheme. The proposed development involves a highly constructed front setback area, dominated by the front façade of the building, driveways, garaging, front entries, pedestrian paths and fencing. Any remaining areas containing deep soil landscaping are considered low quality and fail to provide adequate screening of the building and do not positively contribute and complement the streetscape character of Therry Street East. In addition, the reduced side setbacks of the proposed development do not allow for any good quality deep soil landscaped areas to assist in softening the expansive side walls and to minimise the associated visual amenity impacts.

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The proposed development involves elevated alfresco areas on the ground floor that are over 0.5m above existing ground levels, and rear-facing balconies on the first floor that are accessed via bedrooms. Due to the location, design and elevated position of these elements, these are considered to have adverse privacy impacts on adjoining properties. It is noted that certain design changes to the proposal, such as the separation of the ground floor plates and provision of internal steps and privacy screens, can assist in resolving any privacy issues associated with these spaces. Given the above, the proposal fails to meet the objectives and controls under Section 5, Part A of the SCDCP 2012.

6: Solar Access

6.1	Objectives	Satisfactory
A.	<i>To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.</i>	No
B.	<i>To minimise overshadowing of adjoining properties.</i>	Yes
6.2	<i>Development Controls</i>	<i>Complies</i>
<i>Sunlight Access</i>		
1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	No
.1.	2 Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
	3 50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4 The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal fails to comply with the minimum 3 hours of solar access to windows of habitable rooms during the winter solstice. This is partly due to the north-south orientation of the site; however, it is noted that the certain design changes can be incorporated to provide additional solar access in order to meet this requirement. This includes additional windows along the eastern/western elevations for Bedroom 4.

7: Privacy

7.1	Objectives	Satisfactory
A.	<i>Development that is designed to provide reasonable privacy to adjacent properties</i>	No
B.	<i>To maintain reasonable sharing of views from public places and living areas</i>	Yes
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	Yes
D.	<i>To ensure that canopy trees take priority over views</i>	Yes

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Lots 2 & 3 DP 207560 (Cont'd)**

E.	<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
7.2	<i>Development Controls</i>		<i>Complies</i>
	<i>Visual Privacy</i>		
.1.	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	No
	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
	<i>Windows</i>		
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
	<i>Elevated Decks Verandahs and Balconies</i>		
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2	Elevated decks, verandahs and balconies incorporate privacy screens	No
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes
	4	Balconies extending the full width of the front façade are not permitted	Yes

Comments:As mentioned previously, the proposed development involves elevated alfresco areas and rear-facing balconies that will have adverse privacy impacts on adjoining properties. Certain design changes to the proposal, such as the separation of the ground floor plates and provision of internal steps and privacy screens, can assist in addressing any privacy issues associated with these spaces.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	<i>To provide adequate and convenient on-site car parking.</i>	Yes
B.	<i>To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.</i>	Yes

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Lots 2 & 3 DP 207560 (Cont'd)**

C.	<i>To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.</i>	No	
D.	<i>To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.</i>	Yes	
E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	No	
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	N/A	
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes	
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	N/A	
8.2	Development Controls	Complies	
<i>Driveway and Grades</i>			
1	Existing driveways must be used (exceptions apply)	No	
2	The width of driveways at the property boundary is to be 3m	Yes	
3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes	
.1.	4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	10	Driveway set back 0.5 metres (min) from side boundaries	Yes
	11	Driveways incorporate unit paving into the design	Yes
	12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes

Comments: As mentioned previously, the proposed development involves a highly constructed front setback area comprising the front façade of the building, driveways, garaging, front entries, pedestrian paths and fencing. Therefore, the proposal fails to meet the above objective and does not ensure garages and hard standing areas for cars do not visually dominate the street façade. The limited landscaping treatments proposed in the front setback are considered low quality and fail to provide adequate screening of the building. Therefore, the overall front façade does not positively contribute and complement the streetscape character of Therry Street East.

10: Water and Soil Management

10.1 Objectives	Satisfactory
A. <i>To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.</i>	Yes
B. <i>To ensure compliance with Council's Stormwater Management Code</i>	Yes
C. <i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	Yes
D. <i>To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during</i>	Yes

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construction.

E.	<i>To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.</i>	Yes
F.	<i>To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.</i>	Yes
G.	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>	Yes

10.2 Development Controls **Complies**

.1.	<i>Stormwater Management and Flood Prone areas</i>	
2	Compliance with Council's Stormwater Management Code	Yes
.3.	<i>Soil Erosion and Sediment Control</i>	
1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
2	Sediment control measures applied	Yes
3	Plans provided detailing stormwater quality treatment	Yes

PART H – WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was provided as part of the application and is considered satisfactory, and in accordance with Part h of the SCDCP 2005.

PART R – SUBDIVISION

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

2: General

2.1	Objectives	Satisfactory
A.	<i>To ensure that subdivision and amalgamation reflects the prevailing subdivision pattern, including the lot size, lot width, dimensions, shape and orientation.</i>	No
B.	<i>To prevent the fragmentation of land and maintain a variety of lot sizes that are of sufficient size and shape to accommodate a variety of development types that comply with all other relevant DCP controls</i>	No
C.	<i>To ensure a site's characteristics (features and constraints) are considered</i>	No
D.	<i>To protect the setting of heritage items and the streetscape character of heritage conservation areas.</i>	Yes
E.	<i>To minimise any likely impact of subdivision and development on the amenity of neighbouring properties.</i>	No
2.2	Development Controls	Complies
.1.	<i>Minimum Lot Size</i>	

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 Lots 2 & 3 DP 207560 (Cont'd)

1	<i>The size of any lot resulting from a subdivision of land is less than the minimum size shown on the Lot Size Map of SLEP 2012 as shown below.</i>		No	
	<u>SLEP Area</u>	<u>Minimum Lot Size</u>		<u>Zone</u>
	K	560m ²		R2 – Low Density Residential
	U	1000m ²		R3 –Medium Density Residential
	Z	20000m ²	IN1 – General Industrial IN2 – Light Industrial	
4	<i>The size of the proposed lots may need to be greater than the area prescribed in the tables above in order to achieve the minimum setbacks required from significant landscape features and/or to address site constraints.</i>		No	

General Controls

.2.	<i>The proposed development considers:</i>		No
	i)	<i>Site topography</i>	
	ii)	<i>Existing services</i>	
	iii)	<i>Existing vegetation</i>	
	iv)	<i>Existing easements or the need for new easements</i>	
	v)	<i>Vehicle access</i>	
	vi)	<i>Any need for land dedications</i>	
	vii)	<i>Existing vegetation</i>	
	viii)	<i>Stormwater management requirements</i>	
	ix)	<i>Existing buildings or structures</i>	
x)	<i>Heritage items, heritage conservation areas and adjoining heritage items</i>		
2	<i>Subdivision doesn't compromise any significant features or the visual setting of the existing or adjoining sites.</i>		No
3	<i>Subdivision does not result in the isolation or creation of lots that contain significant site features that would render the land unable to be developed.</i>		No
4	<i>Newly created allotments are able to accommodate permissible landuses that would comply with all parts of this DCP.</i>		No
5	<i>Subdivision does not result in the creation of irregularly shaped allotments that would prevent the orderly economic development of land.</i>		No
6	<i>Stormwater is gravity drained to Council's stormwater system.</i>		Yes

Comments: The proposed development involves a significant departure to the minimum lot size development standard under Clause 4.1 of the SLEP 2012 and fails to meet the objectives and controls under Part R of the SCDP 2005. The proposed boundary adjustment results in 2 significantly undersized allotments that are unable to facilitate a well-considered and appropriately designed semi-detached dwelling that complements the existing and desired future streetscape character of the immediate vicinity. It is evident that the reduced lot areas and widths cannot accommodate a semi-detached residential development that:

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 Lots 2 & 3 DP 207560 (Cont'd)

- Achieves full compliance with the relevant development standards, requirements and controls under Council policy;
- Is compatible with the existing and future desired streetscape character of the surrounding locality; and
- Generates minimal amenity impacts.

In light of the above, the proposal fails to meet the objectives and controls under Section 2, Part R of the SCDCP 2012 and demonstrates that the resultant lots are not suitable for the proposed semi-detached dwellings.

3: Residential Subdivision

3.1	<i>Development Controls</i>	Complies								
1.	The minimum lot size resulting from the subdivision of residential zoned land is in accordance with Clause 4.1 of Strathfield LEP 2012.	No								
<p>Subdivision in residential zones maintain a minimum lot width that is compatible with the existing subdivision pattern, measured at the building line, adjacent to the primary street frontage as indicated in the table below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Zone</th> <th>Minimum lot Size</th> <th>Minimum lot Width (Frontage access excluding access handle)</th> <th>Minimum width of Access Handle</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">R2 – Low Density Residential zone</td> <td style="text-align: center;">560m²</td> <td style="text-align: center;">15.24m</td> <td style="text-align: center;">3m</td> </tr> </tbody> </table>			Zone	Minimum lot Size	Minimum lot Width (Frontage access excluding access handle)	Minimum width of Access Handle	R2 – Low Density Residential zone	560m ²	15.24m	3m
Zone	Minimum lot Size	Minimum lot Width (Frontage access excluding access handle)	Minimum width of Access Handle							
R2 – Low Density Residential zone	560m ²	15.24m	3m							
2.		No								
3.	Proposed subdivision is similar to the prevailing subdivision pattern of lots fronting the same street.	No								

Comments: The proposal fails to meet the above controls under Section 5, Part R of the SCDCP 2005 and is unable to demonstrate that the resultant lots can facilitate well-considered and sensitively designed semi-detached dwellings.

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, it does

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Lots 2 & 3 DP 207560 (Cont'd)

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*

Streetscape Quality

The proposed development will have unacceptable adverse impacts on the streetscape quality and prevailing character of Therry Street East and the surrounding locality. As mentioned above, the site currently comprises 2 undersized, non-compliant lots. The proposed development exacerbates the existing undersized lots by introducing semi-detached dwellings that are considered out of place and does not complement the low density residential dwelling character of the immediate area.

The proposed development involves semi-detached dwellings that are uncharacteristic of the locality and will have a dominant streetscape presentation. From Therry Street East, the overall scheme will be viewed as an excessive, bulky, continuous built form featuring 2 separate driveways, 2 distinct garages and front entries, and 2 independent pedestrian paths within the front setback, compressed within a narrow lot. Further, the site's limited dimensions restrict the ability for the site to provide adequate deep soil landscaping treatments to obscure any views of the built form and achieve a more balanced scheme with a high aesthetic quality. It is apparent that the proposed development is unable to facilitate well-considered, sensitively designed semi-detached dwellings that present appropriately to the street and that are compatible with the prevailing character of the locality.

Visual Amenity Impacts

As mentioned above, the proposed development will be highly exposed to and visible from adjoining properties, including their respective private open spaces. This is primarily because the proposed semi-detached dwellings feature expansive, dual level walls that stretch along considerable depths of the site, in a response to the restrictive widths of each allotment. These walls have minimal articulation to interrupt the massing of the side elevations resulting in considered an excessive built form that will have unacceptable visual amenity impacts on the adjoining neighbours. Given that it is the limited site dimensions that strongly contribute to these impacts, there are no design changes that could be administered to address these issues.

Privacy Impacts

The proposed development involves elevated alfresco areas and rear-facing balconies that will have adverse privacy impacts on adjoining properties. Certain design changes to the proposal, such as the separation of the ground floor plates and provision of internal steps and privacy screens, can assist in addressing any privacy issues associated with these spaces.

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

The proposed development is not considered to be suitable to the site given that the two (2) proposed allotments created via the boundary adjustment are undersized. The dimensions of these lots significantly constrains the site's ability to accommodate well-considered and sensitively designed semi-detached dwellings of an appropriate scale and mass that are able to achieve full compliance with the relevant development standards, requirements and controls under Council

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Lots 2 & 3 DP 207560 (Cont'd)**

policy and that have minimal environmental and social impacts (including any impacts on streetscape quality, visual amenity and privacy).

Therefore, the site is considered unsuitable for the proposed development.

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 4 to 21 October 2019. No submissions were received during this period.

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. In determining whether or not the proposed development is in the public interest, both the wider public interest and sectionalized public interest (protecting residential amenity or surrounding residential properties) must be taken into consideration.

With regard to the wider public interest, approval of the variation sought to the minimum subdivision lot size development standard in order to facilitate the construction of the proposed semi-detached dwellings, would create an undesirable precedent for the area.

With regard to the sectionalized public interest, the impacts associated with the proposal include:

- Inconsistency with the prevailing subdivision pattern;
- Introduction of an incompatible and excessive built form that fails to comply with the objectives and controls under Council policy, including the minimum landscaped area requirements under the SCDCP 2005; and
- Adverse impacts associated with streetscape quality and visual amenity of adjoining properties.

As such, the proposed development is not considered to be in the public interest.

SECTION 7.11 CONTRIBUTIONS

Should this application be approved, a condition requiring payment of a monetary contribution in accordance with Strathfield Direct Development Contributions Plan 2010-2030 is to be imposed as part of any consent.

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 not considered to be satisfactory for approval.

PEER REVIEW

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

RECOMMENDATION

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

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Lots 2 & 3 DP 207560 (Cont'd)

compliance with the development standard contained in Clause 4.1 (minimum subdivision lot size development standard) of the SLEP 2012 is not well founded and that there are no sufficient environmental planning grounds to justify contravening the development standard.

That S8.2 Review Development Application No. DA2019/064 for Demolition of existing structures and construction of a pair of semi-detached dwellings and boundary adjustment at 12 Therry Street East, Strathfield South be **REFUSED**, for the following reasons:

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to achieving high quality urban form that reflects the existing and desired future character of the locality. The proposed development is unable to meet key development objectives and controls under Council policy that ensure a well-balanced and well-considered built form can be provided. This is due to the undersized lots proposed. The reduced lot sizes restrict the ability to accommodate a high quality urban built form that reflects the existing and desired future character and residential setting of the area.
2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to promoting efficient and spatially appropriate use of land as it fails to meet the minimum lot size development standard under Clause 4.1. The proposed development cannot demonstrate that the subject site is suitable for a semi-detached residential building and exacerbates the existing non-compliance with the above standard by introducing an excessive built form that is incompatible with the character of the surrounding locality.
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the Minimum Subdivision Lot Size under clauses 4.1(1)(a) and (b) of the Strathfield Local Environmental Plan 2012. It involves undersized lots that do not promote the existing subdivision and development patterns that reflect and reinforce the prevailing subdivision pattern of the area. The proposed development reinforces the existing anomaly by introducing an excessive built form that is incompatible with the character of the surrounding locality.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the Maximum Floor Space under clauses 4.4(1)(a), (b) and (c) of the Strathfield Local Environmental Plan 2012. It will introduce an excessive built form that is incompatible with the streetscape character of the surrounding area. The proposed development is not consistent with the existing residential development occurring within the locality and will have adverse impacts in terms of streetscape quality, visual amenity and privacy.
5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for Architectural Design and Streetscape Presentation under Part A, clauses 2.1(a) and (j) of the Strathfield Consolidated Development Control Plan 2005. It will result in a built form with scale, massing, bulk and layout that do not complement the character and dominant building rhythm of the surrounding area. The proposed development will have adverse streetscape, visual amenity and privacy impacts.
6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Building Envelope under Part A, clauses 4.1(a) and (b),

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- 4.2.1.2 and 4.2.3.2.1 of the Strathfield Consolidated Development Control Plan 2005. It will result in a built form that does not complement the character and dominant building rhythm of the surrounding area. The proposed development is not compatible with the lot size and it involves variations to the minimum side setback requirements, which will result in adverse visual amenity impacts.
7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Landscaping under Part A, clauses 5.1(a), (b), (d), (e), (g), 5.2.1.1, 5.2.1.3, 5.2.1.7, 5.2.3.2 and 5.2.3.3 of the Strathfield Consolidated Development Control Plan 2005. The proposed development fails to meet the minimum landscaped area requirements and consequently, is unable to provide sufficient deep soil landscaping to soften the built form and ensure a more balanced and well-considered design outcome is achieved. The front setback is dominated by the front façade of the building and other structural elements that do not positively contribute and complement the streetscape. The proposed development also involves elevated alfresco areas and first floor balconies that overlook private open spaces of neighbouring residences, and will therefore, have adverse privacy impacts.
 8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Solar Access under Part A, clauses 6.1(a) and 6.2.1.1 of the Strathfield Consolidated Development Control Plan 2005. The proposed development fails to comply with the minimum 3 hours of solar access to windows of habitable rooms during the winter solstice and will therefore result in poor amenity for future occupants.
 9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Privacy under Part A, clauses 7.1(a), 7.2.1.1 and 7.2.3.1 of the Strathfield Consolidated Development Control Plan 2005. It involves elevated alfresco areas and first floor balconies that overlook private open spaces of neighbouring residences, and will therefore, have adverse privacy impacts.
 10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Vehicle Access and Parking under Part A, clauses 8.1(c), (e) and 8.2.1.1 of the Strathfield Consolidated Development Control Plan 2005. The proposed development involves a highly constructed front setback that is dominated by built and structural elements including garaging and therefore, present poorly to the street.
 11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls for Subdivision and Residential Subdivision under Part R, clauses 2.1(a), (b), (c), (e), 2.2.1.1, 2.2.2.1, 2.2.2.2, 2.2.2.3, 2.2.2.4 and 2.2.2.5 of the Strathfield Consolidated Development Control Plan 2005. The proposed development involves a significant departure to the minimum lot size requirements and results in 2 significantly undersized allotments that are unable to facilitate a well-considered and appropriately designed semi-detached dwelling that complements the existing and desired future streetscape character of the surrounding locality.
 12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of streetscape, visual amenity and privacy.
 13. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to

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demonstrate that the subject site is suitable for a semi-detached residential building.

14. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed development is not in the public interest as it fails to meet the key objectives and development standards under the Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts in terms of streetscape quality, visual amenity and privacy.

ATTACHMENTS

1. [↓](#) Architectural Plans
2. [↓](#) Clause 4.6 Variation to Development Standard - Written Request

DEVELOPMENT APPLICATION SUBMISSION FOR 12 THERRY ST STRATHFIELD SOUTH

PROPOSED CONSTRUCTION OF ATTACHED DUAL OCCUPANCY WITH FRONT FENCE AND TORRENS TITLE SUBDIVISION

**STRATHFIELD COUNCIL
RECEIVED**

**DA2019/064/02
30 September 2019**

DRAWING LIST

DA 00	COVER SHEET	NTS
DA 01	SURVEY PLAN	1:200
DA 02	SOIL AND WATER MANAGEMENT PLAN	1:200
DA 10	SUBDIVISION PLAN	1:200
DA 11	SITE PLAN	1:200
DA 12	SITE ANALYSIS / STREETScape	1:200
DA 20	GROUND FLOOR PLAN	1:100
DA 21	FIRST FLOOR PLAN	1:100
DA 22	ROOF PLAN	1:100
DA 30	EAST AND WEST ELEVATIONS	1:100
DA 31	NORTH AND SOUTH ELEVATIONS	1:100
DA 32	CROSS SECTION	1:100
DA 40	BASIX SPECIFICATION & WINDOW SCHEDULE	NTS
DA 50	WINTER SHADOW DIAGRAMS	NTS
DA 51	EXISTING WINTER SHADOW DIAGRAMS	NTS
DA 60	SCHEDULE OF EXTERNAL FINISHES	NTS

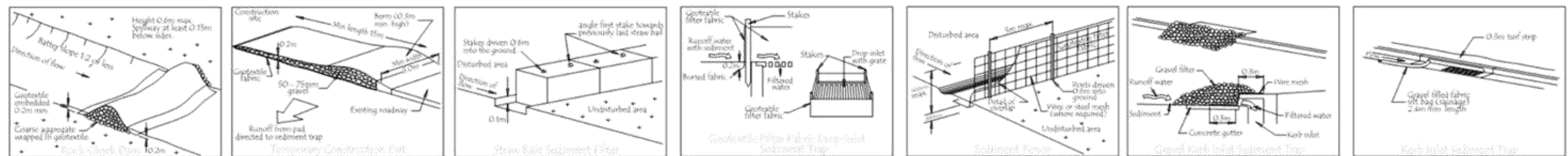
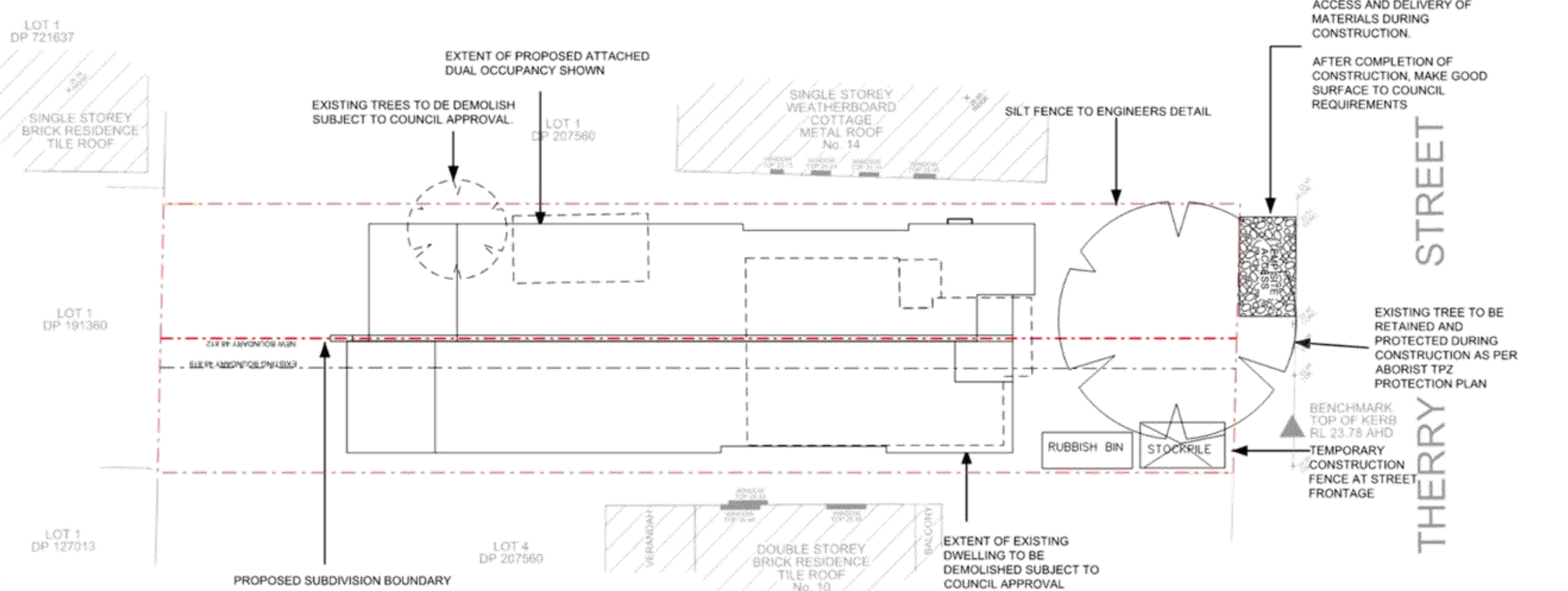
<p>elkaddesign inspiration to creation</p>	<p><small>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of shop drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is protected under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means, without the express permission of ELKAD GROUP PTY LTD.</small></p>	<p>DEVELOPMENT APPLICATION</p> <hr/> <p>NOT FOR CONSTRUCTION</p>	<p><small>DESIGNER</small> ELKAD GROUP PTY LTD RANEA ST, KAREE - PH 0431 710 875</p> <hr/> <p><small>CLIENT</small></p>	<p><small>ENGINEER</small> SDS ENGINEERING</p> <hr/> <p><small>ENGINEER</small></p>	<p><small>PROJECT</small> 12 THERRY STREET STRATHFIELD SOUTH</p> <hr/> <p>PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p><small>DRAWING TITLE</small> COVER SHEET</p> <hr/> <p><small>PROJECT NUMBER</small> 18-002</p>	<p><small>SCALE</small> NTS</p> <hr/> <p><small>DRAWING NO.</small> DA 00</p> <hr/> <p><small>FIGURE NO.</small> 01</p>
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DA2019/064/02
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EROSION & SEDIMENT CONTROL MEASURES:

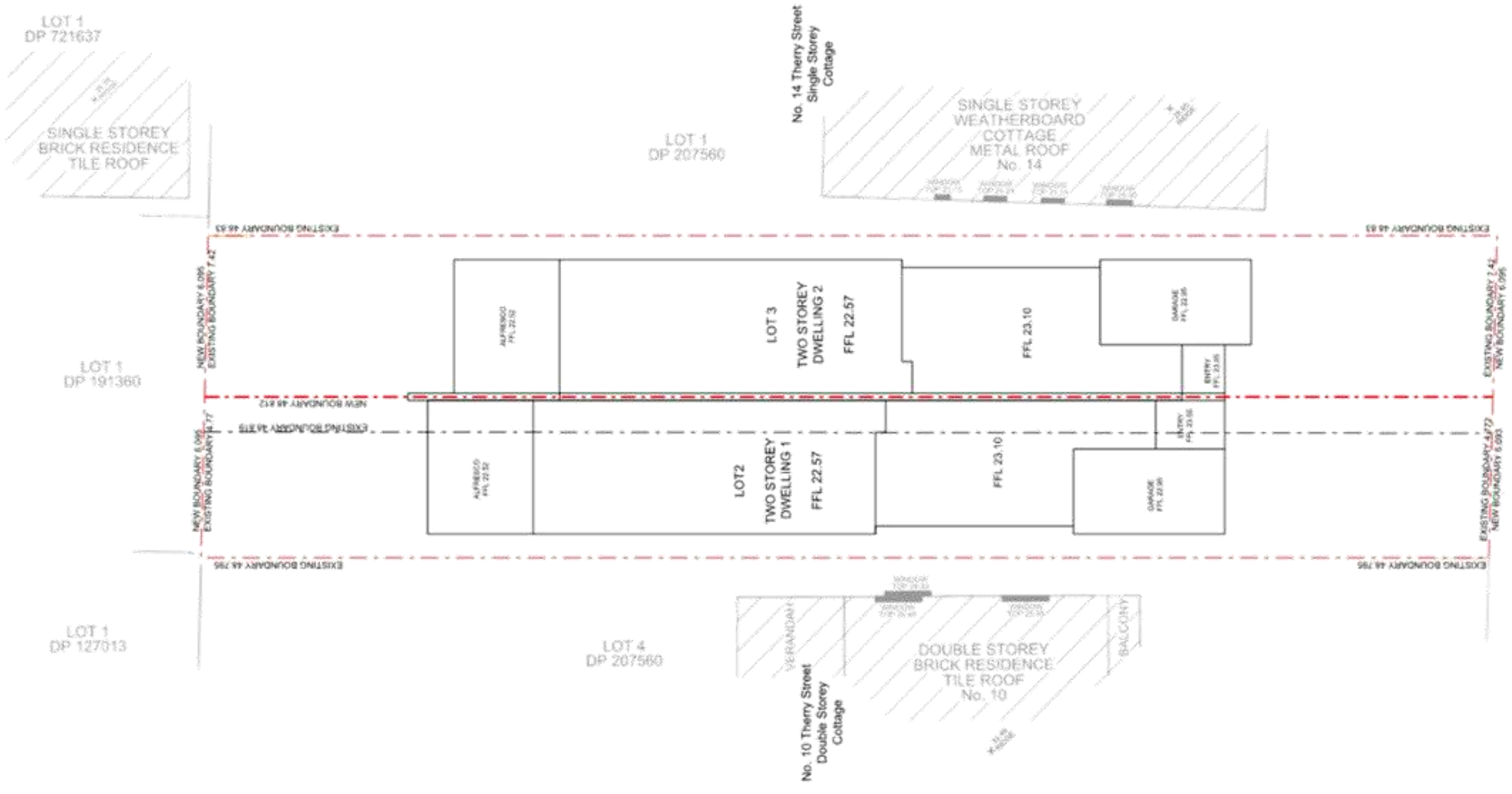
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE AND TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
2. DISTURBED AREAS TO BE MINIMISED WHERE POSSIBLE.
3. BEFORE THE COMMENCEMENT OF GROUNDWORK, SILT FENCING SHALL BE PLACED AROUND ALL DISTURBED AREAS, MATERIAL STOCKPILES AND DESIGNATED RUBBISH PILES.
4. THE SILT FENCE IS TO BE MADE OUT OF A GEOTEXTILE FILTER FABRIC AND TO BE EMBEDDED APPROX. 200mm INTO THE GROUND AND EXTEND APPROX. 600mm MAX ABOVE THE GROUND.
5. KERB INLET TRAPS SHALL BE INSTALLED AROUND PITS. FABRIC SILT BAGS (SAUSAGES) 100mm IN DIAMETER SHALL BE LAYED ACROSS THE KERB INLET TO ALLOW SEDIMENT FILTRATION.
6. DRAINAGE TO BE INSTALLED AND CONNECTED TO STORMWATER AS SOON AS POSSIBLE.
7. ANY EXCESS MATERIALS SUCH AS PAINT WASTE AND CONCRETE OR BRICK SLURRY WILL NOT BE WASHED INTO THE STORMWATER SYSTEM, BUT DISPOSED OFF ON SITE AS APPROPRIATE, WHILST SOLID MATERIAL, SUCH AS CEMENT AND BRICKS, WILL BE DISPOSED OFF IN LANDFILL OR SENT TO A BUILDING MATERIAL RECYCLER IF POSSIBLE OR A SKIP BIN ON SITE.
8. STOCK PILES OF MATERIALS WILL BE STORED AWAY FROM THE DRAINAGE LINES, GUTTERS & FOOTPATH.
9. THE MATERIAL WILL BE COVERED WHEN NOT IN USE.
10. ROAD AND FOOTPATH TO BE WESPT DAILY.
11. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A NOMINATED SOIL STOCKPILE.
12. VEHICLE ACCESS TO THE SITE WILL BE VIA A SINGLE ENTRY POINT, THAT IS STABILISED TO PREVENT TO PREVENT THE SPREADING OF SEDIMENT ONTO THE FOOTPATH AND ROAD.
13. SILT FENCES AND GRAVEL DRAINS ARE NOT TO BE REMOVED UNTIL CONSTRUCTION IS COMPLETE AND GARDEN HAS BEEN FULLY RE-VEGETATED.
14. A COPY OF THE SOIL AND WASTE MANAGEMENT PLAN MUST BE KEPT ON-SITE AT ALL TIMES AND MADE AVAILABLE TO COUNCIL OFFICERS ON REQUEST.



<p>Revisions</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>07/09/19</td> <td>ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL</td> <td>AK</td> </tr> <tr> <td>02</td> <td>16/09/19</td> <td>REVISED PLANS AS PER COUNCIL CONDITIONS, THE 2018 CODED</td> <td></td> </tr> </tbody> </table>	No.	Date	Description	By	01	07/09/19	ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL	AK	02	16/09/19	REVISED PLANS AS PER COUNCIL CONDITIONS, THE 2018 CODED		<p>elkaddesign inspiration to creation</p>	<p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of these drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is intended under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means, without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>Project Name: NOT FOR CONSTRUCTION</p>	<p>DESIGNER: ELKAD GROUP PTY LTD 4ANDA-EL-450600 - PH 0401 210 825</p> <p>CLIENT:</p>	<p>Engineer: SDS ENGINEERING</p> <p>Surveyor:</p>	<p>Project: 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>Drawing Title: SEDIMENT CONTROL PLAN / WASTE MANAGEMENT PLAN/DEMOLITION PLAN</p> <p>Project Number: 18-002</p>	<p>Scale: 1:200</p> <p>Drawing No: DA 02</p> <p>Issue: 02</p>
No.	Date	Description	By																	
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02	16/09/19	REVISED PLANS AS PER COUNCIL CONDITIONS, THE 2018 CODED																		

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30 September 2019



THERRY STREET

BENCHMARK
TOP OF KERB
RL 23.78 AHD

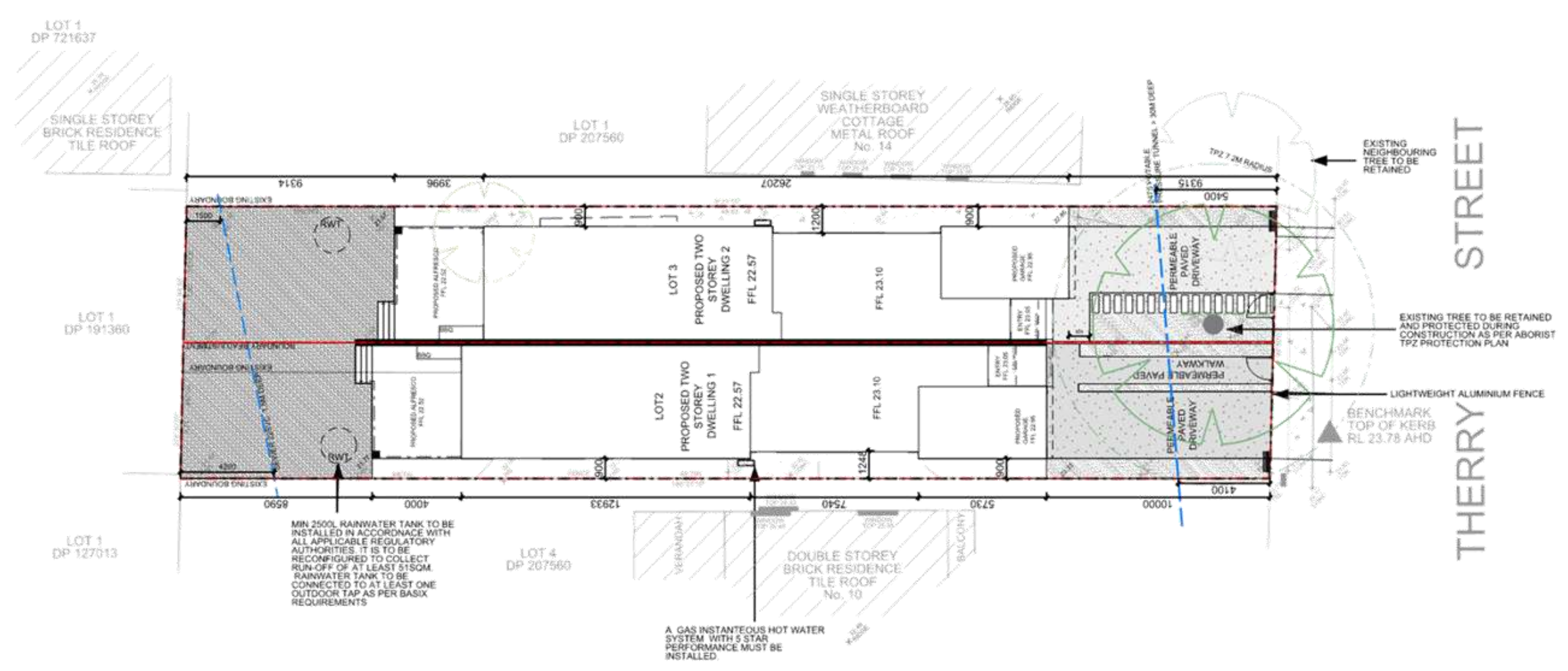
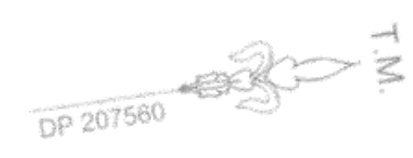
PROPOSED LOT DESCRIPTION	
LOT 2	297.49 sqm
LOT 3	297.37 sqm
SITE AREA TOTAL	594.87 sqm

- NOTES**
- ALL BUILDING WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH BCA, BUILDING SPECIFICATIONS AND ENGINEERS REQUIREMENTS
 - ALL RELATIVE LEVELS (RL), FLOOR LEVELS (FFL), CEILING HEIGHTS (FCL), GUTTER RL AND RIDGE HEIGHTS MUST BE CONFIRMED ON SITE.
 - ALL DIMENSIONS ARE SHOWN IN MILLIMETERS UNLESS OTHERWISE NOTED. TAKE FIGURED DIMENSION IN PREFERENCE TO SCALE.
 - STORMWATER DRAINAGE, WASTE WATER DRAINAGE AND OTHER HYDRAULIC SERVICES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL AUTHORITY AND ENGINEERS REQUIREMENTS AND BCA.
 - PLANS ARE TO BE READ IN CONJUNCTION WITH COUNCIL APPROVAL, BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS.
 - ALL FENCING AND BALUSTRADES TO COMPLY WITH COUNCIL REQUIREMENTS, BCA AND AUSTRALIAN STANDARDS.
 - ALL INSULATION MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.11 OF BUILDING CODE OF AUSTRALIA AND AS PER BASIX REQUIREMENTS.
 - MIN 3000L RAINWATER TANK TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE REGULATORY AUTHORITIES. IT IS TO BE RECONFIGURED TO COLLECT RUN-OFF OF AT LEAST 51SDM. RAINWATER TANK TO BE CONNECTED TO AT LEAST ONE OUTDOOR TAP AS PER BASIX REQUIREMENTS
 - TERMITE PROTECTION TO BE INSTALLED IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS AS3660.1

<p>elkaddesign inspiration to creation</p>	<p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of site drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is protected under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means, without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>NOT FOR CONSTRUCTION</p>	<p>DESIGNER ELKAD GROUP PTY LTD 44/DA-51-43260-01 PH 0401 710 873</p> <p>CLIENT</p>	<p>ENGINEER SDS ENGINEERING</p> <p>DATE</p>	<p>PROJECT 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>DRAWING TITLE SUBDIVISION PLAN</p> <p>PROJECT NUMBER 18-002</p>	<p>SCALE 1:200</p> <p>DRAWING NO. DA 10</p> <p>DATE 02</p>
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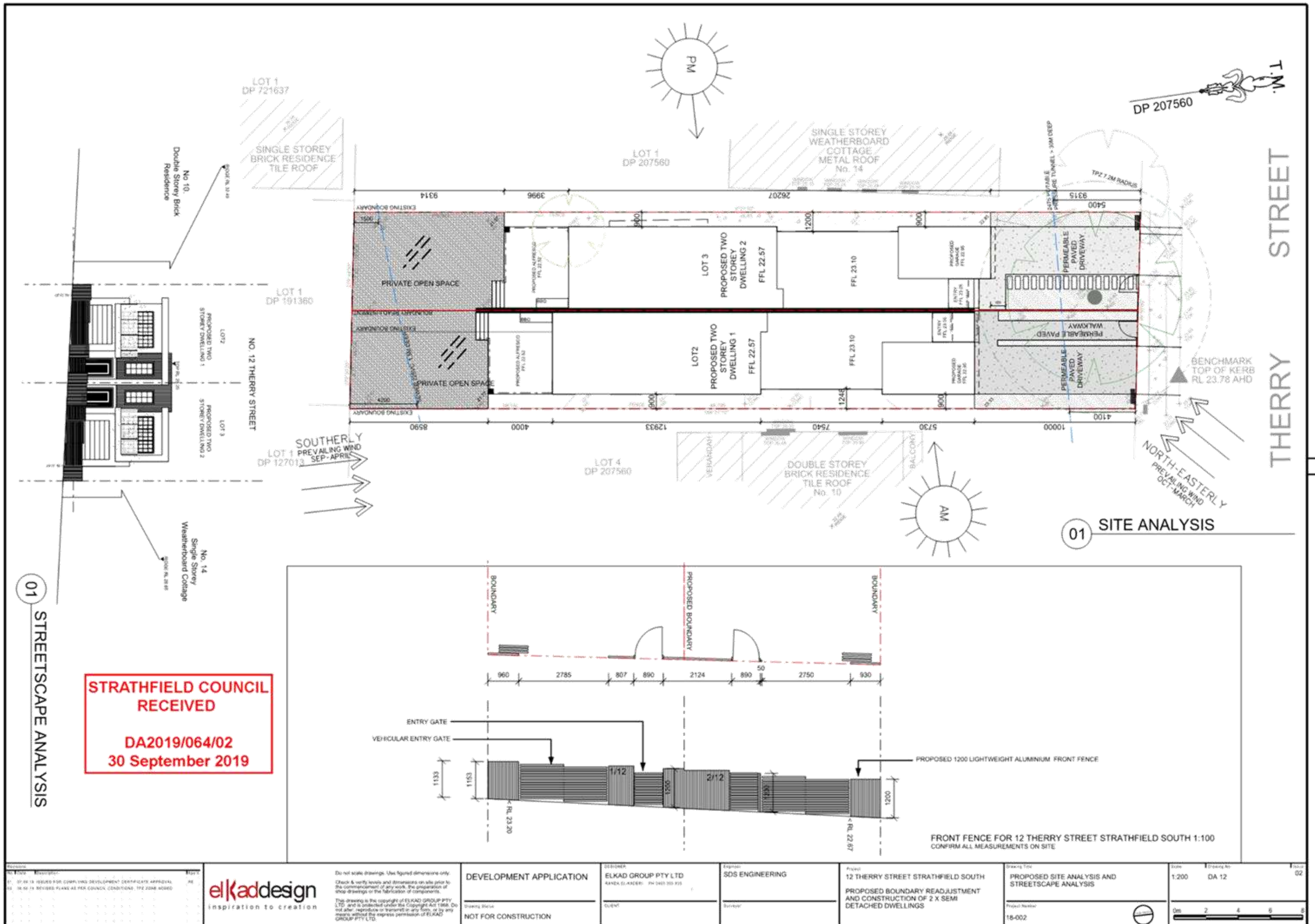
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30 September 2019**



LOT 2 DWELLING 1		LOT 3 DWELLING 2		TOTAL SITE CALCULATIONS		GENERAL NOTES	
297.49 sqm	SITE AREA	297.37 sqm	SITE AREA	594.8 sqm	SITE AREA	- ALL BUILDING WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH BCA, BUILDING SPECIFICATIONS AND ENGINEERS REQUIREMENTS - ALL RELATIVE LEVELS (RL), FLOOR LEVELS (FFL), CEILING HEIGHTS (FCL), GUTTER RL AND RIDGE HEIGHTS MUST BE CONFIRMED ON SITE. - ALL DIMENSIONS ARE SHOWN IN MILLIMETERS UNLESS OTHERWISE NOTED. TAKE FIGURED DIMENSION IN PREFERENCE TO SCALE. - STORMWATER DRAINAGE, WASTE WATER DRAINAGE AND OTHER HYDRAULIC SERVICES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL AUTHORITY AND ENGINEERS REQUIREMENTS AND BCA. - PLANS ARE TO BE READ IN CONJUNCTION WITH COUNCIL APPROVAL, BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS. - ALL FENCING AND BALUSTRADES TO COMPLY WITH COUNCIL REQUIREMENTS, BCA AND AUSTRALIAN STANDARDS. - ALL INSULATION MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.11 OF BUILDING CODE OF AUSTRALIA. - TERMITE PROTECTION TO BE INSTALLED IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS AS3660.1	
100 sqm	GROUND FLOOR	100 sqm	GROUND FLOOR	43.2 %	SITE COVERAGE		
92.9 sqm	UPPER FLOOR	92.9 sqm	UPPER FLOOR	284.87 sqm	ROOF AREA		
16.5 sqm	GARAGE	16.5 sqm	GARAGE	385.8 sqm	GROSS FLOOR AREA		
20.23 sqm	ALFRESCO	20.23 sqm	ALFRESCO	0.648 1	FLOOR SPACE RATIO		
13.3 sqm	UPPER BALCONY	13.3 sqm	UPPER BALCONY	224.1 sqm	GARDEN/LAWN		
111.3 sqm	GARDEN/LAWN	112.8 sqm	GARDEN/LAWN				

<p>elkaddesign inspiration to creation</p>	<p>DEVELOPMENT APPLICATION</p> <p>NOT FOR CONSTRUCTION</p>	<p>DESIGNER ELKAD GROUP PTY LTD 4ANDA-51-ANDERSON ST-200 200</p> <p>ENGINEER SDS ENGINEERING</p>	<p>PROJECT 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>DRAWING TITLE PROPOSED SITE PLAN</p> <p>SCALE 1:200</p> <p>DATE DA 10</p> <p>PROJECT NUMBER 18-002</p>	<p>DATE 02</p> <p>SCALE 0m 2 4 6 8</p>
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NOTES	GENERAL NOTES	BASIX REQUIREMENTS		
<p>- ALL RELATIVE LEVELS (RL), FLOOR LEVELS (FFL), CEILING HEIGHTS (FCL), GUTTER RL AND RIDGE HEIGHT MUST BE CONFIRMED ON SITE.</p> <p>- ALL DIMENSIONS ARE SHOWN IN MILLIMETERS UNLESS OTHERWISE NOTED. TAKE FIGURED DIMENSION IN PREFERENCE TO SCALE.</p> <p>- STORMWATER DRAINAGE, WASTE WATER DRAINAGE AND OTHER HYDRAULIC SERVICES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH LOCAL AUTHORITY AND ENGINEERS REQUIREMENTS.</p> <p>- PLANS ARE TO BE READ IN CONJUNCTION WITH COUNCIL APPROVAL, BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS.</p> <p>- ALL FENCING AND BALUSTRADES TO COMPLY WITH COUNCIL REQUIREMENTS, BCA AND AUSTRALIAN STANDARDS.</p> <p>- ALL INSULATION MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.11 OF BUILDING CODE OF AUSTRALIA.</p> <p>- MIN 2500L RAINWATER TANK TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE REGULATORY AUTHORITIES. IT IS TO BE RECONFIGURED TO COLLECT RUN OFF OF AT LEAST 75SQM. RAINWATER TANK TO BE CONNECTED TO AT LEAST ONE OUTDOOR TAP AS PER BASIX REQUIREMENTS</p>	<p>- GROUND FLOOR TO BE CONCRETE SLAB ON GROUND.</p> <p>- UPPER FLOOR TO BE SUSPENDED CONCRETE SLAB.</p> <p>- EXTERNAL WALLS TO DWELLING TO BE 250 CAVITY BRICK WALL SYSTEM W/ ADDED 15MM FOILBOARD IN CAVITY.</p> <p>- EXTERNAL WALLS TO GARAGE TO BE SINGLE SKIN BRICK.</p> <p>- INTERNAL WALLS TO BE SINGLE SKIN BRICK.</p> <p>- ALL WINDOWS AND BI-FOLD DOORS TO HAVE ALUMINUM FRAMES WINDOWS. Unit 1 to Have Single Clear and Unit 2 to have Single Low - E.</p> <p>- PARTY WALL TO BE 270 BRICK OR COMPLY WITH BCA REQUIREMENTS</p> <p>- ALL DOORS TO HAVE 900mm OPENING UNLESS NOTED OTHERWISE.</p> <p>- SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA AND INSTALLED BY A LICENSED ELECTRICIAN.</p> <p>- SUSPENDED PLASTERBOARD CEILING ON UPPER FLOOR TO BE LINES WITH R3.0 INSULATION AS PER BASIX REQUIREMENTS.</p>	<p>FIXTURES</p> <p>- ALL SHOWERHEADS TO HAVE A MIN. 4 STAR RATING (>4.5 BUT <=6L/min)</p> <p>- ALL TOILETS MUST HAVE A TOILET FLUSHING SYSTEM WITH A MIN. 4 STAR RATING</p> <p>- ALL KITCHEN TAPS MUST HAVE A MIN. 4 STAR RATING</p> <p>- ALL BASIN TAPS TO HAVE A MIN. 46 STAR RATING IN EACH BATHROOM</p> <p>ALTERNATIVE WATER</p> <p>- THE APPLICANT MUST INSTALL A RAINWATER TANK OF AT LEAST 2500 LITRES ON SITE TO MEET AND BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.</p> <p>- THE APPLICANT MUST CONFIGURE THE RAINWATER TANK TO COLLECT RAIN RUNOFF FROM AT LEAST 75SQM OF THE ROOF.</p> <p>- THE APPLICANT MUST CONNECT THE RAINWATER TANK TO AN OUTDOOR TAP.</p>	<p>THERMAL COMMITMENTS</p> <p>GENERAL</p> <p>- DWELLING MUST NOT HAVE MORE THAN TWO STOREYS</p> <p>- CONDITIONED FLOOR AREA MUST NOT EXCEED 172.6sqm.</p> <p>- OPEN MEZZAINE MUST NOT EXCEED 25SQM</p> <p>- MUST NOT CONTAIN A THIRD LEVEL HABITABLE ROOM FLOORS, WALLS, & CEILING/ROOF</p> <p>- CONCRETE SLAB ON GROUND TO HAVE NIL INSULATION</p> <p>- SUSPENDED FLOOR ABOVE GARAGE TO HAVE NIL INSULATION</p> <p>- EXTERNAL CAVITY BRICK WALL TO HAVE ADDED 15MM FOILBOARD.</p> <p>- INTERNAL WALL SHARED WITH GARAGE TO HAVE NIL INSULATION</p> <p>- FLAT CEILING TO HAVE ADDED INSULATION OF R3.0(UP)</p> <p>- METAL DECK ROOF TO HAVE DARK SOLAR ABSORPTANCE > 0.70 WITH ADDED R1.0 ANTI COND</p> <p>- ALL GLAZED WINDOWS AND DOORS TO BE STANDARD ALUMINIUM.</p> <p>UNIT 1 SINGLE CLEAR (AWNING/BIFOLD U-VALUE 6.7, SHGC: 0.57 & SLIDING/FIXED U-VALUE 6.7 SHOC 0.70)</p> <p>UNIT 2 SINGLE LOW-E (AWNING/BIFOLD U-VALUE 5.4, SHGC: 0.49 & SLIDING/FIXED U-VALUE 5.4 SHOC 0.58)</p>	<p>ENERGY COMMITMENTS</p> <p>- A GAS INSTANTANEOUS HOT WATER SYSTEM WITH 5STAR PERFORMANCE MUST BE INSTALLED.</p> <p>- MUST INSTALL AIR CONDITIONING DUCTING ONLY AS A COOLING SYSTEM IN LIVING AND BEDROOM</p> <p>- MUST INSTALL AIR CONDITIONING DUCTING ONLY AS A HEATING SYSTEM IN LIVING AND BEDROOM.</p> <p>- ALL NEW OR ALTERED LIGHT FIXTURES ARE TO BE FITTED WITH FLUORESCENT OR LED LAMPS</p> <p>- ALL BATHROOMS, KITCHEN AND LAUNDRY TO HAVE WINDOWS FOR NATURAL LIGHTING AND VENTILATION</p> <p>- NO MECHANICAL EXHAUSTS REQUIRED.</p> <p>- MUST INSTALL A GAS COOKTOP AND ELECTRIC OVEN.</p> <p>- REFRIGERATOR SPACE IS TO BE WELL VENTILATED</p> <p>- AN OUTDOOR CLOTHES DRYING LINE MUST BE INSTALLED</p>

No.	Date	Description	By
01	07/09/19	ISSUED FOR DEVELOPMENT CERTIFICATE APPROVAL	AE
02	18/09/19	REVISED PLANS AS PER COUNCIL CONDITIONS, THE ZONE CODED	
03			
04			
05			



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DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

DESIGNER
ELKAD GROUP PTY LTD
4ANDA, 41, ANDERSON ST, SYDNEY NSW 2006

CLIENT

Engineer
SDS ENGINEERING

Project
12 THERRY STREET STRATHFIELD SOUTH

Proposed Boundary Readjustment and Construction of 2 x Semi Detached Dwellings

Scale
1:100

Drawing No.
DA 22

Project Number
18-002



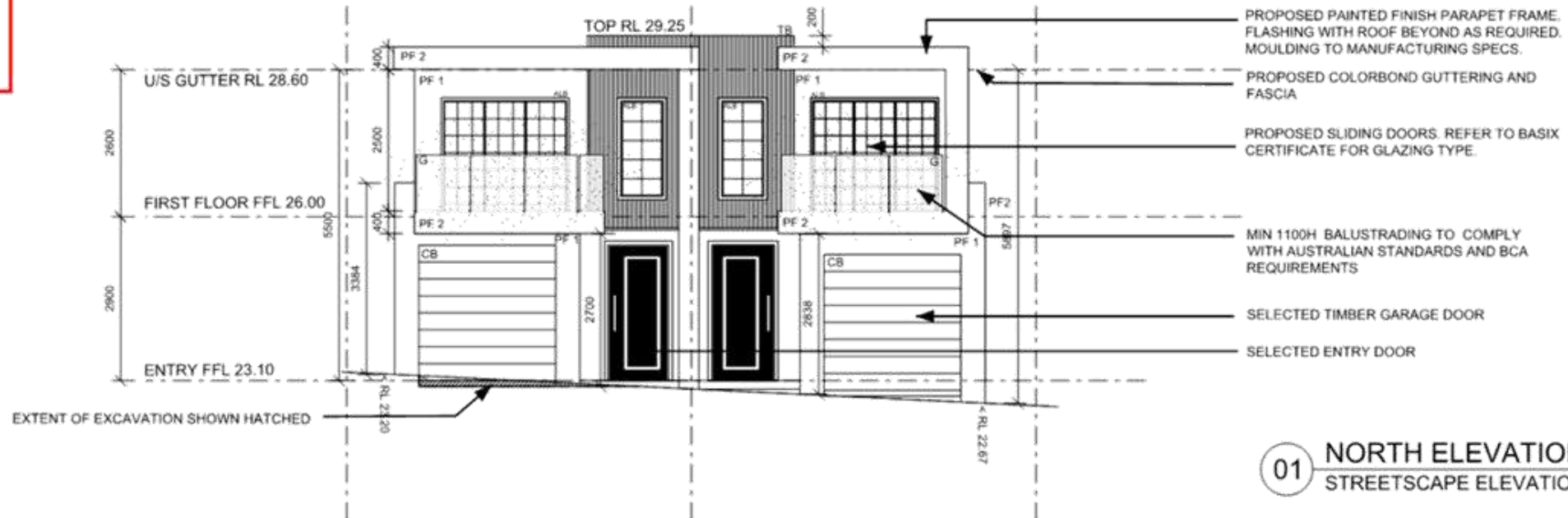
Scale 1:100

Drawing No. DA 22

Project No. 18-002

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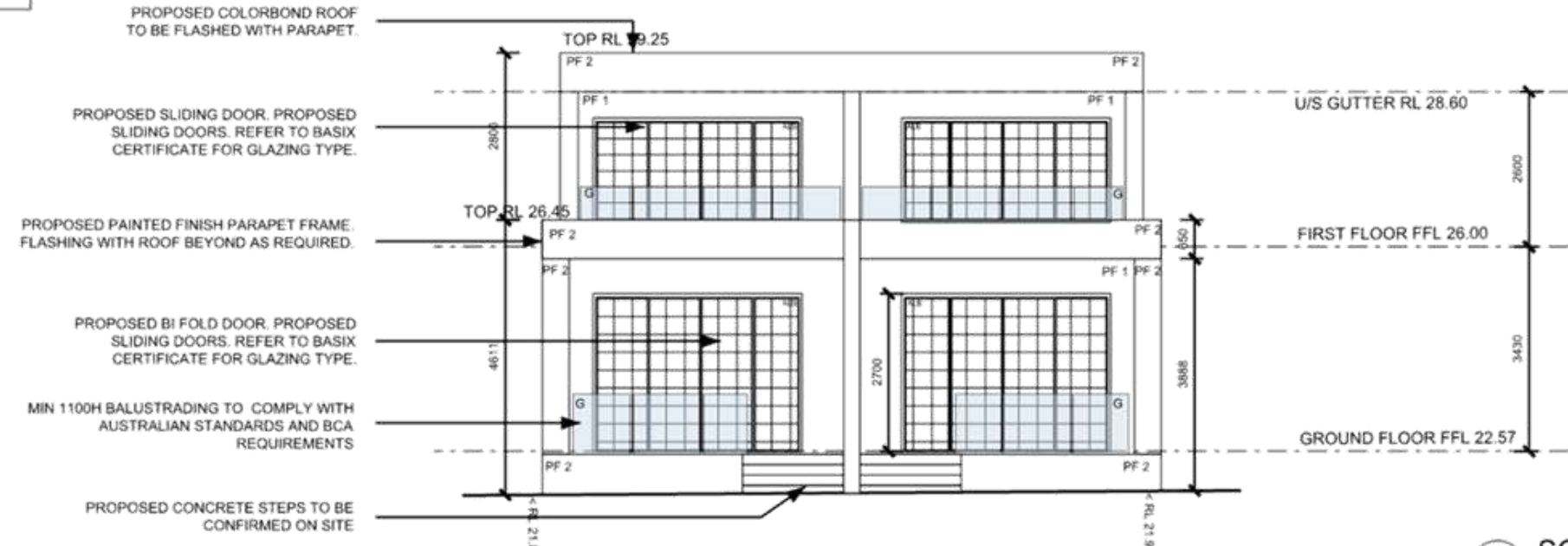
**DA2019/064/02
30 September 2019**



**01 NORTH ELEVATION
STREETSCAPE ELEVATION**

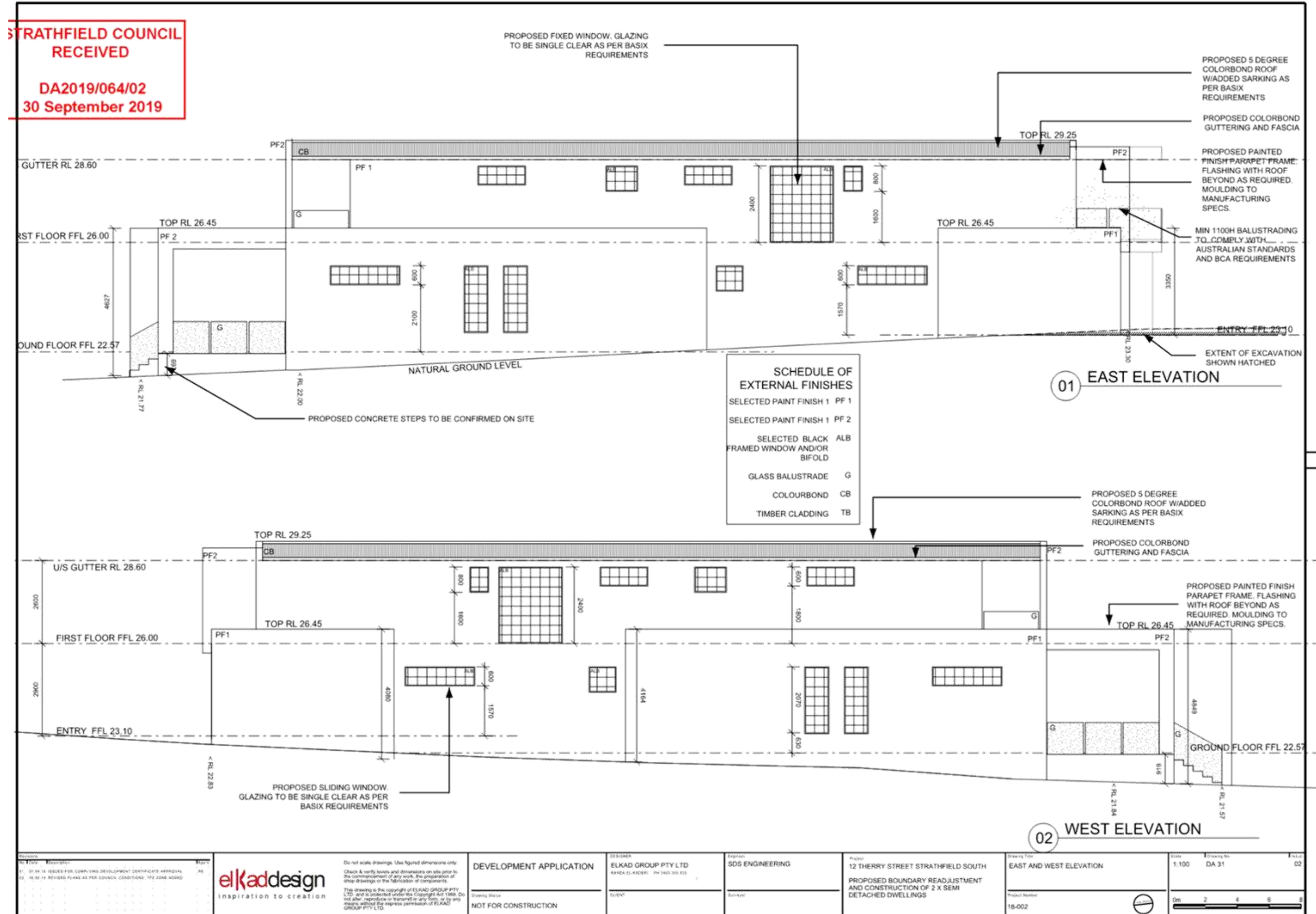
SCHEDULE OF EXTERNAL FINISHES

SELECTED PAINT FINISH 1	PF 1
SELECTED PAINT FINISH 2	PF 2
SELECTED BLACK FRAMED WINDOW AND/OR BIFOLD	ALB
GLASS BALUSTRADE	G
COLOURBOND	CB
TIMBER CLADDING	TB



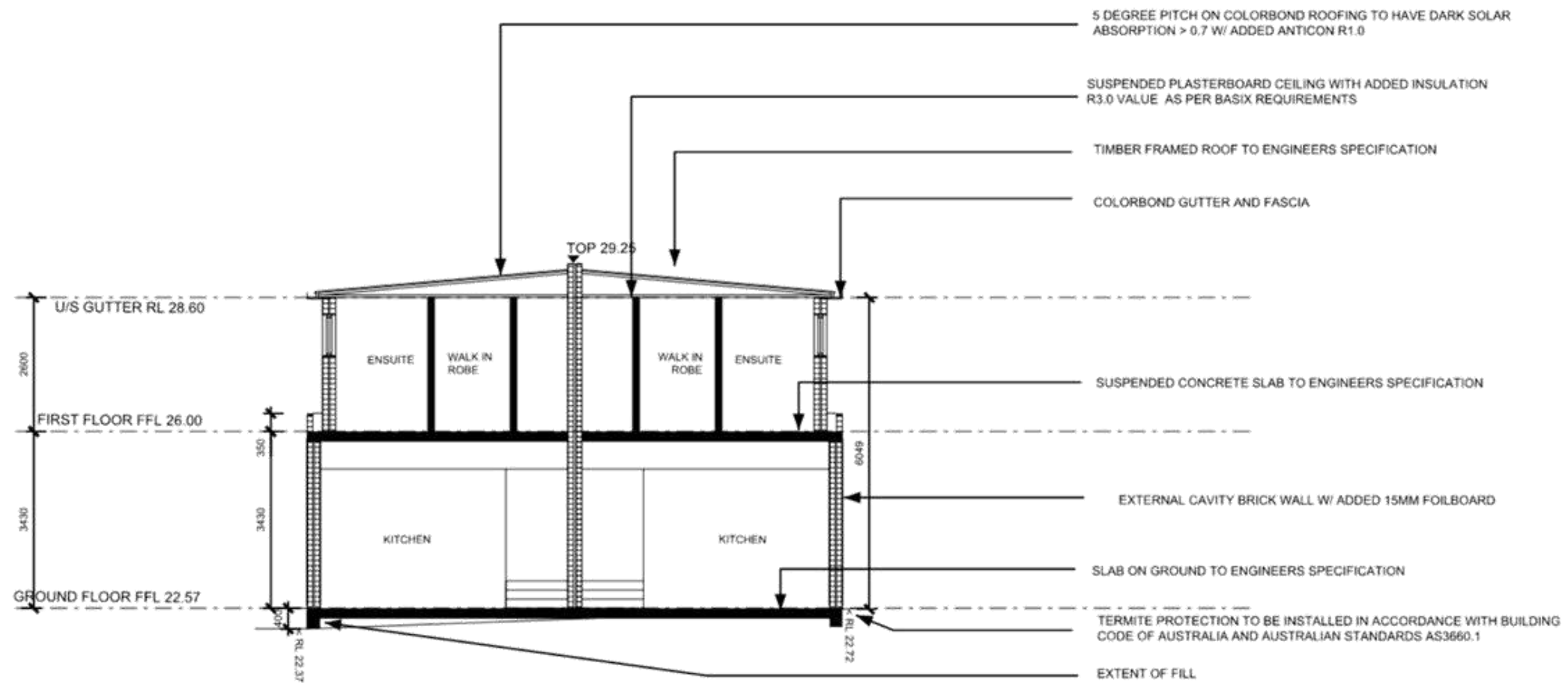
**02 SOUTH ELEVATION
REAR ELEVATION**

<p>Revisions</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>07/09/19</td> <td>ISSUED FOR COMPLIANT DEVELOPMENT CERTIFICATE APPROVAL</td> <td>AE</td> </tr> <tr> <td>02</td> <td>18/09/19</td> <td>REVISED PLANS AS PER COUNCIL CONDITIONS, TP2 2018 60850</td> <td></td> </tr> </tbody> </table>	No.	Date	Description	By	01	07/09/19	ISSUED FOR COMPLIANT DEVELOPMENT CERTIFICATE APPROVAL	AE	02	18/09/19	REVISED PLANS AS PER COUNCIL CONDITIONS, TP2 2018 60850		<p>elkaddesign inspiration to creation</p>	<p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of shop drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is protected under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>NOT FOR CONSTRUCTION</p>	<p>DESIGNER ELKAD GROUP PTY LTD 4ANDA-51-432601 PH 0401 701 873</p> <p>CLIENT</p>	<p>ENGINEER SDS ENGINEERING</p> <p>ENGINEER</p>	<p>PROJECT 12 THIERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>DRAWING TITLE NORTH AND SOUTH ELEVATION</p> <p>PROJECT NUMBER 18-002</p>	<p>SCALE 1:100</p> <p>DRAWING NO. DA 30</p> <p>REVISED 02</p> <p>0m 2 4 6 8</p>
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01 CROSS SECTION
THERRY ST

<table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>30.09.19</td> <td>ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL</td> <td>AE</td> </tr> <tr> <td>02</td> <td>18.09.19</td> <td>REVISED PLANS AS PER COUNCIL CONDITIONS</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	No.	Date	Description	By	01	30.09.19	ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL	AE	02	18.09.19	REVISED PLANS AS PER COUNCIL CONDITIONS														<p>elkaddesign inspiration to creation</p>	<p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of shop drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is intended under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>NOT FOR CONSTRUCTION</p>	<p>DESIGNER ELKAD GROUP PTY LTD 4ANDA-51-430240 PH 0403-210 825</p> <p>CLIENT</p>	<p>Engineer SDS ENGINEERING</p> <p>Designer</p>	<p>Project 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>Drawing Title CROSS SECTION</p> <p>Project Number 18-002</p>	<p>Scale 1:100</p> <p>Drawing No. DA 32</p> <p>Sheet No. 02</p> <p>0m 2 4 6 8</p>
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12 Therry Street Strathfield South	Window No.	Orientation	Size of Window	Type of Window	Area of Window Type (sqm)	Basix Requirements	
Ground Floor	W.01a	East	2000 x 600	High Sliding Window	1.2	Single Low E U:5.4 SHGC 0.58	
	W.01b	West				Single Clear U:6.7 SHGC: 0.70	
	W.02a	East	850 x 800	Translucent Sliding Window	0.68	Single Low E U:5.4 SHGC 0.58	
	W.02b	West				Single Clear U:6.7 SHGC: 0.70	
	W.03a	East	780 x 2100	Awning Window	1.638	Single Low E U:5.4 SHGC 0.49	
	W.03b	West				Single Clear U:6.7 SHGC: 0.57	
	W.04a	East	780 x 2100	Awning Window	1.638	Single Low E U:5.4 SHGC 0.49	
	W.04b	West				Single Clear U:6.7 SHGC: 0.57	
	W.05a	East	2200 x 600	High Sliding Window	1.32	Single Low E U:5.4 SHGC 0.58	
	W.05b	West				Single Clear U:6.7 SHGC: 0.70	
	W.06a	South	3500 x 2400	Stack Door	8.4	Single Low E U:5.4 SHGC 0.49	
	W.06b	South				Single Clear U:6.7 SHGC: 0.57	
	First Floor	W.07a	North	900 x 1800	Awning Window	1.62	Single Low E U:5.4 SHGC 0.49
		W.07b	North				Single Clear U:6.7 SHGC: 0.57
W.08a		North	2100 X 2100	Sliding Door	4.41	Single Low E U:5.4 SHGC 0.49	
W.08b		North				Single Clear U:6.7 SHGC: 0.57	
W.09a		East	600 x 800	Translucent Sliding Window	0.48	Single Low E U:5.4 SHGC 0.58	
W.09b		West				Single Clear U:6.7 SHGC: 0.70	
W.10a		East	2000 x 2400	Fixed Window	4.8	Single Low E U:5.4 SHGC 0.58	
W.10b		West				Single Clear U:6.7 SHGC: 0.70	
W.11a		East	1500 x 600	High Sliding Window	0.9	Single Low E U:5.4 SHGC 0.58	
W.11b		West				Single Clear U:6.7 SHGC: 0.70	
W.12a		East	1000 x 800	Translucent Sliding Window	0.8	Single Low E U:5.4 SHGC 0.58	
W.12b		West				Single Clear U:6.7 SHGC: 0.70	
W.13a		East	1500x 600	High Sliding Window	0.9	Single Low E U:5.4 SHGC 0.58	
W.13b		West				Single Clear U:6.7 SHGC: 0.70	
W.14a	South	3200 x 2100	Sliding Door	6.72	Single Low E U:5.4 SHGC 0.49		
W.14b	South				Single Clear U:6.7 SHGC: 0.57		

BDAV Assessor # 12/1472 Certificate # 0003762184 Issued: 10/04/18

Thermal Performance Specifications

These are the Specifications upon which the Certified Assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project. If alternate specifications are detailed for a building element, the location and extent of alternate specifications must be detailed below and / or clearly indicated on referenced documents

Windows	Product ID	Glass	Frame	U value	SHGC	Area M ²	Detail
Unit 1		Single Clear	Aluminium	6.7	0.57		Awning, Bi-Fold
		Single Clear	Aluminium	6.7	0.70		Sliding, Fixed
Unit 2		Single Low-E	Aluminium	5.4	0.49		Awning, Bi-Fold
		Single Low-E	Aluminium	5.4	0.58		Sliding, Fixed

Skylights	Product ID	Glass	Frame	U value	SHGC	Area M ²	Detail
-----------	------------	-------	-------	---------	------	---------------------	--------

Window and skylight U and SHGC values, if specified, are according to AFRC. Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above.

External walls	Construction	Insulation	Colour - solar abs.	Detail
Brick Cavity		15mm Foilboard	Medium - SA 0.475 - 0.7	In Cavity - Double Air Space
Brick		None	Medium - SA 0.475 - 0.7	Garages
Concrete		None	Medium - SA 0.475 - 0.7	Slab Fold

Internal walls	Construction	Insulation	Detail
Brick Plasterboard		None	As per plans
Cavity Brick		None	Party Walls

Floors	Construction	Insulation	Covering	Detail
Concrete		None	None	Garages
Concrete		None	Carpet / Ceramic Tiles	As per plans

Ceilings	Construction	Insulation	Detail
Concrete		None	As per plans
Plasterboard		R3.0 Bulk	Metal Roof Above

Roof	Construction	Insulation	Colour - solar abs.	Detail
Metal Deck		R1.0 Anticon	Dark - SA > 0.7	As per plans
Concrete		R3.0 Bulk	Medium - SA 0.475 - 0.7	Insulation in Ceiling Below

Overshadowing	Overshadowing structures	Overshadowing trees
	10 & 14 Therry Street	

Orientation, Exposure, Ventilation and Infiltration

Orientation of nominal north:	280
Terrain category:	Suburban
Seals to windows and doors:	Yes
Lighting plan provided:	No
Recessed downlights:	No



Certificate no.: 0003762184
 Assessor Name: Raymond Sleiman
 Accreditation no.: VIC/BDIV/12/1472
 Certificate date: 10 Apr 2019

Dwelling Address:
 1, 12 Therry Street
 Strathfield South, NSW
 2136



www.nathers.gov.au

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**DA2019/064/02
 30 September 2019**

<p>Revisions</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>07/04/18</td> <td>ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL</td> <td>AE</td> </tr> </tbody> </table>	No.	Date	Description	By	01	07/04/18	ISSUED FOR COMPLYING DEVELOPMENT CERTIFICATE APPROVAL	AE	<p>inspiration to creation</p>	<p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of shop drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is intended under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means, without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>ELKAD GROUP PTY LTD 6ANDA-EL-ADD-01 PH 0403 203 873</p> <p>CLIENT</p>	<p>Engineer SDS ENGINEERING</p>	<p>Project 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>Drawing Title BASIX SPECIFICATION & WINDOW SCHEDULE</p> <p>Project Number 18-002</p>	<p>Scale 1:100</p> <p>Drawing No. DA 40</p> <p>Sheet No. 01</p>
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30 September 2019**

	MATERIAL	COLOUR
EXTERNAL WALLS	RENDER PAINT FINISH (PF 1)	SMOOTH - PAINTED GREY OR SIMILAR
COLUMNS / PARAPET PARTY WALL/ MASONARY FENCE	RENDER PAINT FINISH (PF 2)	SMOOTH - PAINTED CHARCOAL OR SIMILAR
FEATURE WALL	TIMBER CLADDING (TB)	TIMBER CLADDING
ROOF	METAL DECK	CHARCOAL
GUTTERS, FASCIA AND DOWNPIPES	COLORBOND	COLORBOND STANDRD RANGE :SURFMIST
WINDOWS AND BIFOLD DOORS	ALUMINIUM FRAMED	ANODISED / SILVER
ENTRY DOOR	TIMBER	PAINTED FINISH
GARAGE DOOR	COLORBOND	CHARCOAL
FRONT PANEL FENCE AND SIDE FENCE	COLORBOND	COLORBOND STANDARD RANGE: SURFMIST WITH SECTION OF SANDSTONE
DRIVEWAY	CONCRETE	IRONSTONE



<p>Revisions</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>27/09/18</td> <td>ISSUED FOR COMPLETED DEVELOPMENT CERTIFICATE APPROVAL</td> <td>AE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Description	By	1	27/09/18	ISSUED FOR COMPLETED DEVELOPMENT CERTIFICATE APPROVAL	AE																																	<p>elkaddesign inspiration to creation</p> <p>Do not scale drawings. Use figured dimensions only. Check & verify levels and dimensions on site prior to the commencement of any work, the preparation of other drawings or the fabrication of components. This drawing is the copyright of ELKAD GROUP PTY LTD and is protected under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means without the express permission of ELKAD GROUP PTY LTD.</p>	<p>DEVELOPMENT APPLICATION</p> <p>Drawing Status NOT FOR CONSTRUCTION</p>	<p>DESIGNER ELKAD GROUP PTY LTD RANBA EL-KADIBI PH 0401 210 870</p> <p>CLIENT</p>	<p>Engineer SDS ENGINEERING</p> <p>Surveyor</p>	<p>Project 12 THERRY STREET STRATHFIELD SOUTH PROPOSED BOUNDARY READJUSTMENT AND CONSTRUCTION OF 2 X SEMI DETACHED DWELLINGS</p>	<p>Drawing Title SCHEDULE OF EXTERNAL FINISHES</p> <p>Project Number 18-002</p>	<p>Scale 1:100</p> <p>Drawing No. DA 60</p> <p>Sheet No. 01</p> <p>0m 2 4 6 8</p>
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**CLAUSE 4.6 VARIATION TO VARY THE MINIMUM LOT
SIZE UNDER THE STRATHFIELD LEP 2012
FOR SEMI-DETACHED HOUSING**

**STRATHFIELD COUNCIL
RECEIVED**

**DA2019/064/02
30 September 2019**

Purpose

This Clause 4.6 variation request has been prepared in support of an Application under Section 8.2 to review the determination of a development application for 2 semi-detached dwellings and a boundary adjustment at 12 Therry Street East, Strathfield South.

The Clause 4.6 variation request relates to a breach of the development standard established under Clause 4.1 of the Strathfield Local Environmental Plan 2012 (the "SLEP") for the minimum lot size.

The boundary adjustment component of the development is not *exempt development* under Clause 2.75 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as the change in lot size exceeds 10% as noted under Clause 2.75(b)(vii).

This request has been prepared in accordance with *Varying Development Standards: A Guide* published by the Department of Planning and Environment and dated August 2011. This request has had regard to judgements in:

- *Initial Action v Woollahra Municipal Council [2018] NSWLEC 118*;
- *Rebel MH Neutral Bay Pty Ltd v North Sydney Council [2018] NSWLEC 191*; and
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245*

Together, these cases provide a useful guide as to the relevant matters that must be addressed in a Clause 4.6 variation request and how such matters should be considered.

1. The statutory framework

1.1 The relevant planning instrument

The environmental planning instrument to which this variation relates is the SLEP.

1.2 Zoning and zone objectives

The subject land is zoned R2 Low Density Residential under the SLEP.

The development is permissible with consent on land so zoned as *semi-detached dwelling* which is defined under the SLEP as:

a dwelling that is on its own lot of land and is attached to only one other dwelling.

The objectives of the R2 Low Density Residential zone are:

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

1.3 The objectives of the control to which a variation is sought

The objectives in Clause 4.1 of the SLEP are:

- (a) *to promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area,*
- (b) *to ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types,*
- (c) *to preserve large industrial lots in order to provide a range of large-scale sites suitable for industrial activities that require integrated and large floorplates.*

1.4 The numeric values of the development standard sought to be varied and the development

The minimum lot size applicable to subject land is 560m² as shown in Figure 1 below.



Figure 1: Mapped Minimum Lot Size in the locality (extract SLEP)

The subject land is comprised of two lots with areas as follows:

Lot	Size (m ²)
Lot 2, DP 207560	363.3
Lot 3, DP 207560	231.6
TOTAL	594.9

The proposed boundary adjustment will result in lot sizes as follows:

Lot	Size (m ²)	Variation (m ²)	Variation (%)
Proposed Lot 2	297.49	262.51	46.9
Proposed Lot 3	297.37	262.63	46.9

The variation is able to be considered under Clause 4.6 of the SLEP as it is not restricted from consideration by Clause 4.6(6) or Clause 4.6(8).

1.5 Matters to be demonstrated under Clause 4.6(3) of the Strathfield Local Environmental Plan 2015

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied of the matters required to be addressed by Clause 4.6(3), which states:

- (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.*

These matters are addressed below at Sections 2 and 3 of this document.

1.6 Matters for consideration under Clause 4.6(4) of the Strathfield Local Environmental Plan 2012

Clause 4.6(4) of the SLEP outlines the matters that a consent must satisfy itself of prior to the granting of consent and states:

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

These matters are addressed below at Section 4 of this document.

2. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

The Land and Environment Court of NSW has provided guidance on this issue in *Wehbe v Pittwater Council [2007] NSWLEC 827* where it was found that consideration must be given to the "5 tests" noting that it is not necessary to meet all tests. The following discussion provides a response to each of the 5 tests.

- ***Test 1 – The objectives of the development standard are achieved notwithstanding the noncompliance with the standard***

The variation is not contrary to the objectives that underpin Clause 4.1 of the SLEP and does not hinder the achievement of those objectives. Those objectives are:

(a) to promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area

There are numerous lots in the zone that are less than the prescribed 560m² in size. Further, there are lots in the zone that are in the order of 300m² in size which have been developed for inter-war era semi-detached housing (as listed on page 9). The proposed boundary adjustment seeks to achieve a permissible form of development has been carried out on other land in the neighbourhood by merely centralising the common boundary.

The subject land is comprised of 2 lots which already exist as part of the subdivision pattern of the zone.

Carrying out of the boundary adjustment does not create a subdivision pattern that is not already in existence. Rather, the proposed boundary adjustment seeks to make equal those two lots which is more in keeping with other semi-detached housing lots in the zone.

The retention of the 2 lots does not result in any change the predominant subdivision pattern of the area.

(b) to ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types

The proposal results in 2 lots of 297m² which adds to the variety of lot sizes in the zone and the opportunities for semi-detached housing options.

It is reiterated that there are a number of inter-war era semi-detached dwellings in the neighbourhood. The proposed boundary adjustment seeks to achieve what has been carried out on other land in the neighbourhood by centralising the common boundary.

Those lots are of sufficient size and width to accommodate the development of two semi-detached dwellings that adds to the variety of development that is provided in the low density residential zone.

The proposed boundary adjustment and associated development with semi-detached dwellings meets this objective.

(c) to preserve large industrial lots in order to provide a range of large-scale sites suitable for industrial activities that require integrated and large floorplates.

This objective is not relevant to the subject proposal as the subject land is not a large industrial lot.

- **Test 2 – The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary**

The proposed boundary adjustment component of the development is a *subdivision* under the meaning prescribed in Section 6.2 of the Act, relevantly as follows:

6.2 Meaning of “subdivision” of land

.....

(2) Without limiting subsection (1), **subdivision** of land includes the procuring of the registration in the office of the Registrar-General of:

(a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919

.....

The subject land is already comprised of 2 lots. Notwithstanding that a boundary adjustment falls into the definition of a subdivision, the proposal does not involve the creation of an additional lot. Rather, the proposal involves the spatial redistribution of the lots by moving the internal boundary.

The purpose of the development standard to ensure a minimum lot size must be tempered by the fact that there are already 2 lots comprising the subject land. The underlying objective of the standard is not relevant to the development given those unique circumstances of the land.

- **Test 3 – The underlying objective or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable**

We do not rely on this reason.

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- ***Test 4 – The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and thus compliance with the development standard is unnecessary and unreasonable***

While we do not rely on this reason, it is a matter for Council to consider how it has applied similar variations previously, based on the individual circumstances of those cases.

- ***Test 5 – Compliance with the development standard is unreasonable or inappropriate as the zoning of the land is inappropriate and as such, the development standard is similarly inappropriate***

We do not rely on this reason.

In summary, strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances as the land is already comprised of 2 lots. The development is not contrary to the relevant objectives underpinning the development standard for minimum lot size noting those unique circumstances of the land.

3. The environmental grounds justifying contravention of the development standard (Clause 4.6(3)(b))

The application of Clause 4.6(3)(b) is best outlined at paragraph 88 of *Initial Action v Woollahra Municipal Council [2018] NSWLEC118*:

"...The requirement in Clause 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."

It is not necessary to demonstrate a benefit resulting from the breach, only that there are sufficient environmental planning grounds to support the variation.

- **The proposal does not create new lots**

The development application does not seek to create new lots that do not meet the minimum lot size standard. Rather, the development application seeks a spatial redistribution of the existing lots that comprise the land.

The lots already exist as part of the subdivision pattern of the area.

- **The lot size is not foreign to the locality**

It is noted that there are lots of similar size in the area which are occupied by semi-detached dwellings as follows:

Address	Land size (approx. m ²)	Pair total (approx. m ²)
22 Anselm Street (Lot A1, DP 408043)	320	
24 Anselm Street (Lot A2, DP 408043)	340	640
26 Anselm Street (Lot 1, DP 206499)	351	
28 Anselm Street (Lot 2, DP 206499)	332	683
30 Anselm Street (Lot C1, DP 401803)	390	
32 Anselm Street (Lot 1, DP 401803)	351	741
3 Bede Street (Lot 1, DP 788119)	258	
5 Bede Street (Lot 2, DP 788119)	258	516
7 Bede Street (Lot 3, DP 788119)	258	
9 Bede Street (Lot 4, DP 788119)	258	516
23 Brooklyn Street (Lot A, DP 413906)	338	
25 Brooklyn Street (Lot B, DP 413906)	333	671
27 Brooklyn Street (Lot 2, DP 719798)	361	
29 Brooklyn Street (Lot 1, DP 719798)	351	711
112 Dean Street (Lot 11, DP597507)	352	
114 Dean Street (Lot 10, DP 597507)	384	736
116 Dean Street (Lot 2, DP 412760)	359	
118 Dean Street (Lot 1, DP 412760)	345	704
142 Dean Street (Lot B, DP 442047)	208	
144 Dean Street (Lot A, DP 442047)	189	397



576 Liverpool Road (Lot 2, DP 506041)	260	
578 Liverpool Road (Lot 1, DP 506041)	286	546
580 Liverpool Road (Lot 2, DP 792557)	283	
582 Liverpool Road (Lot 1, DP 792557)	269	552

The above lots have been developed with inter-war era semi-detached housing. Those lots are unable to be developed for a higher yield and if they were to be redeveloped, it would most likely be with semi-detached dwellings utilising the existing common boundary.

Those lots less than 300m² within the neighbourhood bounded by the Cooks River, Liverpool Road and Homebush Road/Water Street are mapped below:



Figure 2: Mapped lots less than 300m²

While it is acknowledged that these lots predate the current SLEP controls, they demonstrate that what is proposed is not a lot size that is foreign to the area.

As well as the semi-detached lots tabled above that are all less than 400m² in area, there are numerous lots in the immediate vicinity of the subject land that are occupied by single dwellings that are also less than 400m².

The proposal to carry out semi-detached housing on lots in the order of 300m² does not promote a subdivision pattern that is out of character with the locality.

- ***The development does not establish a precedent***

There are no other parcels of land in the zone that are comprised of 2 lots that are in the order of 360m² and 230m² that have not yet been developed for semi-detached housing.

The characteristics of the subject land are unique in that regard.

Approval of the boundary adjustment would not establish a precedent for other lots to be subdivided in a similar fashion.

- ***Certainty of the lot being able to be developed***

The proposal also involves the carrying out of development over the lots. This differs to a regular subdivision where lots are put to market without certainty as to the development outcome.

Council is provided with some comfort that the lots, while less than the prescribed minimum lot size, are capable of being developed. Further, Council is provided with some certainty of the development outcome. Council may impose a condition of consent that the Linen Plan for the subdivision not be registered until such time as the dwellings have been completed.

- ***The variation facilitates the orderly and economic use of the land***

The common between Lots 2 and 3 is not centred and as such Lot 3 is of a size that hinders its development. If the common boundary was centred on the land, the development of two semi-detached dwellings could be carried out without the need to vary the minimum lot size.

Moving the common boundary facilitates the development of two semi-detached dwellings on the land thus promoting the orderly and economic development of the land.

- ***The objectives of the DCP are not offended***

The proposed boundary adjustment does not offend the objectives of the Strathfield Consolidated DCP 2005 Part R – Subdivision.

A. *To ensure that subdivision and amalgamation reflects the prevailing subdivision pattern, including the lot size, lot width, dimensions, shape and orientation.*

There are numerous lots in the zone that are less than the prescribed 560m² in size. Further, there are lots in the zone that are in the order of 300m² in size which have been developed for inter-war era semi-detached housing as listed on page 9.

The subject land is comprised of 2 lots which already exist as part of the subdivision pattern of the zone.

Carrying out of the boundary adjustment does not create a subdivision pattern that is not already in existence. Rather, the proposed boundary adjustment seeks to make equal those two lots which is more in keeping with other semi-detached housing lots in the zone.

The retention of the 2 lots does not result in any change the predominant subdivision pattern of the area.

B. To prevent the fragmentation of land and maintain a variety of lot sizes that are of sufficient size and shape to accommodate a variety of development types that comply with all other relevant DCP controls.

The proposed development involves an adjustment of existing lot boundaries and does not cause further fragmentation of the land.

C. To ensure a site's characteristics (features and constraints) are considered.

The subject land is comprised of 2 lots which is considered to be a feature of the land. The size of Lot 3 is a constraint to development given the common boundary is not centred down the middle of the land parcel. The proposed boundary adjustment centralises the common boundary and equalises the size of the 2 lots.

D. To protect the setting of heritage items and the streetscape character of heritage conservation areas.

Not applicable.

E. To minimise any likely impact of subdivision and development on the amenity of neighbouring properties.

The proposed boundary adjustment creates the opportunity for the land to be developed in a manner that does not create any adverse impacts on adjoining properties. The boundary adjustment does not markedly alter the lot layout of the subject land.

4. The proposed development is in the public interest (Clause 4.6(4)(a)(ii))

Clause 4.6(4)(a)(ii) requires consideration of whether 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.

This Clause 4.6 variation request has already demonstrated above that the proposed development is consistent with the objectives that underpin the control and it is not necessary to repeat those points. Rather, we can now turn to the objectives of the zone.

The objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: This objective is met in that the proposed development provides opportunities for housing in the low density residential environment. Further, the zoning table to the LEP permits semi-detached housing.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

Comment: This objective is not relevant to the subject development. Notwithstanding, the proposal does not prevent this objective from being met within the zone.

- *To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas*

Comment: The nearest item of environmental heritage is the St Anne's Catholic Church and grounds at 9-133 St Anne's Square. The development of the land would not have any adverse impact or influence on that item.

The site is also traversed by the heritage listed pressure tunnels from the Potts Hill Reservoir. The tunnels are at a depth in the front setback of the land and will not be impacted by the development.

The subject land is not within a heritage conservation area.

The proposed development is consistent with this objective.

As stated at paragraph 27 of *Initial Action v Woollahra Municipal Council* [2018] NSWLEC118:

"...It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest..."

The proposed development is consistent with the objectives of both the development standard and the R2 Low Density Residential zone.

By virtue of its consistency with that suite of objectives, the proposed development is in the public interest. The test under Clause 4.6(4)(a)(ii) has been met.

4.3 Concurrence of the Secretary of the Department of Planning and the Environment (Clause 4.6(4)(b) and Clause 4.6(5))

Planning Circular PS18-003 issued on 21 February 2018 has delegated the Secretary's concurrence role to each consent authority.

A consent authority must consider the matters in Clause 4.6(5) which are listed as follows:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning*

Comment: Contravention of the development standard does not raise any matter of significance for State or regional planning.

- (b) *the public benefit of maintaining the development standard*

Comment: As demonstrated by this Clause 4.6 variation request, approval of the variation does not compromise issues of public interest as the variation meets the objectives of the zone and the development standard.

There is therefore no public benefit gained from strict adherence to the development standard.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment: There are no other relevant matters to be taken into consideration.

5. Conclusion

This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the SLEP that:

- Strict compliance with the development standard would be unreasonable and unnecessary in the circumstances;
- There are environmental planning grounds to justify the variation. Those environmental planning are sufficient given the nature of the proposed development;
- The variation is consistent with the objectives of the development standard and the zone;
- The breach of the development standard does not result in a development that is incompatible with the desired planning outcomes for the local area, or the amenity of the surrounding area; and
- The variation does not raise any matter of state or regional significance, and does not hinder the objectives of the Environmental Planning and Assessment Act, 1979 namely:
 - (c) *to promote the orderly and economic use and development of land,*
 - (d) *to promote the delivery and maintenance of affordable housing, and*
 - (g) *to promote good design and amenity of the built environment.*

The variation is considered to be well founded and support for the variation to the minimum lot size is appropriate in the circumstances.

TO: Strathfield Local Planning Panel Meeting - 7 November 2019
REPORT: SLPP – Report No. 2
SUBJECT: DA2019/085 - 19-21 SOUTH STREET, STRATHFIELD
LOTS 65 & 66 DP 8778
DA NO. DA2019/085

SUMMARY

Proposal: Alterations and additions to an existing heritage listed dwelling house including partial demolition, new basement level, relocation of tennis court and swimming pool and construction of an outbuilding.

Applicant: POC+P Architects Pty Ltd (Patrick O’Carrigan)

Owner: Magdalene Mouawad

Date of lodgement: 05 June 2019

Notification period: 17 June 2019 to 1 July 2019

Submissions received: Two (2)

Assessment officer: PF

Estimated cost of works: \$2,100,000.00

Zoning: R2 Low Density Residential - SLEP 2012

Heritage: Heritage Item – (Item 196 - Local significance – Georgian Revival house and garden).

Flood affected: No

Is a Clause 4.6 variation proposed? No

Extent of the variation supported? No

RECOMMENDATION OF OFFICER: REFUSAL

EXECUTIVE SUMMARY

- 1.0 The existing ‘*Georgian Revival house and garden*’ on land at 19-21 South Street, Strathfield is listed as a heritage item of local significance under Strathfield Local Environmental Plan (SLEP) 2012. The existing building is sited on a large parcel of land comprised of two (2) allotments totaling 2426.6m². The heritage item is located on the southern lot. The northern lot is developed with an in-ground swimming pool, cabana, and cubby house. A tennis court is located adjacent the rear boundary.
- 2.0 The existing building c. 1940s has undergone various alterations and additions between 1977 and 1988. The Heritage Assessment Report prepared by Urbis concludes that the subject site should be delisted on the basis that “*the integrity of the dwelling is such that a new dwelling of a high quality is considered a better outcome than adding to a poor example of the type*”. Notwithstanding this, a Planning Proposal to remove the item from Schedule 5 of the SLEP 2012 has not been submitted to Council.
- 3.0 Prior to the lodgement of DA 2019/085, a Pre-DA meeting was held with the applicant in December 2018. The written feedback from this meeting identified a number of areas where

DA2019/085 - 19-21 South Street, Strathfield
Lots 65 & 66 DP 8778 (Cont'd)

the proposal departed from the provisions of *Part P: Heritage* of the Strathfield Development Control Plan (SCDCP) 2005.

- 4.0 The design submitted with the current development application does not propose any significant changes to the design of the main dwelling house or basement, with minor amendments to the pool house proposed.
- 5.0 The development application was referred internally to Council's Engineer, Traffic Engineer, Trees and Landscaping Officer, and Heritage Advisor. No objections are raised from an engineering and traffic perspective subject to recommended daft conditions of consent.
- 6.0 Concerns are raised by Council's Trees and Landscaping Officer regarding the impact of the cabana, retaining wall, soil level changes and paving within the Tree Protection Zone (TPZ) of a significant and healthy Forest Red Gum (Tree 10) on the rear boundary. Accordingly, it is recommended that any proposed ancillary structures and works within the TPZ of Tree 10 are deleted.
- 7.0 The application is not supported by Council's Heritage Advisor. It is considered that the proposal requires a fundamental redesign to reconsider the form, siting and detailing of the proposed additions and how they relate to the heritage item and that the design should seek to relocate the bulk of the additions in a manner that more closely reflects the objectives and controls contained in *Part P: Heritage* of the SCDCP 2005 (Part 2.6 in particular).
- 8.0 Following an unsatisfactory DA referral response, the applicant was provided with an opportunity to address the concerns of Council's Heritage Advisor. Informal concept drawings were tabled for consideration, albeit, these were not accepted as a replacement application as no significant changes were proposed.
- 9.0 The application was notified in accordance with Part L of SCDCP 2005. Two (2) submissions were received. The main issues raised pertain to acoustic impacts from the basement pump-out tank, privacy and solar access impacts to the southern neighbouring property, light spill from the tennis court lighting, adverse impacts to the heritage item, insufficient side setbacks, and potential impacts to the structural integrity of the adjoining properties.
- 10.0 The application is unsatisfactory for approval principally on heritage grounds. The proposal is unacceptable with regard to *Clause 5.10: Heritage conservation* of SLEP 2012 and *Part P: Heritage* of SCDCP 2005.
- 11.0 The proposed additions seek to replicate the existing building in a manner that is a more ornate reproduction of the Georgian Revival style. This undermines the significance of the heritage item and does not enable interpretation of the heritage item. The bulk, scale, form and siting of the new work physically overwhelms the heritage item and would have a detrimental impact on the significance of the items and its contribution to the streetscape.
- 12.0 The application is recommended for **REFUSAL**.

BACKGROUND

Application History	
Date	Action
05/06/2019	• DA2019/075 lodged
17/06/2019	• Application notified from 17 June 2019 to 01 July 2019
05/09/2019	• Unsatisfactory heritage referral response provided to the applicant
12/09/2019	• Meeting to discuss the proposal and heritage issues.
19/09/2019	• Submission of concept revised scheme C (Option F and G).

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	<ul style="list-style-type: none"> Applicant advised concept plans unacceptable for the following reasons: <ul style="list-style-type: none"> No diversity in design options as discussed in the meeting including consideration of contemporary additions. The amended scheme does not satisfactorily address the heritage issues raised. Only deletion of the portico offers an improvement. The main issue is that the new work does not read as subservient to the heritage building in terms of height, bulk, and scale. In effect, interpretation of the heritage item and its setting is not readily discernible. Applicant advised that a report would be prepared based on the current plans due to there being no significant changes.
03/10/2019	<ul style="list-style-type: none"> Second meeting with Council (applicant's request) following rejection of concept scheme.
11/10/2019	<ul style="list-style-type: none"> Request by the applicant for significant time extension to develop further design solutions.
17/10/2019	<ul style="list-style-type: none"> Request for extension denied for the following reasons: <ul style="list-style-type: none"> (i) Sufficient time has already been allocated for the submission of additional information and an acceptable scheme. (ii) The concept revised scheme submitted to Council for consideration did not satisfactorily address the concerns Council's Heritage Officer. (iii) The scale of modifications required would result in a scheme that is not substantially the same as that which was lodged with Council.
Other relevant history	
<ul style="list-style-type: none"> A pre-DA meeting was held in December 2018. The written feedback from this meeting identified a number of areas where the proposal departed from the provisions of <i>Part P: Heritage</i> of the Strathfield Development Control Plan (SCDCP) 2005. The design submitted with the development application is substantially the same as that submitted with the pre-DA application. 	
Compliance History	
Nil	
LEC Appeals	
Nil.	

DESCRIPTION OF THE SITE AND LOCALITY

Physical description
<ul style="list-style-type: none"> The subject site is legally described as Lot 65 & 66 in DP8778 and is commonly known as 19-21 South Street, Strathfield. The site has a total area of 2426.6m² and is rectangular in shape. The site has a frontage of 40.225m to South Street to the east, rear boundary of 40.235m to the west, and site depth of 60.35m. The site contains a number of mature trees within the front setback and along the rear boundary.
Topography
The site has a minor fall from front to rear of approximately 2.04m measured at the mid-point along the front and rear boundaries (RL36.87 to RL 34.83).
Existing structures
The site is currently developed with a two (2) storey 'Georgian Revival' rendered brick residence on the southern-most lot (Lot 66). An attached single width garage structure is located on the southern side of the building. An in-ground swimming pool and detached cabana structure is located on the northern most lot (Lot 65) and tennis court at the rear. A curved driveway connects two (2) vehicular crossings located in the front north-eastern and south-eastern corners. A low-lying stone wall runs along the front boundary. A masonry wall extends from the front building alignment to the northern side boundary, providing privacy to the swimming pool and rear yard.
Surrounding development
<p>To the north: Two (2) storey rendered brick dwelling house at 17 South Street (Figure 12).</p> <p>To the south: Two (2) storey brick dwelling house at 23 South Street (Figure 13).</p> <p>To the east: Mature street trees on Council's road reserve (Figure 4). One (1) and two (2) storey dwellings of varying architectural styles on the eastern side of South Street directly opposite the site (Figure 14).</p>

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To the west: Rear yards of detached dwelling houses at 20, 22 and 24 Myrna Road.

Surrounding streetscape: The surrounding streetscape is characterised by one and two (2) storey detached dwelling houses of varying architectural styles.



Figure 1. Locality plan (Source: Google Maps).



Figure 2. Aerial locality plan (Source: Google Maps).

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Figure 3. Subject site as viewed from South Street.



Figure 4. Street trees on Council's road reserve and existing stone wall along the front boundary of the site (Source: Google).

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Figure 5. Front (eastern) elevation of the existing building.



Figure 6. Existing Georgian revival house as viewed from the north-east (Source: POC+P Architects).

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Figure 7. Northern side elevation of the existing building (Source: Urbis).



Figure 8. Tennis court located at the rear and rear family room and verandah extension c. 1980s.

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Figure 9. *Tennis court located in the rear yard and existing trees along the rear boundary.*



Figure 10. *Swimming pool and detached timber cabana structure (c. 1987-1988).*

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Figure 11. Front of residential dwellings at 20, 22 and 24 Myrna Road, whose rear boundaries adjoin the rear boundary of the subject site.



Figure 12. Adjoining two (2) storey dwelling house at 17 South Street to the north of the site.

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Figure 13. *Adjoining two (2) storey dwelling house at 23 South Street to the south of the site.*



Figure 14. *One (1) and two (2) storey dwellings of varying architectural styles on the eastern side of South Street directly opposite the site.*

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 alterations and additions to an existing dwelling including demolition works, new basement level, relocation of tennis court and swimming pool and construction of an outbuilding, as follows:

Demolition works
Demolition of the following: <ul style="list-style-type: none"> • c. 1977 garage and WC (entry part retained) • c. 1985 ground floor rear additions including kitchen, laundry, living, terrace and pergola • c. 1985 bay window • c. 1940s living 2, study, bathroom, stair, bathrooms, bed 3 and bed 4 • c. 1981 bathrooms • c. 1987 garden wall • c. 1988 shed and cabana • c. 1987 swimming pool relocate existing tennis court to the south
Basement level
New excavated basement level: <ul style="list-style-type: none"> • Gym • cellar • Mechanical plant including pump-out tank to engineering details, OSD • Bike store for 6 x bicycles • Bin store • Car parking • Internal lift and stair • Games room • Sauna, steam room, shower, WC • Home theatre • Kitchenette and lobby • Lift • Services including water tanks
Ground level
<ul style="list-style-type: none"> • Existing entry reconfigured to create new study/office with external door, and new ensuite and cloak room • Existing Living 1 reconfigured to create new cellar and bathroom • Existing bed 1 and bed 2 reconfigured to create new guest bedroom and guest sitting room • New WC, service hall, arcade, formal dining room • New open plan kitchen/family room/diner's nook, butler's pantry including dry store and cool room • New rear covered terrace and colonnade terrace along the rear with new bar • New internal circular stair and new entry with portico • New formal living room, games room, WC • New lift
First floor level
<ul style="list-style-type: none"> • Reconfiguration of existing front three (3) rooms only in part to create new bed 2 with ensuite and bed 3 with ensuite and walk-in-robe • New master bedroom with separate walk-in-robe and ensuite, and new east facing Juliet balcony with new bridge connection • New circular internal stair and landing • New open plan study/sitting room/kitchenette • New box/suitcase store and linen cupboard • New bed 4 and bed 5 each with ensuite and walk-in-robe • New internal lift
Ancillary structures
<ul style="list-style-type: none"> • New clothes drying area at ground level adjacent the southern side boundary • New swimming pool, coping, and arbour • Relocated tennis court to the south • New cabana outbuilding with 2 x change rooms with WC, pool equipment, and garden store
Landscaping works
<ul style="list-style-type: none"> • New landscaping and lawns • Removal of five (5) trees (7, 11, 12, 13, 14) comprised of 4 x Lilly Pilly (<i>Acmena smithii</i>) along the rear

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- boundary and 1 x Umbrella Tree (*Schefflera actinophylla*) adjacent the northern boundary at the front of the site
- Retention of existing driveway and dual entries

REFERRALS

Referral	Comments	Satisfactory
<p>Heritage</p>	<p>The application should be refused on heritage grounds for the following reasons:</p> <p><i>“The proposal should be reconsidered and redesigned to reduce the impact of the proposal on the heritage item. The bulk of the addition should be relocated away from the building line of the existing dwelling house so as to not reduce the status of the existing heritage item to that of a less ornate wing of a grand mansion.</i></p> <p><i>Given the scope of amendments required, it is recommended that application be withdrawn and resubmitted as a new development application. Should the applicant wish to pursue the current proposal, I cannot support the application on heritage grounds for the reasons outlined above and the proposal should be recommended for refusal.”</i></p> <p>Key comments: Pre-DA Meeting:</p> <ul style="list-style-type: none"> <i>The site was the subject of a Pre-DA application. The written feedback from this meeting identified a number of areas where the proposal departed from the provisions of Part P of the Strathfield Development Control Plan 2005. The design submitted with the current development application does not propose any significant changes to the design of the main dwelling house or basement, with minor amendments to the pool house proposed.</i> <p>Georgian Revival style features:</p> <ul style="list-style-type: none"> <i>The HIS submitted with the application describes the Georgian Revival style as featuring key characteristics of</i> <ul style="list-style-type: none"> <i>Symmetrical facades with twelve pane windows (possibly with shutters)</i> <i>Gabled/hipped terracotta roofs</i> <i>Classical elements such as porticoes, pediments and classical columns</i> <i>Manicured and formal gardens, including classical garden ornaments</i> <i>Simple, symmetrical round archways and features</i> <p><i>The design submitted appears to be attempting to introduce into the proposed northern wing addressing the street frontage all of those characteristics of the Georgian revival design identified in the above list, which the SoHI identifies are lacking from the existing building. This results in an addition that is a more ornate reproduction of the Georgian Revival style than the existing heritage item on the site.</i></p> <p><i>The SoHI also seeks to establish that the item is not a good example of the Georgian Revival Style, providing an assessment of heritage significance undertaken by Urbis which recommended that the site be delisted from the heritage schedule. Notwithstanding this, an application for a Planning Proposal for the site to remove it from Schedule 5 of the Local Environmental Plan 2012 has not been submitted to Council.</i></p> <p>Scope of redesign:</p>	<p>No</p>

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	<ul style="list-style-type: none"> • <i>The site currently accommodates a two-storey dwelling house, at-grade garage, sand-based tennis court and swimming pool. Given the scope of the additions proposed and the constraints of the site in terms of TPZ and heritage considerations it is not certain that all the elements proposed in this development application can be accommodated on the site. The proposal requires a fundamental redesign to reconsider the form, siting and detailing of the proposed additions and how they relate to the heritage item. The design should seek to relocate the bulk of the additions in a manner that more closely reflects the objectives and controls within Part P of the DCP in general and Part P2.6 in particular.</i> <p>DCP compliance:</p> <ul style="list-style-type: none"> • <i>Further commentary is provided regarding the specific provisions of Part P of the DCP:</i> <p>2.4 Form <i>The proposal will obscure the importance of the existing form of the heritage item in the streetscape through the virtual replication of the form as part of the proposal and does not accord with this objective.</i></p> <p>2.6 Alterations and additions <i>Comment: The proposal fails to satisfy the provisions of the Part P2.6. The proposed additions seek to replicate the existing building with minimal attempt to address the concerns regarding visibility and prominence raised in the Pre-DA comments. The minor set down of the addition when compared to the existing building is barely discernible in the context of the bulk and massing of the proposed addition.</i></p> <p>2.7 Doors and windows <i>The proposed addition seeks to use Georgian revival design elements in greater numbers than are found on the heritage item and borders on pastiche.</i></p> <p>2.8 Car parking <i>The proposal includes basement car parking that utilises the existing driveway. A letter has been submitted from a structural engineer explaining how this has been achieved on other jobs through the use of piling, etc. It is not considered that this constitutes a structural report, and it is noted that there is no information on the plans submitted regarding the depth of footings for this building, how this relates to the extent of excavation proposed, and how the support for the existing building will be achievable in this instance.</i></p> <p>2.9 Fencing <i>No objections are raised regarding the proposed introduction of the separate pedestrian entry to the front boundary fence. The addition of stone piers changes the entire character of the front fence and is not supported and the gates proposed are disproportionately high, however these matters may be dealt with via conditions.</i></p> <p>2.10 Landscape elements including paving and driveways <i>The proposal seeks to maintain the landscape elements, paving and driveways.</i></p> <p>2.11 Outbuildings <i>The proposed outbuilding raises no concerns on heritage grounds although its proximity to the significant tree in the rear yard may be of concern.</i></p>	
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	<p>2.12 Modern technologies <i>The location of the solar panels and the A/C platform on the roof of the heritage item, should be reconsidered given that there is an entire new wing being proposed.</i></p>	
Landscaping	<ul style="list-style-type: none"> Any proposed ancillary structures and works within the Tree Protection Zone (TPZ) of Tree 10 including the cabana, retaining wall, soil level changes and paving are not supported. No objections are raised to the proposed tree removal and replacement plantings. <p>Key comments:</p> <ul style="list-style-type: none"> The proposed cabana and part of the retaining walls for the swimming pool and paving will impact on a significant and healthy <i>Eucalyptus tereticornis</i> (Forest Red Gum), Ref. Tree 10 in the <i>Arboricultural Assessment/Root Mapping Report</i>. Note: The Report incorrectly identifies Tree 10 as a <i>Eucalyptus saligna</i> (Sydney Blue Gum). The findings of Council's Tree and Landscaping Officer regarding the condition of Tree 10 differs from that in the Arborist Report. Tree 10 is regarded by Council's Officer to be in <i>good condition</i>, not in '<i>poor</i>' condition as referenced in the report. There are some dead branches in the canopy, however, the tree has received little maintenance pruning over the years. As such the accumulation of dead branches and limited dieback is not a sign of its condition, but a reflection of its old age and lack of maintenance. Further, there is a discrepancy in the retention index value attribute to the tree in the Arborist report and by Council's Officer. Should this application be approved, a condition requiring the payment of a security bond for 3 x Council trees is to be included as part of any consent. 	Yes - Subject to deletion of ancillary structures and works within TPZ of Tree 10
Traffic	<ul style="list-style-type: none"> No objections are raised from a traffic perspective by Council's Traffic Engineer, subject to the following: <ol style="list-style-type: none"> No changes being made to the driveway The inclusion of draft standard conditions of consent should this application be approved pertaining to Council's requirements for basement car parking and the preparation of a construction traffic management plan (CTMP). 	Yes
Engineering	<ul style="list-style-type: none"> No objections are raised by Council's Engineer, subject to: <ol style="list-style-type: none"> The inclusion of draft standard conditions of consent should this application be approved pertaining to stormwater management, BCA compliance, basement car parking requirements, certification of engineering works, rainwater tanks, excavation, and impacts <p>Key comments:</p> <ul style="list-style-type: none"> The site has a natural fall to the rear. Documentary evidence has been provided that a request to obtain a drainage easement over land at 22 and 24 Myrna Road, Strathfield were denied. Water Sensitive Urban Design has been incorporated into the stormwater design and Council's requirements have been met. The concept stormwater plans are feasible, subject to conditions. 	Yes

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:

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4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

A BASIX Certificate (No. 1012207S, dated 20/05/2019) was submitted as part of the application demonstrating compliance with the SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

Pursuant to Section 2(2) of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), the Policy:

“aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- a) by specifying when consent is required, and when it is not required, for a remediation work;*
- b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- c) by requiring that a remediation work meet certain standards and notification requirements.”*

Under Clause 7(1)(a) of SEPP 55 consideration has been given as to whether the subject site on which the development is occurring is contaminated.

As the site has a long history of residential use, it is considered that the land does not require further consideration under Clause 7(1)(b) and (c) of SEPP 55. The proposal is therefore acceptable with regard to SEPP 55: Remediation of Land.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application was reviewed by Council's Tree Officer who has raised concerns regarding works within the Tree Protection Zone (TPZ) of a significant *Eucalyptus tereticornis* (Forest Red Gum) (Tree 10), adjacent the rear western boundary. Tree 10 is significant to the site and area.

As such, the proposed ancillary structures including the cabana, retaining wall, paving, and soil level changes within the TPZ of Tree 10 are not supported and are recommended for deletion.

No further objections are raised from a landscaping perspective.

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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:

Cl. 1.2(2)	Aims	Complies
(a)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	No
(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	N/A
(c)	To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community	N/A
(d)	To provide opportunities for economic growth that will enhance the local community	N/A
(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	N/A
(f)	To identify and protect environmental and cultural heritage	No
(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Therefore, the proposal does not satisfy aims (a) and (f) under Clause 1.2(2) of the SLEP 2012.

Permissibility

Zoning	
R2 Low density residential	
Permissibility	
<ul style="list-style-type: none"> • <i>Dwelling houses</i> are permitted with consent. • The proposed alterations to an existing dwelling house and ancillary structures are permitted with consent. 	
Zone objectives	Complies
➤ <i>To provide for the housing needs of the community within a low-density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	N/A
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	No

The proposed additions to an existing heritage item do not allow the new work to be read as subservient to the heritage building. In effect, interpretation of the heritage item and its setting is not readily discernible.

The proposed northern wing presents as a more ornate reproduction of the 'Georgian Revival' style than the existing heritage item on the site. Moreover, its siting and continuation of the existing building line with new portico in-between undermines the status of the existing heritage item, and should be re-located away from the principal building.

As such, the proposal would adversely impact upon the heritage significance of the listed item and is therefore contrary to the respective zone objective as outlined in the table above.

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Part 4: Principal development standards

Height of building

The proposal complies with the maximum building height prescribed under Clause 4.3 and is consistent with the objectives of the standard, as follows:

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	7.9m maximum	✓
Objectives				Complies
a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area			✓
b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area			N/A
c)	To achieve a diversity of small and large development options.			N/A

Floor space ratio

The proposal complies with the maximum floor space ratio prescribed under Clause 4.4 and is consistent with the objectives of the standard, as follows:

Site Area: 2426.6m ²				
Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.5:1 (1213.3m ²)	0.44:1 (1074.9m ²)	✓
Objectives				Complies
a)	To ensure that dwellings are in keeping with the built form character of the local area			✓ Height compliant
b)	To provide consistency in the bulk and scale of new dwellings in residential areas			✓ FSR complies, albeit, the bulk and scale of the northern wing should be relocated away from the heritage item.
c)	To minimise the impact of new development on the amenity of adjoining properties			✓

Part 5: Miscellaneous Provisions

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

5.6 Architectural roof features

An air conditioning platform and screening and PV panels are proposed to the new section of roof to the heritage building. The AC platform is located behind the existing ridge and would not be visible from the public domain, but would be visible from the rear.

Due to the significance of the heritage item, no roof plant or panels are supported on the roof of the heritage item.

5.10 Heritage Conservation

The 'Georgian Revival house and garden' on land at 19-21 South Street are listed as a heritage item of local significance under Schedule 5 of SLEP 2012.

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The NSW Heritage Inventory provides the following description of the subject heritage item (last updated 31 July 2018):

"This two-storey Georgian Revival house is constructed of rendered brick with a tile hip roof. It is situated on a large allotment and is set well back from the street. It features one storey timber bay windows to the north and east with copper bellcast roofing. A recessed entry has fan and side lights to the door. Other elements include rendered chimneys and rendered string course. A mature garden, stone fence, tennis court and circular drive are important elements.

This well-maintained Georgian revival home was built in 1941 for Nigel B. Love of N.B Love Limited, flour millers. This firm is still active in the area with premises in Braidwood Street. The house is of local significance for its architectural qualities and for its association with a prominent local business." (Ref No. 2450130).

Pursuant to Clause 5.10(4), Council's Heritage Advisor has considered the effect of the proposed development on the heritage significance of the item. The proposal is not supported on heritage grounds, with detailed referral comments provided in the 'Referrals' section of this Report.

A Heritage Impact Statement, prepared by Urbis, has been submitted with the application.

Council's Heritage Advisor has undertaken an assessment of the proposal against the objectives of Clause 5.10(1) of the SLEP 2012, and offered the following comments:

"The proposal does not accord with the objectives of Clause 5.10 (1)(a) and (b) of the Strathfield LEP 2012 which seek to "a) conserve the environmental heritage of Strathfield," and "(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views" due to the siting, scale and detailing of the proposed addition. The proposal is considered to result in an unacceptable impact on the heritage significance of the heritage item (Cl. 5.10(4)) is not supported in its current form."

Therefore, the proposal is unacceptable with regard to Clause 5.10 of the SLEP 2012.

Part 6: Local Provisions

6.1 Acid sulfate soils

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

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map.

The site is not located within 500m of any adjacent Class 1, 2, 3 or 4 land. As such, there are no further matters for consideration.

6.2 Earthworks

Significant excavation is proposed to accommodate a new basement level under the existing heritage building. The submitted Section drawings indicate that excavation to a depth of approximately 3.8m is required for the proposed basement level (including depth of 600mm for the footings).

No objections are raised to the proposed excavation by Council's Engineer, subject to recommended draft conditions of consent.

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Certification has been provided from a practicing structural engineer following a preliminary investigation into the structural adequacy of existing walls to support the proposed additions. The structural adequacy statement states that the proposal to retain the existing walls whilst having a basement excavation can be structurally achieved, subject to future detailed documentation and design.

It is considered that there is insufficient information to enable a proper assessment of the impact of the proposed basement level and proposed additions on the structural integrity of the existing heritage item and impact to the adjoining properties. This is required at the DA stage in order to ascertain the viability of the proposal given the heritage significance of the building.

No geotechnical report has been submitted with the application. The consent authority cannot be satisfied of the matters required to be considered under Clause 6.2(3) before granting consent for earthworks.

As such, the proposal is not acceptable with regard to Clause 6.2 of the SLEP 2012.

6.3 Flood planning

The site is not subject to flood related development control.

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

None.

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

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	No
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	n/a Heritage provisions prevail
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	No
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	n/a Heritage provisions prevail
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	n/a Heritage provisions prevail
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	n/a Heritage provisions prevail
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	No
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	✓

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I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood. Assessing Officer's Comments: <ul style="list-style-type: none"> The addition of stone piers and disproportionately high gates to the new pedestrian entry and existing vehicular entries would alter the character of the existing low-lying stone front fence and are not supported. 	No
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J.	To protect and retain the amenity of adjoining properties.	✓
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	2.2 Development Controls	Complies
2.2.1	Streetscape Presentation	
1	New dwellings address street frontage with clear entry. Assessing Officer's Comments: <ul style="list-style-type: none"> The new entry is clearly defined and legible but not in a manner that respects the original entry and significance of the heritage item. 	n/a Heritage provisions prevail
2	Consistently occurring building features integrated within dwelling design.	No
3	Consideration of streetscape elements	No
4	Integrated security grilles/screens, ventilation louvres and garage doors	✓
2.2.2	Scale, Massing & Rhythm of Street	
1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	No
2	Building height and mass maintains amenity to adjacent properties open space or the public domain Assessing Officer's Comments: <ul style="list-style-type: none"> The visual prominence of the additions would physically overwhelm the heritage item and would have a detrimental impact on the streetscape. 	No
2.2.3	Building Forms	
1	Building form articulated.	✓
2	Dwellings on corner sites address both street frontages and articulated	n/a
3	Attic located within roof space of 1 or 2-storey dwelling or garage via internal stairs.	n/a
2.2.4	Roof Forms	
1	Roof form complements predominant form in the locality	n/a Heritage provisions prevail
2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	n/a Heritage provisions prevail
3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	n/a Heritage provisions

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		prevail
4	Roof structures are not visible from the public domain	✓
Materials		
5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	n/a Heritage provisions prevail
6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	n/a Heritage provisions prevail
7	New buildings and facades do not result in glare (Reflectivity Report may be required)	✓
Colours		
8	New development incorporates traditional colour schemes	n/a Heritage provisions prevail
9	The external colours integrate harmoniously with the external design of the building	n/a Heritage provisions prevail

3: Heritage

Refer to *Part P – Heritage* of SCDCP 20005.

Where there is any inconsistency with Part A, the provisions of Part P prevail.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.	n/a Heritage provisions prevail
B.	To minimise impact on the amenity of adjoining properties.	✓
C.	To establish and maintain the desired setbacks from the street and define the street edge.	n/a Heritage provisions prevail
D.	To create a perception or reinforce a sense of openness in the locality.	n/a Heritage provisions prevail
E.	To maintain view corridors between dwellings	n/a
F.	To assist in achieving passive surveillance whilst protecting visual privacy.	✓
G.	To provide a transitional area between public and private space.	n/a
4.2	Development Controls	Complies
4.2.1	Floor Space Ratio	

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1	Floor Space Ratio permissible pursuant to SLEP 2012	✓
2	Development compatible with the lot size	n/a Heritage provisions prevail

4.2.2 Building Height

1	Height of building permissible pursuant to SLEP 2012	✓
2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	
<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The height of the proposed outbuilding is generally 3.93m with ornate roof detail to 5.73m 		No
3	Dwelling houses and any ancillary structures 2-storeys (max)	✓
4	Building height responds to the gradient of the site to minimise cut and fill	✓

4.2.3 Setbacks

4.2.3.1 Street Setbacks

1	Setbacks consistent with minimum requirements of Table A.1	✓
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4.2.3.2 Side and Rear Setbacks

1	<p>A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).</p> <p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The site has a lot width of 40.235m. A combined setback of 8m is required based on 20% of the lot width. The first-floor addition to the west (beyond the existing walls to be retained) is setback 3.83m from the southern side boundary. The new first-floor extension to the north is setback between 3.87m to 4.050m. This falls short of the 8m width requirement. Additional concerns are raised on heritage grounds to the setback and siting of the northern wing addition. 	No
2	A rear setback of 6m (min)	✓
3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	✓
4	Garages and carports setbacks consistent with Table A.2	n/a

4.2.4 East-West Lots

1	Where primary street frontage faces east, the minimum side setback located on northern side.	n/a Heritage provisions prevail
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	2	The southern side setback utilised for driveway/garage entry.	✓
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5: Landscaping

5.1 Objectives		Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	✓
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	✓
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	✓ Subject to deletion of ancillary structures and soil changes within TPZ of Tree 10 on rear boundary
D.	To ensure adequate deep soil planting is retained on each allotment.	✓
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	✓
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	✓
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	✓
H.	To ensure that landscaped areas are designed to minimise water use.	✓
I.	To provide functional private open spaces for active or passive use by residents.	✓
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	✓
K.	To ensure the protection of trees during construction	✓ Suitable conditions to be imposed should this application be approved including security deposit for street trees
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	✓
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	✓ Note: Proposal unacceptable on heritage grounds
5.2 Development Controls		Complies
5.2.1	Landscaped area	
1	Landscaped area in accordance with Table A.3	✓
2	At least 50% of the minimum landscaped area located behind the building line to	✓

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	the rear boundary	
3	At least 50% of the front yard maintained as deep soil soft landscaping	✓
4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	✓
5	Planting areas soften the built form	✓ Note: Tree retention in front setback supported. Built form unacceptable on heritage grounds.
6	Front gardens respond and contribute to the garden character of Strathfield.	✓
7	Retain and reinforce the prevailing streetscape and surrounding locality	✓
8	Plant species must be retained, selected and planted to improve amenity	✓

5.2.2 Tree Protection

1	Arboricultural Impact Assessment Report prepared by an AQF Level 5 Arborist	✓
2	The Arboricultural Impact Assessment Report addresses minimum criteria	✓ Note: Discrepancy with Council's Tree's Officer regarding the species and condition of Tree 10.
3	Development provides for the retention and protection of existing significant trees	✓ Subject to deletion of ancillary structures and works within TPZ of Tree 10.
4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	✓
<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> • There is a discrepancy between the Arborist Report and Council's Tree's and Landscaping Officer regarding the species and condition of Tree 10. • Whilst the location of the cabana structure, retaining walls, and soil changes in the vicinity of Tree 10 are supported in the Arborist Report, these are considered to have a detrimental impact on the health of Tree 10, which is regarded to be significant to the site and area. 		
5	Council may request the applicant to engage a project Arborist	N/A
6	Opportunities for planting new canopy trees within the front setback	✓ Sufficient canopy coverage in front setback
7	At least one (1) canopy tree provided in the rear yard.	✓

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8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	✓
9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	✓
10	Driveway construction does not result in the removal, lopping or root damage to any street tree	✓
11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	✓

5.2.3 Private Open Space

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

5.2.4 Fencing

1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	No
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Comments:

- The provisions relating to fencing under Part P: Heritage of the SCDCP 2005 prevail.

6: Solar Access

6.1	Objectives	Satisfactory
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	N/A Alterations / additions proposed
B.	To minimise overshadowing of adjoining properties.	✓
6.2	Development Controls	Complies
6.2.1	Sunlight Access	
1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	n/a
2	Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	✓
3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	✓
4	The proposed development does not further reduce the amount of solar access	✓

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7: Privacy

7.1	Objectives	Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	✓
B.	To maintain reasonable sharing of views from public places and living areas	n/a No significant views
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	n/a
D.	To ensure that canopy trees take priority over views	n/a
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	n/a

7.2	Development Controls	Complies
7.2	Visual Privacy	
1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	✓ Subject to suitable conditions to screen south and west facing windows to Bed 5
2	Provide adequate separation of buildings	n/a Heritage provisions prevail
3	Ensure elevation of finished floor levels above NGL is not excessive	✓
4	Improve privacy to adjacent properties with screen planting	✓

7.2.2 Windows

1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	✓ Subject to suitable conditions to screen south and west facing windows to Bed 5
2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	As above
3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	As above

7.2.3 Elevated Decks Verandahs and Balconies

1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	✓
2	Elevated decks, verandahs and balconies incorporate privacy screens	n/a No screening required to Juliet balcony

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		to master bedroom. Note: Balcony not supported on heritage grounds.
3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	n/a
4	Balconies extending the full width of the front façade are not permitted	✓
7.2.4	Acoustic Privacy	
1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	n/a
2	Noise-sensitive rooms located away from noise sources	n/a
3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	n/a
4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	n/a

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	✓
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	✓
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	✓
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	✓
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	✓
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	✓
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	✓
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	✓

8.2	Development Controls	Complies
8.2.1	Driveway and Grades	
1	Existing driveways must be used (exceptions apply)	✓
2	The width of driveways at the property boundary is to be 3m	N/A Existing
3	The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	N/A Existing
4	Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	✓

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5	One (1) vehicular crossing (max) to any public road (exceptions apply)	No Retention of two existing crossings is supported
6	Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	✓
7	Vehicular turning areas for garages complies with relevant Australian Standard	✓
8	Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	N/A
9	Driveways avoid long and straight appearance by using variations and landscaping	✓
10	Driveway set back 0.5 metres (min) from side boundaries	✓
11	Driveways incorporate unit paving into the design	N/A Existing
12	Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	N/A Existing
13	Coloured concrete is not permitted in the driveway crossing outside the property boundary	N/A Existing
8.2.3	Basements	
1	The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	No
2	Excavation not permitted within the minimum side setbacks.	No
3	The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	✓
4	Internal clearance of 2.2m (min)	✓
5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	✓
6	Basement entries and ramps/driveways not greater than 3.5m wide	No Existing width of 4.3m retained
7	Driveway ramps are perpendicular to the property boundary at the street frontage	✓
8	Basements permit vehicles to enter and exit the basement in a forward direction	✓
9	Basements are discretionary on flood affected sites	N/A
10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	✓
11	Basements are not to be used for habitable purposes	✓ Subject to condition enforcing compliance

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	✓ Basement excavation not supported on heritage grounds due to insufficient

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		information
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	✓ Subject to conditions
9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	✓
2	Clean fill used only	✓ Can be conditioned
3	Cut and fill batters stabilised consistent with the soil properties	Insufficient information to enable proper assessment
4	Vegetation or structural measures are implemented when the site is disturbed.	Insufficient information to enable proper assessment
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	No
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Insufficient information to enable proper assessment
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	✓ Can be conditioned
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	✓

Comments:

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	✓
B.	To ensure compliance with Council's Stormwater Management Code	✓
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	✓
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	✓
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	✓
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	✓
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	✓

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10.2	Development Controls	Complies
10.2.1	Stormwater Management and Flood Prone areas	
1	Applicant contacted Council regarding site being flood prone land	✓
2	Compliance with Council's Stormwater Management Code	✓
3	Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	N/A
4	Minimum habitable floor height advice obtained for flood affected sites	N/A
5	A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	✓
6	Stormwater Management Code compliance	✓ Subject to recommended conditions by Council's Engineer
10.2.2	Acid Sulfate Soils	
1	Site managed consistent with the provisions contained in Clause 6.1 of SLEP 2012	✓
10.2.3	Soil Erosion and Sediment Control	
1	Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	✓ Can be conditioned
2	Sediment control measures applied	✓ Can be conditioned
3	Plans provided detailing stormwater quality treatment	✓ Endorsed by Council's Engineer subject to conditions

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	n/a Heritage provisions prevail
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	✓
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	✓
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	n/a Heritage provisions prevail
12.2	Development Controls	Complies
12.2.2	Outbuildings	

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1	Outbuilding located behind the front building line	✓
2	Side and rear setback is 0.5m (min)	✓
3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	✓
4	Windows do not face an adjoining property (exceptions apply)	✓ Acceptable on privacy grounds Note: TPZ constraints
5	The roof area is not accessible for any purpose	✓
6	Outbuildings are not to be used for habitable purposes	✓ Can be conditioned
7	Kitchen facilities are not permitted in an outbuilding	✓
8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	✓
12.2.3	Retaining Walls	
1	Retaining walls 1.2m (max) in height.	✓
2	Retaining walls in excess of 0.6m are fully designed and documented by a qualified practicing engineer	✓ Structural Certificate provided
12.2.4	Air-conditioning	
1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	n/a Heritage provisions prevail
3	Installation of residential grade air conditioners only	Can be conditioned
4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Can be conditioned
12.2.6	Swimming Pools	
1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	✓
2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	✓
3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	✓
4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	✓
5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	✓
12.2.7	Tennis Courts	

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1	Used for residential uses associated with the dwelling	✓
2	The minimum setback from any boundary is 1m unless the tennis court adjoins a neighbouring habitable building which is 3m (min)	✓
3	Side boundaries landscaped to ensure privacy and prevent unnecessary glare and light spill. The outside edge of a tennis court separated from a property boundary by 1m wide soft landscaping strip	✓
4	No portion of the finished surface level is more than 0.75m above NGL adjacent to the court.	✓
5	Enclosures to a maximum height of 3.6m with plastic-coated chain wire, black or dark green in colour on a suitable galvanised iron pipe frame	n/a Heritage provisions prevail
6	Lighting has a maximum intensity of 450 lux on the court surface with a spill of zero lux at horizontal distance of 2m from the surface	✓ Can be conditioned
7	Compliance with Council's Stormwater Management Code	✓

Comments:

13: Ecologically Sustainable Development

The proposal is acceptable with regard to Section 13. A BASIX Certificate has been submitted with the application.

Should this application be approved, it is recommended a condition is included as part of any consent to enforce BASIX commitments

13.1	Objectives	Satisfactory
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements. Assessing Officer's Comments: <ul style="list-style-type: none"> The proposal is acceptable with regard to Section 13. A BASIX Certificate has been submitted with the application. Should this application be approved, it is recommended a condition is included as part of any consent to enforce BASIX commitments 	✓

PART P – HERITAGE

1: Introduction

1.5	Objectives	Satisfactory
A.	To retain evidence of historic themes of development evident in the Strathfield LGA, through the proper care and maintenance of individual heritage items and Heritage Conservation Areas.	No
B.	To protect those items and areas that are of value to the local community.	No
C.	To encourage development which complements existing heritage items and Heritage Conservation Areas in a modern context.	No
D.	To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item and its setting.	N/A
E.	To retain any significance horticultural or landscape features that assist in the interpretation of Strathfield's heritage.	✓

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2: Development of Heritage Items

2.1	General Objectives	Satisfactory
A.	To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.	No
B.	To ensure that new development respects the contribution of a heritage items to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.	No
C.	To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.	No
D.	To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.	No
E.	To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.	✓
F.	To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.	No

Assessing Officer's Comments:

- **The siting and form of the new additions is unsympathetic to the heritage building.**
- **The proportions and scale of the additions are inappropriate. The proposal would not enable interpretation of the heritage item.**
- **The bulk of the additions to the north should be relocated away from the building line of the existing dwelling house so as to not reduce the status of the existing heritage item to that of a less ornate wing of a grand mansion.**

2.2	Setting	
Objectives		
A.	To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.	No
B.	To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape and retains the significance of the item.	No

Controls

(i)	Original elements that contribute to the setting of a heritage item such as landscaping, fences and gates, driveways, seawalls etc. should not be removed and, traditional garden designs should be reinstated where possible. Assessing Officer's Comments: <ul style="list-style-type: none"> • The addition of stone piers and disproportionately high gates to the new pedestrian entry and existing vehicular entries would alter the character of the existing low-lying stone front fence and are not supported. • The existing circular driveway is to be retained. • The submitted drawings indicate the retention of existing trees within the front setback. 	No
(ii)	New structures on land on which a heritage item is located such as swimming pools and outbuildings should be located so that they do not adversely impact on the significance of the heritage item. Assessing Officer's Comments: <ul style="list-style-type: none"> • The proposed outbuilding would not adversely impact upon the significance of the heritage building. • The proposed outbuilding is located within the TPZ of a significant Forest Red Gum tree on the rear boundary, which is significant to the setting of the heritage item. 	Partial compliance
(iii)	The natural landform and character of the area within which a Heritage Item is located, should be maintained, avoiding any cut and fill to land when constructing new buildings and landscaping grounds.	No Extensive excavation

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		proposed for new basement level
(iv)	Applications that propose basement additions may be required to provide a Structural Report from a practicing structural engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building or adjoining properties. This report should be provided as part of the development application. Assessing Officer's Comments: <ul style="list-style-type: none"> A structural certificate has been provided (not a Structural Report) with insufficient details to enable a proper assessment of the impact of the proposed basement and additions on the structural integrity of the heritage item. 	No
(v)	The placement of the basement entrance should not detract from the street presentation of the item of the streetscape. Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged.	✓
2.3 Scale		
Objective		
A.	To ensure that alterations and additions to a heritage item and new buildings on the site of a heritage item are of a scale consistent with the heritage item so as not to detract from the significance of the item.	No
Controls		
(i)	Development on the site of a heritage item must not dominate the item or detract from its significance.	No
(ii)	Development shall not obstruct significant views to and from the item of significance. Assessing Officer's Comments: <ul style="list-style-type: none"> The extent of demolition and scale of new work proposed would have a detrimental impact on how the existing heritage item is viewed from the streetscape. 	No
2.4 Form		
Objectives		
A.	To ensure that important elements of the form of a heritage item are not obscured or destroyed by alterations and additions. Assessing Officer's Comments: <ul style="list-style-type: none"> The proposal would obscure the importance of the existing form of the heritage item in the streetscape through the virtual replication of the form as part of the proposal and does not accord with this objective. 	No
B.	To ensure that the form of a heritage item retains its importance in the streetscape and/or townscape.	No
Controls		
(i)	Important elements of the form of a heritage item such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	No
(ii)	Development of a heritage item must seek to reconstruct missing architectural detailing of a Heritage Item where possible, including gables, finial trims, front verandahs or bays.	No
(iii)	Verandahs on the front and sides of a heritage item should not be filled in. Assessing Officer's Comments: <ul style="list-style-type: none"> The proposal retains the original entry recess, albeit, its integrity is compromised by the new ornate entry and portico structure and overwhelming scale of the additions. 	Partial compliance

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	<ul style="list-style-type: none"> While the rear verandah with pergola structure are part of later additions to the heritage item, the new work does not respect the relationship of this addition to the building. 	
(iv)	Additions and alterations to a heritage item should not detract from important aspects of the form of the heritage item.	No
(v)	<p>The original shape of the roof of a Heritage Item should not be altered.</p> <p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The proposal retains the 'original shape' of the existing roof, but replaces the existing tiles with 'slate grey'. The proposal involves demolition of the roof to the northern portion of the existing building. A direct connection with new ornate window additions and replica chimney of the Georgian revival style to the front elevation is proposed between the existing roof and the new roofing. This undermines the significance of the heritage item. The shape of the roof of the heritage item has been replicated for the roof to the new work. The reduced ridge RL of the new roof as an attempt to read as subservient to the heritage building is poorly conceived and would have a detrimental impact on the significance of the heritage item. 	Partial compliance

2.5 Materials and Colours

Objectives		
A.	To ensure that original materials that contribute to the significance of heritage items are not obscured.	No
	<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The proposal retains the 'original shape' of the existing roof, but replaces the existing tiles with 'slate grey'. The existing materials and finishes to the front façade are obscured by the addition of ornate 'shutters' to the first-floor windows, and by the lack of distinction in the colour/material palette to the new work. 	
B.	To ensure that colours of paintwork on heritage items are consistent with the significance of the heritage item.	No
C.	To ensure that materials on alterations and additions to heritage items are consistent with the materials of the heritage item.	No
	<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The materials and colours of the new work is not readily discernible as new fabric. 	

Controls		
(i)	The original wall treatment of a Heritage Item must be retained where possible. Unpainted brick or stone on a Heritage Item should not be painted or rendered.	✓
	<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The rendered façade is retained. 	
(ii)	Original materials of heritage items should not be replaced with different materials or materials of different colour.	No
(iii)	Non-original materials of heritage items that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.	No
	<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The roof tiles do not match the existing. New window shutters to the front façade are inconsistent with the original building. 	

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(iv)	Painting, rendering or bagging of original face brickwork and/or stonework is not permitted.	✓
(v)	The texture of original rendered finishes should not be changed.	✓
(vi)	Materials for additions and alterations to heritage items should be compatible with the original materials of the heritage item.	No
(vii)	Colour schemes for heritage items should have a hue and tonal relationship with traditional colour schemes for the period and style of the heritage item.	Partial compliance

Assessing Officer's Comments:

- The roof tiles in 'slate grey' do not match the existing terracotta colour.

(viii)	The use of fluorescent paint on heritage items is not permitted.	✓
(ix)	The façade of a heritage item is not to be painted in a corporate colour scheme.	✓
(x)	The use of modern finishes including stenciled concrete for driveways associated with heritage items is not permitted.	✓
(xi)	The original roof cladding of a heritage item (slate, tiles or corrugated iron) should not be changed if it is in good repair.	Partial compliance

Assessing Officer's Comments:

- The roof tiles in slate grey do not preserve the original terracotta colour.
- The Marseilles roof tile pattern is maintained.

(xii)	Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item as it exposes it to weathering and may change its appearance.	✓
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Assessing Officer's Comments:

- The HIS states that no sandblasting is proposed.

2.6 Alterations and additions

Objectives		
A.	To support the retention of heritage properties and maintain their heritage significance.	No
B.	To allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.	No
C.	To ensure that alterations or additions to heritage properties are sympathetic to the item and reflect the predominant scale, height, proportion, character and setbacks of the existing property, and surrounding development.	No

Controls		
(i)	Alterations and additions must not adversely impact the significance of a heritage item.	No
(ii)	Any alterations and additions must be consistent with the scale, form, proportion, details and materials of the heritage item.	No
(iii)	Alterations and additions to heritage items must be located so as to minimise their visibility and prominence from the street or adjoining streets, and the height must not be seen above the main ridgeline of the building. Refer to Figure 1 .	No



Figure 1: Two storey extension at the rear reduced visibility and prominence.

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(iv)	Ancillary buildings on the same site as a heritage item must be located so as to not obscure the significant elements of the Item.	✓
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Assessing Officer's Comments:

- The proposal fails to satisfy the provisions of the Clause 2.6.
- The minor set down of the addition when compared to the existing building is barely discernible in the context of the bulk and massing of the proposed addition.
- The proposed additions seek to replicate the existing building in a manner that is a more ornate reproduction of the Georgian Revival style. This undermines the significance of the heritage item and does not enable interpretation of the heritage item.
- The bulk, scale, form, and siting of the new work physically overwhelms the heritage item and would have a detrimental impact on the significance of the heritage item and its contribution to the streetscape.

2.7	Doors and Windows	
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Objectives

A.	To retain original windows and doors that contribute to the aesthetic quality and/or significance of a heritage item. Assessing Officer's Comments:	No
	<ul style="list-style-type: none"> • Notwithstanding the proposal involves demolition of existing windows/doors except for the majority of those along the front façade, the integrity of the building is undermined by the addition of ornate 'shutter' detailing to the first-floor windows. • The east (front) facing windows to the existing study's at ground and first floor level are deleted along with this northern portion of the existing building. 	
B.	To reinstate lost details that contributed to the aesthetic qualities and/or significance of a heritage item.	No
C.	To retain the proportions of walls and openings that contribute to the aesthetic quality of a heritage item.	No

Controls

(i)	Original window and door openings in a heritage item should be retained. If the original doors or windows have been lost, they are to be replaced with one of similar size, type and material for the age and style of the Item.	No
(ii)	Where original windows and doors in a heritage item have been removed and replacement of the new joinery is proposed, the form and detailing of the original windows and/or doors should be reconstructed.	No
(iii)	New dormer and roof windows of a house should preferably be located on rear roof slopes in preference to roof slopes visible from the street. Assessing Officer's Comments:	No
	<ul style="list-style-type: none"> • The proposed northern-wing addition seeks to use Georgian Revival design elements in greater numbers than are found on the heritage item. This is not supported from a heritage perspective. 	
(iv)	New dormer windows visible from the street must be located to complement the design of the building with proportions and details which do not detract from the significance of the building.	No
(v)	Extensive areas of glazing visible from the Public Domain are not permitted unless this was a feature of the original design of the building.	✓
(vi)	New skylights are not permitted in roof slopes visible from the Public Domain.	✓
(vii)	New skylights that involve the removal of significant fabric (e.g. decorative plaster ceilings) are generally not supported.	✓

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2.8 Car Parking		
Objectives		
A.	To ensure that garages and carports are designed to minimise the visual impact on views of heritage items.	✓
<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The basement entry utilises the existing driveway and is located on the same side of the building as the existing garage. This is supported. 		
B.	To ensure that car parking does not compromise the structural integrity of heritage items.	No
<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> A letter has been submitted from a structural engineer explaining how this has been achieved on other jobs through the use of piling, etc. It is not considered that this constitutes a Structural Report. Insufficient details are provided to determine the impact of the basement excavation on the heritage item, and how the support for the existing building will be achievable in this instance. A geotechnical report has not been submitted with the application. 		
Controls		
(i)	Garages and carports must be located behind the front building line.	✓
(ii)	Garages should not be incorporated into the front façade of a heritage item.	✓
(iii)	Where a new garage or carport is on the same side of a building as a front verandah, the garage or carport must be located entirely behind the verandah.	✓
(iv)	Applications that propose basement additions are required to provide a Structural Report from a practicing structural and geotechnical engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building as part of the development application.	No Refer comments above. A Structural Report has not been provided.
(v)	The placement of the basement entrance should not detract from the street presentation of the item of the streetscape. Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged.	✓
2.9 Fencing		
Objectives		
A.	To conserve gates and fences that are contemporary with heritage items.	Partial compliance
B.	To ensure that new fences and gates are in keeping with the character of the heritage item.	No
C.	To ensure that the significance of the heritage item is not diminished by inappropriate fencing.	No
<p>Assessing Officer's Comments:</p> <ul style="list-style-type: none"> The addition of stone piers to the new pedestrian entry and existing vehicular entries changes the entire character of the front fence and is not supported. The new gates proposed to the pedestrian and vehicular entries are disproportionately high. 		
Controls		
(i)	Original fencing styles and materials on a heritage item should be repaired and retained where possible.	✓
(ii)	New fencing and gates to a heritage item should be of a style and scale that is consistent with the style of the building.	No
(iii)	Unless evidence is provided to establish a greater height, solid fencing (i.e. brickwork/stone) forward of the building line should not be greater than 1m in height above the adjacent public footpath level.	No

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(iv)	Unless evidence is provided to establish a greater height, fencing forward of the building line, constructed of material such as timber pickets, metal pickets or wrought metal panels or a combination of masonry and one of the above materials, should not be greater than 1.5m in height above the adjacent public footpath level.	No 1.8m high stone piers and gates to new pedestrian / vehicular entries proposed
(v)	Original face brick or sandstone fencing to a heritage item should not be painted.	✓ Stone retained
(vi)	For front boundaries where there is no existing front fence or the existing fence is not contemporary with the Heritage Item, a new low fence should be constructed. Materials used for front fencing of Heritage Items should be similar to those of the building or those for which there is historical evidence.	n/a

2.10 Landscape Elements Including Pathways and Driveways

Objectives		
A.	To retain and protect heritage listed landscape elements.	Partial compliance
Assessing Officer's Comments:		
<ul style="list-style-type: none"> • The proposal outbuilding encroaches the TPZ of a significant tree (Tree 10) on the rear boundary and is not supported. • The proposal retains the existing circular driveway. This is supported. 		
B.	To retain important landscape elements that contribute to the significance of heritage items.	✓ Subject to deletion / relocation of ancillary structures and works within TPZ of Tree 10
C.	To reinforce the significance of the heritage item through appropriate landscaping.	✓
Controls		
(i)	Original driveways and footpath crossings that relate to a heritage item should not be relocated.	✓
(ii)	Double driveways and footpath crossings will generally not be permitted for houses listed as heritage items.	✓ Existing
(iii)	Original or early garden layouts that contribute to the significance of the heritage item should not be altered.	✓
(iv)	Established trees and shrubs that contribute to the significance of the heritage item should not be removed unless it can be established by an arborist that the health of the tree or shrub is such that it must be removed.	✓ Subject to deletion / relocation of ancillary structures and works within TPZ of Tree 10
(v)	Proposals involving substantial works should consider landscaping the front setback in a manner appropriate to the age and style of the dwelling.	✓
Assessing Officer's Comments:		
<ul style="list-style-type: none"> • The submitted plans show the retention of all trees within the front setback. • There is an inconsistency in the submitted Arborist report, which identifies Tree 7 (Umbrella Tree) on the northern side boundary within the front setback as being removed. • This can be conditioned for retention to ensure adequate screen planting. 		
		Existing trees within the front setback retained Note: Tree 7 is shown for retention on the submitted Plans (contrary to Arborist Report)

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2.11	Outbuildings	
Objective		
A.	To minimise visual intrusion on views of heritage items due to outbuildings.	✓
Controls		
(i)	Outbuildings should be located in the rear yard of heritage items.	✓
(ii)	Outbuildings should be single storey and designed so that they have negligible if any impact on important views of heritage items.	✓
(iii)	Outbuildings must not be greater in height or bulk than the heritage item.	✓

Assessing Comments:

- **No objections are raised to the proposed outbuilding on heritage grounds, albeit, the outbuilding is not supported due to its proximity to a significant tree (Tree 10) on the rear boundary.**

2.12	Modern Technologies	
Objective		
A.	To ensure that modern technologies do not impact on important views of heritage items. Assessing Officer's Comments: <ul style="list-style-type: none"> • Whilst located behind the existing ridgeline to be retained, the location of the AC platform and solar panels on the roof (newly constructed) of the heritage item is not supported. • The AC platform is highly visible from the rear and detracts from the significance of the item. 	No
Controls		
(i)	Modern technologies such as solar electricity collectors, television aerials and satellite dishes are to be located on roof planes facing the rear yard of heritage items and in a position to ensure they are not visible from the Public Domain.	✓
(ii)	Modern technologies should not be higher than the main ridge line of a building that is or is part of a heritage item and shall be located so that they are not visible from the Public Domain.	✓

2.13	Demolition	
Objective		
A.	To retain buildings that are of heritage significance or contribute to the significance of a heritage item.	Partial compliance
Controls		
(i)	Buildings that are listed as heritage items or contribute to the significance of a heritage item shall not be demolished.	Partial compliance
(ii)	Applications for the demolition of a heritage item must be accompanied by a Demolition Report. The report is to provide details of the heritage significance of the heritage item and is to address the applicable matters within this Part of the DCP. Plans of the replacement development are to be submitted with any application for demolition. Note: Submitting the documentation to seek approval to demolish a heritage item or contributory item does not imply that approval will be granted. Council may seek independent advice on aspects of any application for demolition.	No
(iii)	Partial demolition of heritage items may be possible subject to the merits of the proposal. Partial demolition of a heritage item may only be allowed when it can be established in a Statement of Heritage Impact that the partial demolition will not have an impact on the significance of the heritage item. Assessing Officer's Comments: <ul style="list-style-type: none"> • The application proposes extensive demolition of the heritage item. This is not supported. 	No

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	<ul style="list-style-type: none"> Retention of the existing heritage item is generally limited to the front façade. Albeit, the addition of shutters to the original windows is not supported. The submitted HIS states that demolition is limited to areas modified in the late 20th century and additions. The Urbis Heritage Assessment Report (Source: HIS) concludes that <i>“the integrity of the dwelling is such that a new dwelling of a high quality is considered a better outcome than adding to a poor example of the type”</i>. This finding is inconsistent with the proposal. The design approach of facadism together with additions that are not physically separate to the heritage item and seek to replicate the Georgian Revival style in a manner that is a more ornate reproduction, undermines the heritage significance of the item. The Statement of Significance on the NSW Heritage Inventory (Ref 2450130) identifies one storey timber bay windows to the north and east with copper bellcast roofing. The bay window to the north is proposed to be demolished. The HIS states that <i>“the bay window on the north façade is of limited significance and suitable to be demolished”</i>. It is considered that the eastern elevation of the heritage building should be preserved including restoration of the east facing bay window as this is identifiable from the streetscape. 	
(iv)	Outbuildings associated with heritage items can only be demolished where a Statement of Heritage Impact has established that the outbuilding does not contribute to the heritage significance of the place and the demolition does not impact on the significance of the heritage item.	✓
(v)	Where demolition is allowed, a photographic record of the building must be prepared for the site and submitted to Council prior to the commencement of the demolition works.	✓ Can be conditioned

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Waste Management Plan (WMP) prepared in accordance with Part H of the SCDCP 2005, which is satisfactory.

It is noted that neither the WMP or the HIS addresses the reuse of any significant demolished fabric.

4.15 (1)(a) (ia) 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.

The proposed development does involve demolition works. Should this application be approved, appropriate conditions of consent are to be imposed to ensure compliance with AS2601:1991.

(i) any coastal zone management plan

Not applicable.

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

The proposed development would have a detrimental impact on the significance of the heritage item and its contribution to the streetscape for the reasons outlined in this report.

As such, the proposal is considered to have a detrimental impact on the surrounding built environment.

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

The proposal is considered to be unsuitable to the site. The bulk, scale, siting and form of the new additions would physically overwhelm the heritage item and would have a detrimental impact on the significance of the heritage item and its interpretation from the public domain, particularly the northern and eastern facades of the heritage item and its curtilage.

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 **17 June 2019 to 01 July 2019. Two (2) submissions** were received from the following objectors:

1. Anonymous
2. Po Keung Cheng & Siu Fong Louisa Lau, 24 Myrna Road, Strathfield

The concerns raised are summarized below:

Issue	Concerns	Assessing officer's comments
Noise impacts from OSD Pump	<ul style="list-style-type: none"> • Noise to the master bedroom from the proposed OSD pump-out tank at the boundary between the subject site and 2 Myrna Road. • Should the application be approved, it is requested that a condition is imposed which restricts the noise level and operation time of the pumps to preclude noise impacts during sleep time. 	<ul style="list-style-type: none"> • An acoustic report has not been submitted with the application. • The proposed pump-out tank at basement level is located 17.8m from the shared boundary with 24 Myrna Road and 22.6m from the rear of the existing building at 24 Myrna Road. • There is considered to be adequate physical separation to maintain acoustic amenity to 24 Myrna Road.
Tennis Court lights	<ul style="list-style-type: none"> • Potential light spill nuisance to the master bedroom at 2 Myrna Road from the tennis court lights. • A condition is recommended to restrict the lights to between 8am to 10pm. 	<ul style="list-style-type: none"> • The SEE states that the existing tennis court lights are to be retained and would comply with Council's requirements, being a maximum intensity of 450 lux on the court surface with a spill of zero lux for a horizontal distance of 2m from the court surface. • Should this application be approved, it is recommended that a condition is imposed as part of any consent, which enforces compliance with Council's DCP requirements and restricts use to between 8am and 10pm to ensure aural privacy amenity to the adjoining

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		properties.
Retaining wall	<ul style="list-style-type: none"> Potential instability to the existing building and garden at 24 Myrna Road from the proposed retaining wall. 	<ul style="list-style-type: none"> A detailed Structural Report and geotechnical report has not been submitted with the application to enable a proper assessment of the impacts of the proposed development on the adjoining properties. This forms a reason for refusal of the application.
Solar access	<ul style="list-style-type: none"> The proposal 	<ul style="list-style-type: none"> Overshadowing impacts to the southern neighbouring property from the first-floor extension to the south are acceptable having regard to DCP requirements.
Setbacks	<ul style="list-style-type: none"> The proposed development seeks to demolish the existing garage and replace it with an extension to the ground and first floor, thereby altering the dwelling footprint. It is considered that the southern side setback should be reconsidered. Part 4.2.3.2 of the SCDCP 2005 states that new dwellings and extensions are to have a combined side setback equivalent to 20% of the width of the block, with a minimum 1.2m setback on each side. The larger side setback should be on the southern side for lots with an east-west orientation to minimise overshadowing of adjacent properties. 	<ul style="list-style-type: none"> The site has a lot width of 40.235m. A combined setback of 8m is required based on 20% of the lot width. The first-floor addition to the west (beyond the existing walls to be retained is setback 3.83m from the southern side boundary. The new first-floor extension to the north is setback between 3.87m to 4.050m. The bulk and siting of the additions to the north are not supported.
Privacy	<ul style="list-style-type: none"> Overlooking of the private open space, recreation areas and living room at 23 South Street from the new first floor west facing (NW25) and south facing (NW24) windows to Bed 5. 	<ul style="list-style-type: none"> NW24 and NW25 are located within 9m of the adjoining private open space at 23 South Street. The windows would result in an intensification of any potential privacy impacts. Should this application be approved, it is recommended that a condition requiring suitable privacy measures is included as part of any consent. Any fenestration treatments or screening devices would need to integrate with the architectural form of the heritage building.
Heritage	<ul style="list-style-type: none"> The subject site is listed as a heritage item under SLEP 2012. The current proposal would have a significant adverse impact on the significance of the heritage item. The proposal would establish an undesirable precedent in relation to development affecting heritage items. 	<ul style="list-style-type: none"> The proposal is not supported on heritage grounds and is recommended for refusal.

4.15 (1)(e) the public interest

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In determining whether or not the proposal is in the public interest, both the wider public interest and sectionalized public interest (protecting residential amenity or surrounding residential properties) must be taken into consideration.

With regard to the wider public interest, approval of the proposed development would have a detrimental impact on the wider community through the detrimental impact on a heritage item of local significance.

With regard to the sectionalized public interest, the proposal would not enable interpretation of the heritage item in the immediate streetscape context.

As such, the proposal is not considered to be in the public interest.

SECTION 7.11 CONTRIBUTIONS

Should this application be approved, a condition requiring payment of a monetary contribution in accordance with *Strathfield Direct Development Contributions Plan 2010-2030* is to be imposed as part of any consent.

CONCLUSION

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

Signed: PF
Consultant Assessment Officer

PEER REVIEW

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

Signed: Kandace Lindeberg
Executive Manager, Statutory Planning and Development

RECOMMENDATION

That the Strathfield Local Planning Panel, exercising the functions of Council as consent authority, **REFUSE** Development Application No. DA2019/085 for alterations and additions to an existing heritage listed dwelling house including partial demolition, new basement level, relocation of tennis court and swimming pool and construction of an outbuilding on land at 19-21 South Street, Strathfield for the following reasons:

1. Inconsistency with aims of Strathfield Local Environmental Plan 2012 – Clause 1.2: Aims of plan (SLEP 2012)

The proposed development should be refused because it does not achieve a high-quality urban form and does not protect environmental and cultural heritage. As such, the proposal is contrary to aims (a) and (f) under Clause 1.2(2) of SLEP 2012, as follows:

Clause 1.2(2):

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

2. Inconsistency with the objectives for heritage conservation in Strathfield LGA - Clause 5.10: Heritage conservation (SLEP 2012)

The proposed development should be refused because it does not conserve or respect the environmental heritage of Strathfield LGA. The proposed additions would have a detrimental impact on the significance of the heritage listed 'Georgian Revival house and garden' under SLEP 2012. As such, the proposal is contrary to aims (a) and (b) under Clause 5.10(1) of SLEP 2012, as follows:

Clause 5.10(1):

- **Objective (a):** *To conserve the environmental heritage of Strathfield*
- **Objective (b):** *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

3. Inconsistency with the zone objective pertaining to protection of heritage significance of heritage items – Land Use Table (SLEP 2012)

The proposed development should be refused because the proposal would adversely impact upon the heritage significance of the heritage item and its setting. As such, the proposal is contrary to the following zone objective for the R2 Low Density Residential zone under the Land Use Table of SLEP 2012, as follows:

Land Use Table – R2 Low Density Residential Zone:

- **Objective:** *To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.*

4. Inconsistency with objects of EP&A Act, 1979 – Clause 1.3: Objects of Act

The proposed development should be refused because it is inconsistent with objects (f) and (g) under Clause 1.3 of the Act, as follows:

Clause 1.3:

- **Object (f):** *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).*
- **Object (g):** *To promote good design and amenity of the built environment.*

5. Insufficient information to enable a proper assessment of proposed earthworks – Clause 6.2: Earthworks (SLEP 2012)

The proposed development should be refused because there is insufficient information to enable a proper assessment of the impact of the proposed basement level and proposed additions on the structural integrity of the existing heritage item and impact to the adjoining properties. This is required at the DA stage in order to ascertain the viability of the proposal given the heritage significance of the building. No detailed Structural Report or Geotechnical Report has been submitted with the application. The consent authority cannot be satisfied of the matters required to be considered under Clause 6.2(3) before granting consent for

DA2019/085 - 19-21 South Street, Strathfield
Lots 65 & 66 DP 8778 (Cont'd)

earthworks.

As such, the proposal is not acceptable with regard to Clause 6.2 of the SLEP 2012.

6. Inconsistency with *Part P: Heritage* under SCDCP 2005

The proposed development should be refused because it does not respect the significance of the heritage item and its contribution to the streetscape and does not accord with the following objectives and controls under *Part P: Heritage* of SCDCP 2005:

Clause 1.5: Objectives

- **Objectives (A), (B), (C).**

Clause 2.1: General Objectives

- **Objectives (A), (B), (C), (D), (E)**

Clause 2.2: Setting

- **Objectives (A), (B)**
- **Controls (i), (iii), (iv)**

Clause 2.3: Scale

- **Objective (A)**
- **Controls (i) and (ii)**

Clause 2.4: Form

- **Objectives (A), (B)**
- **Controls (i), (ii), (iv)**

Clause 2.5: Materials and Colours

- **Objectives (A), (B), (C)**
- **Controls (ii), (iii), (vi)**

Clause 2.6: Alterations and Additions

- **Objectives (A), (B), (C)**
- **Controls (i), (ii), (iii)**

Clause 2.7: Doors and Windows

- **Objectives (A), (B), (C)**
- **Controls (i), (ii), (iii), (iv)**

Clause 2.8: Car Parking

- **Objective (B)**
- **Control (iv)**

Clause 2.9: Fencing

- **Objectives (B), (C)**
- **Controls (ii), (iii), (iv)**

Clause 2.12: Modern Technologies

- **Objective (A)**

Clause 2.13: Demolition

- **Controls (ii), (iii)**
-

7. Inconsistency with *Part A: Dwelling Houses and Ancillary Structures* - SCDCP 2005

DA2019/085 - 19-21 South Street, Strathfield
Lots 65 & 66 DP 8778 (Cont'd)

The application should be refused because it does not accord with the following objectives and controls under *Part A: Dwelling Houses and Ancillary Structures* of SCDCP 2005:

Section 2: Architectural Design and Streetscape Presentation

Clause 2.1: Objectives

- Objectives (A), (C), (G), (I)

Clause 2.2.1: Streetscape Presentation

- Controls (2), (3)

Clause 2.2.2: Scale, Massing & Rhythm of Street

- Controls (1), (2)

Section 4: Building Envelope

Clause 4.2.2: Building Height

- Control (2)

Clause 4.2.3.2: Side and Rear Setbacks

- Control (1)

Section 5: Landscaping

Clause 5.2.4: Fencing

- Control (1)

Section 8: Vehicular Access and Parking

Clause 8.2.3: Basements

- Controls (1), (2), (6)

Section 9: Altering Natural Ground Level (Cut and Fill)

Clause 9.2: Development Controls

- Control (5)

8. **The proposed development would give rise to unacceptable environmental impacts - Section 4.15(1)(b) of the EP&A Act, 1979.**

The proposed development should be refused because it would have a detrimental impact on the significance of the heritage item and its streetscape contribution. In this regard, the proposal would adversely impact upon the surrounding built environment.

9. **The proposed development is unsuitable to the site – Section 4.15(1)(c) of the EP&A Act, 1979.**

The proposed development should be refused because it is unsuitable to the site. The bulk, scale, siting and form of the new additions would physically overwhelm the heritage item and would have a detrimental impact on the significance of the heritage item and its interpretation from the public domain, particularly the northern and eastern facades of the heritage item and its curtilage.

10. **The proposal development is not in the public interest - Section 4.15(1)(e) of the EP&A Act, 1979.**

**DA2019/085 - 19-21 South Street, Strathfield
Lots 65 & 66 DP 8778 (Cont'd)**

The proposal should be refused because it is not considered to be in the public interest.

With regard to the wider public interest, approval of the proposed development would have a detrimental impact on the wider community through the detrimental impact on a heritage item of local significance.

With regard to the sectionalized public interest, the proposal would not enable interpretation of the heritage item in the immediate streetscape context.

As such, the proposal is not considered to be in the public interest.

ATTACHMENTS

1. [↓](#) DA2019.085-Architectural Drawing Set - 19-21 South St



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 ACN 086 693 781
 Nominated Architect Patrick O'Carrigan FRAIA NSW ARB # 5025



**MAGDALINE
MOUAWAD**

PROPOSED ALTERATIONS AND ADDITIONS TO A HERITAGE ITEM
 19-21 SOUTH STREET, STRATHFIELD NSW 2135
 LOT 65+66 DP 8778
 FOR MAGDALINE MOUAWAD
 FOR DEVELOPMENT APPLICATION MAY 2019

PROJECT NO: 180302



DRAWING	TITLE	SCALE	SIZE	ISSUE
--	COVER PAGE	--	A3	--
--	LEGEND	--	A3	--
--	SITE SURVEY PLAN	--	A3	A
DA 01	BASIX COMMITMENTS	1:300	A3	C
DA 02	EXISTING SITE ANALYSIS	1:300	A3	C
DA 03	EXISTING + DEMOLITION GROUND FLOOR PLAN	1:200	A3	C
DA 04	EXISTING + DEMOLITION FIRST FLOOR + ROOF PLAN	1:200	A3	C
DA 05	EXISTING + DEMOLITION ELEVATIONS	1:200	A3	C
DA 06	STREETSCAPE ANALYSIS	1:200	A3	C
DA 07	PROPOSED MATERIALS + FINISHES	1:100	A3	D
DA 08	PROPOSED SITE PLAN	1:200	A3	D
DA 09	PROPOSED GROUND FLOOR PLAN	1:200	A3	D
DA 10	PROPOSED FIRST FLOOR PLAN	1:400	A3	D
DA 11	PROPOSED BASEMENT FLOOR PLAN	1:400	A3	D
DA 12	PROPOSED ROOF PLAN	NTS	A3	D
DA 13	PROPOSED EAST (STREETSCAPE) ELEVATION	1:200	A3	D
DA 14	PROPOSED WEST + NORTH + SOUTH ELEVATION	1:400	A3	D
DA 15	PROPOSED SECTION A-A + B-B	1:400	A3	D
DA 16	PROPOSED SECTION C-C	NTS	A3	B
DA 17	PROPOSED DRIVEWAY SECTION	1:400	A3	B
DA 18	PROPOSED FENCE ELEVATION + PLAN	NTS	A3	B
DA 19	PROPOSED FENCE DETAIL	1:400	A3	B
DA 20	PROPOSED SEDIMENT AND EROSION CONTROL PLAN	NTS	A3	B
DA 21	DIAGRAM GROSS FLOOR AREA	NTS	A3	B
DA 22	DIAGRAM LANDSCAPE AREA	NTS	A3	B

SURVEY PLAN -	W BUXTON PTY LTD	2
STORMWATER ENGINEERING PLAN -	ALPHA ENGINEERING AND DEVELOPMENT PTY LTD	A
LANDSCAPE PLAN -	NICHOLAS BRAY LANDSCAPES PTY LTD	B
SHADOW DIAGRAMS -	MAURICE HAYLER ARCHETYPAL GRAPHICS PTY LTD	A
PHOTOMONTAGE -	POC+P ARCHITECTS PTY LTD	B



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 Nominated Architect Patrick O'Carrigan FRAIA NSW ARB # 5025

**MAGDALINE
MOUAWAD**

PROJECT NO: 180302



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5 June 2019**

LEGEND	LEGEND	LEGEND	LEGEND
<p>GENERAL</p> <p>ACR ASHLAR CEMENT RENDER AC AIR CONDITIONING ADJ ADJUSTABLE BALC BALCONY BATH BATHROOM BOE BRICK ON EDGE BRM BEDROOM CJ CONTROL JOINT CL CENTRE LINE CLN CLEANERS CUPBOARD COR CORRIDOR CPBD CUPBOARD CR CEMENT RENDER DAR DRESSED ALL ROUND ENS ENSUITE EXTG EXISTING GAR GARAGE KB KITCHEN BENCH KIT KITCHENETTE LAM LAMINATE LR LOUNGEROOM LDY LAUNDRY OFF OFFICE P PAINT FINISH POR PORCH SHR SHOWER RECESS SEL SELECTED SKTG SKIRTING SS STAINLESS STEEL ST STORE ROOM TER TERRACE TYP TYPICAL VER VERANDAH VP VENT PIPE VT VENT WC TOILET WWR WALK IN ROBE WR WARDROBE WRC WESTERN RED CEDAR</p> <p>STRUCTURAL</p> <p>CHS CIRCULAR HOLLOW SECTION TO ENG. DETAIL CONC CONCRETE HDG HOT DIPPED GALVANISED UB UNIVERSAL BEAM / I-BEAM LVL LAMINATE VENEER LUMBER RC REINFORCED CONCRETE SB GALVANISED ROD STEEL BRACING SHS SQUARE HOLLOW SECTION STC STEEL TROWELLED FINISHED CONCRETE TB TIMBER BEAM TFJ TIMBER FLOOR JOIST TK 75 x 100mm HARDWOOD KEEN BRACING TP HARDWOOD TIMBER POST TS 75 x 35mm TIMBER STUD FRAME / MPG12 TT TIMBER TRUSS</p> <p>ELECTRICAL</p> <p>EDB ELECTRICAL DISTRIBUTION BOARD POE POINT OF ENTRY POWER SCL SECURITY LIGHT EXISTING GPO DOUBLE GPO SINGLE GPO PERMANENT CONNECTION SWITCH 2 WAY SWITCH DIMMER SWITCH SMOKE DETECTOR TO BCA 3.7.2 TV COAX OUTLET TELEPHONE OUTLET LOW VOLTAGE D/L LIGHT SENSOR DATA POINT</p>	<p>ELECTRICAL</p> <p>LOW VOLTAGE WALL WASHER RECESSED D / L COMPACT FLUORESCENT INCANDESCENT TUBE PELMET FLUORESCENT TWIN TUBE FLOOD LIGHT OYSTER FITTING EXHAUST FAN FAN EMERGENCY LUMINAIRE + BATTERY BACKUP SPRINKLER WALL LEVEL LAMP PENDANT LAMP FAN WEATHER LIGHT DISTRIBUTION BOARD METER BOARD LAMP LIGHT POINT STEREO SPEAKER KEYPAD SECURITY INTERCOM POINT INTERCOM LINE SECURITY CAMERA DYNALITE CONTROLLER 4 / 6 / 8 BUTTON CHANDELIER EXTERNAL LIGHTING BOLLARD DIMMABLE DOWNLIGHT</p> <p>LEVEL</p> <p>AFL ATTIC FLOOR LEVEL EGL EXISTING GROUND LEVEL FCL FINISHED CEILING LEVEL FFL FINISHED FLOOR LEVEL FGL FINISHED GROUND LEVEL GFL GROUND FLOOR LEVEL GRL GUTTER RELATIVE LEVEL TOP WINDOW HEAD NGL NEW GROUND LEVEL RL RELATIVE LEVEL TO AHD RRL RIDGE RELATIVE LEVEL S SILL LEVEL SL SLAB LEVEL</p> <p>FLOOR</p> <p>CFT CERAMIC FLOOR TILE CPT CARPET ET CLEAR EPOXY MEMBRANE FINISH TO TIMBER FLOORING</p> <p>DIRECTION OF FLOW</p> <p>MAR MARMOLEUM SKTG SKIRTING SST SELECTED STONE TILE TC TERRACOTTA TCT TERRACOTTA TILE T&G TONGUE & GROOVE STRIP FLOORING VYL VINYL FLOOR VFT VINYL FLOOR TILE PWF PLYWOOD FLOORING</p> <p>WALLS</p> <p>BV BRICK VENEER WALL CBW CAVITY BRICK WALL CB COLORBOND CFC COMPRESSED FIBRE CEMENT SHEETING CR CEMENT RENDER CS COLORBOND STEEL CUSTOM ORB CLADDING CWT CERAMIC WALL TILE EAR EXISTING ASHLAR RENDER ECR EXISTING CEMENT RENDERED EFB EXISTING FACE BRICK FB FACE BRICK FC 8mm VILLABOARD (FLUSH JOINT) NBDP NEW BLUEBOARD RENDER + PAINT NCR NEW CEMENT RENDER</p>	<p>WALLS</p> <p>PB PLASTERBOARD RBV REVERSE BRICK VENEER WBD WEATHERBOARD</p> <p>WINDOW / DOOR / LOUVRES / BALUSTRADE</p> <p>ALD ALUMINIUM FRAMED DOOR ALL ALUMINIUM LOUVRES ALLS ALUMINIUM LOUVRE SCREEN ALW ALUMINIUM FRAMED WINDOW D DOOR DH DOUBLE HUNG EGP EXISTING GLAZED PANEL EW EXISTING WINDOW FG FIXED GLAZING FGP FIXED GLAZED PANEL GB GLAZED BALUSTRADE GD GLAZED DOOR GL GLAZED LOUVRES HW HOPPER WINDOW HWS HARDWOOD SELECT NAGL NEW ALUMINIUM FRAMED GLAZED LOUVRES NALS NEW ALUMINIUM LOUVRES SCREEN NALSS NEW ALUMINIUM LOUVRES SUNSHADE NASW NEW ALUMINIUM FRAMED SLIDING WINDOW NBF NEW BI-FOLD DOOR NBW NEW BAY WINDOW ND NEW DOOR NFGP NEW FIXED GLAZED PANEL NFW NEW FIXED WINDOW NGB NEW GLAZED BALUSTRADE NGL NEW GLAZED LOUVRES NHW NEW HOPPER WINDOW NRS NEW ROLLER SHUTTER NSD NEW SLIDING DOOR NSWB NEW STAINLESS STEEL WIRE BALUSTRADE NTD NEW TIMBER DOOR NTGP NEW TINTED GLASS PANEL NTGSS NEW TINTED GLAZED SUNSHADING NW NEW WINDOW OG OBSCURE GLASS RS ROLLER SHUTTER SD SLIDING DOOR SSB STAINLESS STEEL WIRE BALUSTRADE TB TIMBER BALUSTRADE TF TIMBER FRAMED TG TINTED GLAZE TLS TIMBER LOUVRES SCREEN TW TIMBER FRAMED WINDOW TD TIMBER DOOR W WINDOW WRC WESTERN RED CEDAR</p> <p>ROOF</p> <p>BG BOX GUTTER BI BULK INSULATION BLANKET & SARKING BR BARGE ROLL METAL COLORBOND CMR COLORBOND METAL ROOF CRF CORRUGATED STEEL ROOF DP DOWN PIPE Ø 75 EG EAVES GUTTER ETR EXISTING TILE ROOF ECOR EXISTING CORRUGATED ROOF EXH EXHAUST G GABLE H HIP HCA HIP CAPPING (ROLL TOP) SL SKYLIGHT MDR METAL DECK ROOF MRC METAL RIDGE CAPPING (ROLL TOP) NCRF NEW CORRUGATED ROOF NMR NEW METAL ROOF NTR NEW TILE ROOF OF OVERFLOW R RIDGE RG RAKING GUTTER</p>	<p>ROOF</p> <p>RT ROOF TURBINE RWH RAINWATER HEAD SP SUSPENDED SET PLASTERBOARD STU SOLAR TUBE TBB TIMBER BARGE BOARD TF TIMBER FINIAL V VALLEY VG VALLEY GUTTER VP VENT PIPE</p> <p>MISCELLANEOUS</p> <p>ALUM ALUMINIUM BS BASIN CTO COOKTOP DR DRAWER F FRIDGE FBL FIRE BLANKET FE FIRE EXTINGUISHER FP FIREPLACE FW FLOOR WASTE GO GOING/ TREAD GR GRAB RAIL HC HOSE COCK HWU HOT WATER UNIT IMP IMPERVIOUS KBO KICK BOARD KO KERB OUTLET LFT LAMINATED FLOOR TILE M MIRROR OV OVEN PIC POWDER COATED RI RISER RH RANGEHOOD RWT RAIN WATER TANK SC SHOWER CURTAIN SCR SHOWER CURTAIN RAIL SDH SOAP DISH HOLDER SI SINK SM SHOWER MIXER SPD SOAP DISPENSER SR SHOWER ROSE SWP STORM WATER PIT T TAP TB TOILET BRUSH TOR TOWEL RING TR TOWEL RAIL TPH TOWEL PAPER HOLDER VC VANITY CABINET WM WASHING MACHINE UPVC UNPLASTICISED POLYVINYL CHLORIDE</p> <p>WALL TYPES</p> <p>BRICK WORK INFILL CREATE OPENING ON EXTG STRUCTURE EXISTING WALL EXISTING WALL ETC. REMOVED NEW 110 BRICKWORK HEBEL NEW HDG STEEL COLUMN</p>

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments

Fixtures

- The applicant must install showerheads with a minimum rating of 3 star (> 4.5 but <= 6 L/min) in all showers in the development.
- The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.
- The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.
- The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.

Alternative Water

- The applicant must install a rainwater tank of at least 10 000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.
- The applicant must configure the rainwater tank to collect rain runoff from at least 250 square meters of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).
- The applicant must connect the rainwater tank to:
 - All toilets in the development.
 - The cold water tap that supplies each clothes washer in the development.
 - At least one outdoor tap in the development. (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with portable water supply).
 - A tap that is located within 10 metres of the swimming pool in the development.

Swimming Pool

- The swimming pool must not have a volume greater than 68 kilolitres.
- The swimming pool must have a pool cover.
- The swimming pool must be outdoors.

Thermal Comfort Commitments

Simulation Method

- The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.
- The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.
- The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.
- The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.
- The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.
- The applicant must construct the floor and walls of the dwelling in accordance with the specifications listed below:
 - floor - concrete slab on ground - area 409.0 square metres
 - floor - suspended floor/open subfloor - 30.0 square metres
 - floor - suspended floor above garage - All or part of floor area

Energy Commitments

Hot Water

- The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.

Cooling System

- The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: airconditioning ducting only; Energy rating: n/a
- The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: airconditioning ducting only; Energy rating: n/a

Ventilation

- The applicant must install the following exhaust systems in the development:
 - At least 1 Bathroom: individual fan, ducted to facade or roof; Operation control: manual switch on/off
 - Kitchen: individual fan, ducted to facade or roof; Operation control: manual switch on/off
 - Laundry: individual fan, ducted to facade or roof; Operation control: manual switch on/off

Artificial Lighting

- The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:
 - at least 7 of the bedrooms/ study; dedicated
 - at least 8 of the living/ dining rooms; dedicated
 - the kitchen; dedicated
 - all bathrooms/toilets; dedicated
 - the laundry; dedicated
 - all hallways; dedicated

Natural Lighting

- The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.
- The applicant must install a window and/or skylight in 9 bathroom(s)/toilet(s) in the development for natural lighting.

Swimming Pool

- The development must not incorporate any heating system for the swimming pool.
- The applicant must install a timer for the swimming pool pump in the development.

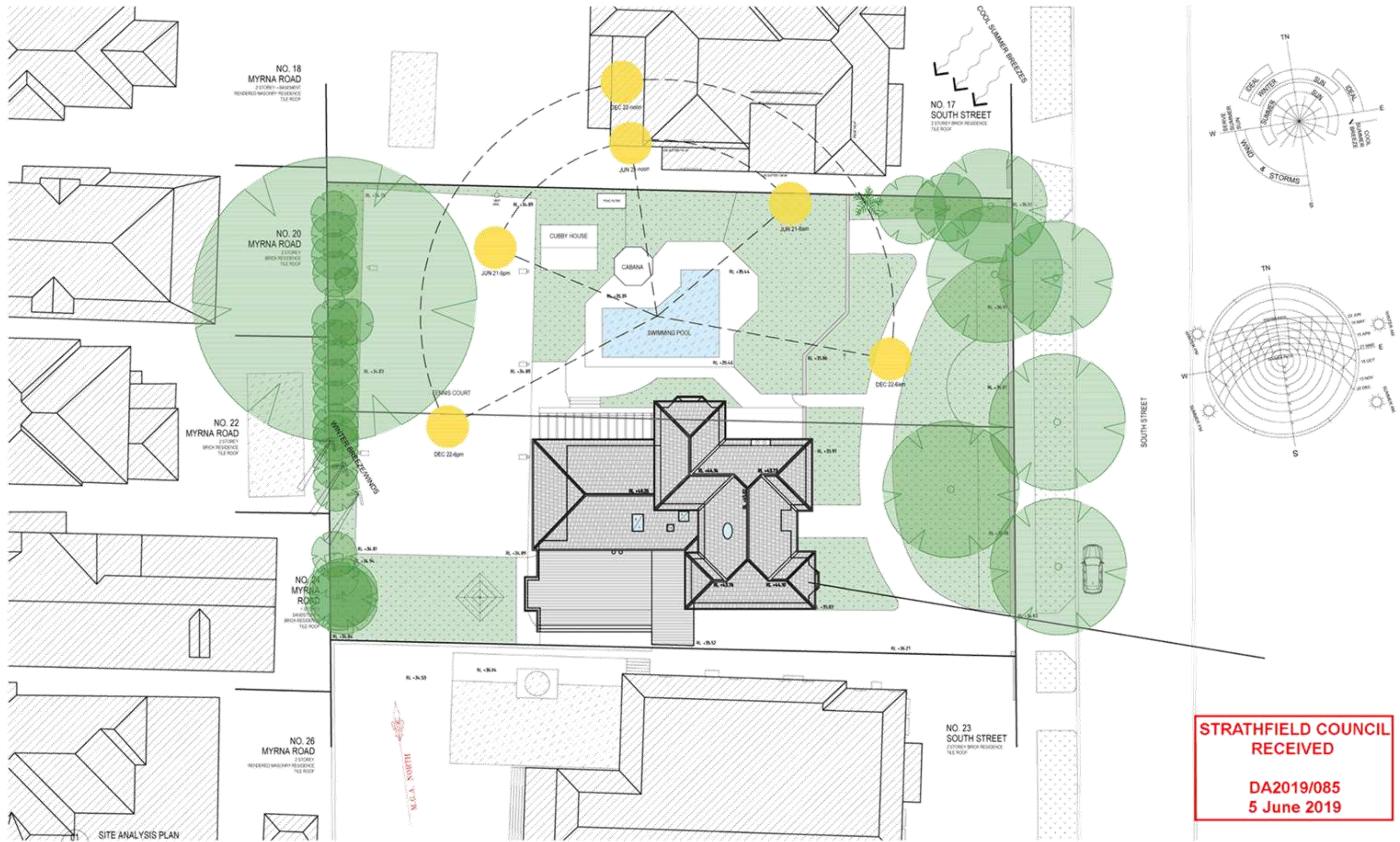
Alternative Energy

- The applicant must install a photovoltaic system with the capacity to generate at least 3.5 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.

Other

- The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.
- The applicant must construct each refrigerator space in the development so that it is "well ventilated" as defined in the BASIX definitions.





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DA2019/085
5 June 2019

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The completion of the issue details checked and authorized section is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed 'For Construction' and authorized for issue.

LEGEND

NO.	REVISIONS	DATE
1	FOR DA	20/05/19
2	FOR DA DRAFT	28/05/19
3	FOR CLIENT REVIEW	28/05/19
4	FOR DA	04/06/19

TRUE NORTH

CLIENT
John and Magdaline Mouawad

BUILDER

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
19-21 South Street, Strathfield DP 8778 Lot 65 + 66

ARCHITECT
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asn 086 693 781

CHECKED/AUTHORISED
Name: Patrick O'Carroll
Patrick O'Carroll
P.O. 180302/19
INITIAL/SIGNATURE

FOR DA

DRAWING TITLE
SITE ANALYSIS
EXISTING

SCALE 1:300 @ A3

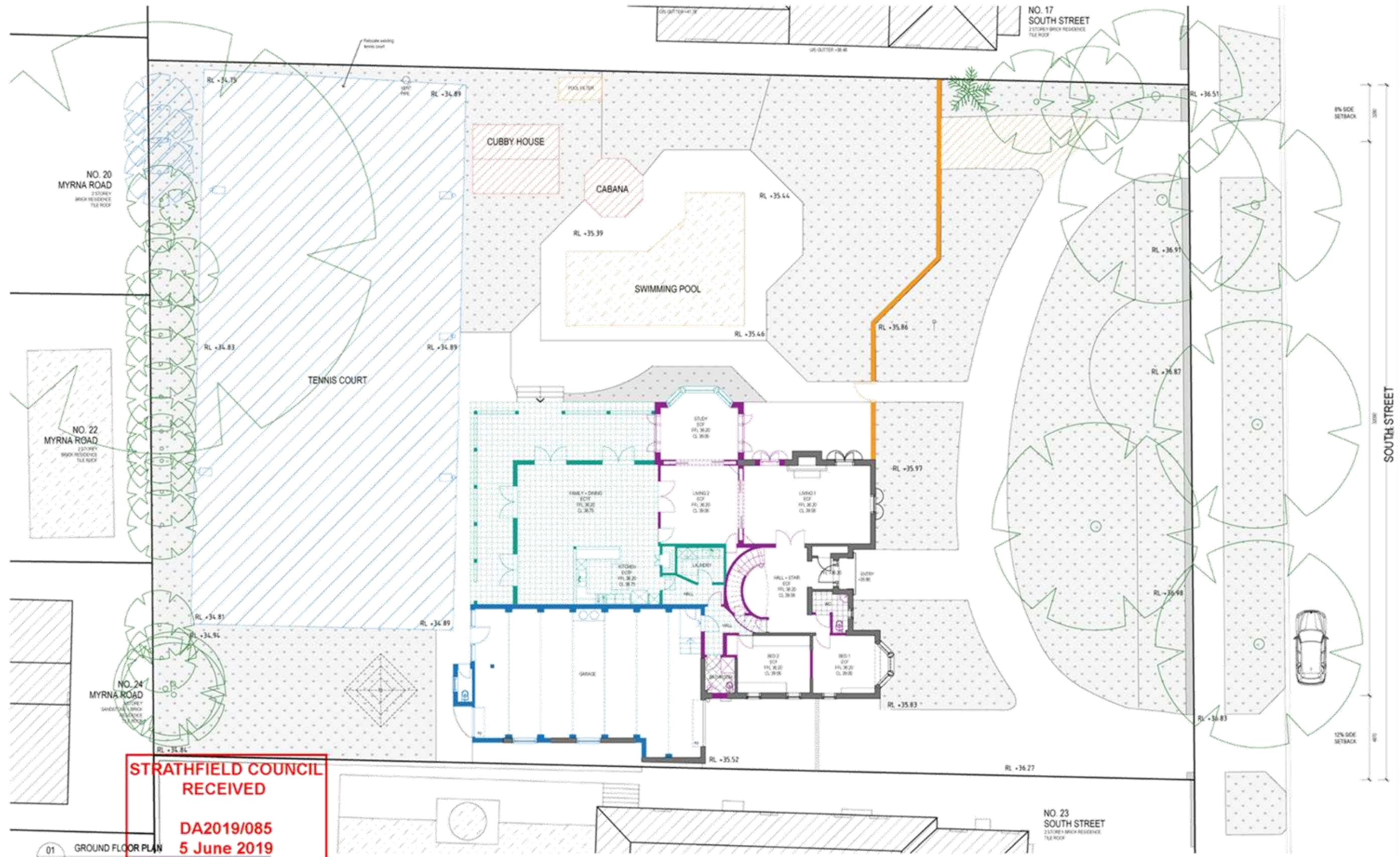
PLOT DATE
20/05/19

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PROJECT NO.
180302

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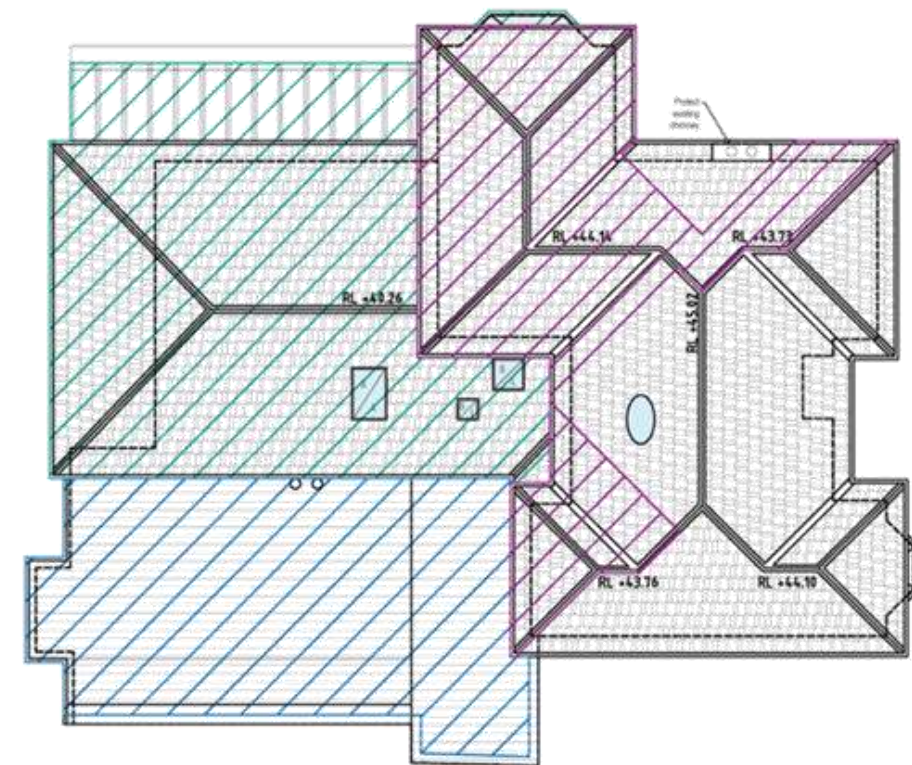
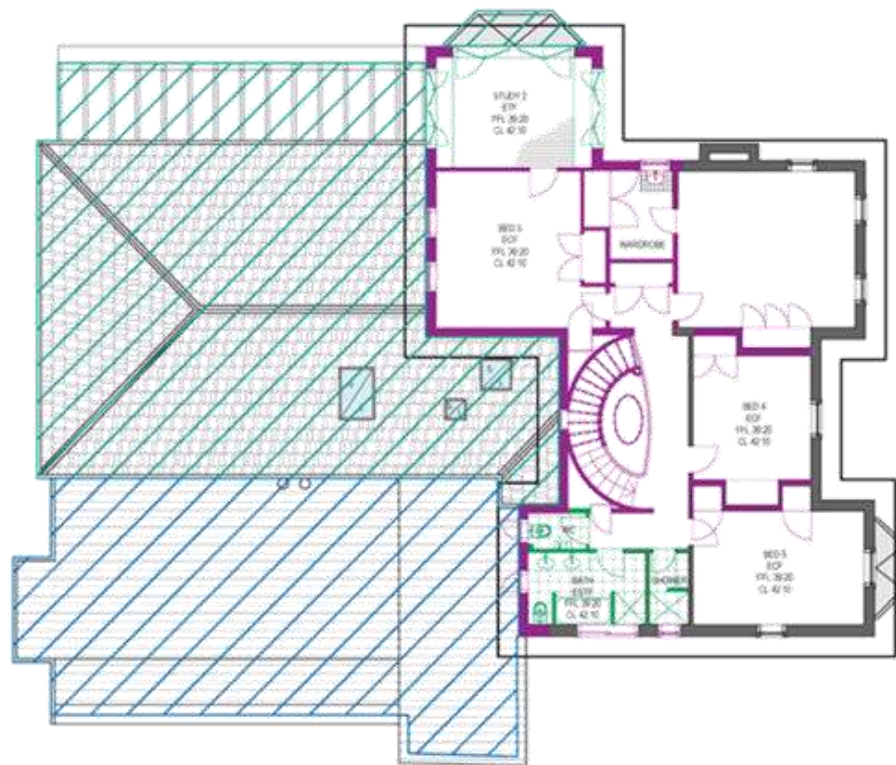
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DA02



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5 June 2019

01 GROUND FLOOR PLAN
EXISTING + DEMOLITION - 1:200

<p>© PATRICK O'CARROLL + PARTNERS PTY LTD ACN 086 603 781</p> <p>LEGEND</p> <ul style="list-style-type: none"> DEMOLITION - ORIGINAL BUILDING c. 1940s DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c. 1977 DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c. 1981 DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c. 1985 DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c. 1987 DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c. 1988 	<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th><th>DATE</th></tr> <tr><td>1</td><td>FOR DA</td><td>20/05/19</td></tr> <tr><td>2</td><td>FOR DA DRAFT</td><td>28/05/19</td></tr> <tr><td>3</td><td>FOR CLIENT REVIEW</td><td>28/05/19</td></tr> <tr><td>4</td><td>FOR SIGNATURE</td><td>04/06/19</td></tr> </table>	NO.	DESCRIPTION	DATE	1	FOR DA	20/05/19	2	FOR DA DRAFT	28/05/19	3	FOR CLIENT REVIEW	28/05/19	4	FOR SIGNATURE	04/06/19	<p>TRUE NORTH</p>	<p>CLIENT John and Magdaline Mouawad</p> <p>BUILDER</p>	<p>PROJECT PROPOSED ALTERATIONS AND ADDITIONS TO 19-21 South Street, Strathfield DP 8778 Lot 65 + 66</p> <p>ARCHITECT Level 1 78 Edwin St North Crows Nest NSW 1585 Sydney, Australia T 02 9750 9800 F 02 9750 8011 www.poc+p.com.au patrick@poc+p.com.au acn 086 603 781</p> <p>CHECKED/AUTHORISED Name: Patrick O'Carroll Patrick O'Carroll FRANK 180302/04 + 1015</p> <p>INITIAL SIGNATURE</p>	<p>FOR DA</p> <p>DRAWING TITLE GROUND FLOOR + SITE PLAN EXISTING + DEMOLITION</p> <p>SCALE 1:200 @ A3</p> <p>PLOT DATE 20/05/19</p> <p>PROJECT NO 180302</p> <p>DRAWN EF</p> <p>ISSUE C</p> <p>DRAWING NO DA03</p>
	NO.	DESCRIPTION	DATE																	
1	FOR DA	20/05/19																		
2	FOR DA DRAFT	28/05/19																		
3	FOR CLIENT REVIEW	28/05/19																		
4	FOR SIGNATURE	04/06/19																		
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01 FIRST FLOOR PLAN
EXISTING + DEMOLITION - 1:200

02 ROOF PLAN
EXISTING + DEMOLITION - 1:200

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LEGEND	
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	DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c.1977
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	DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c.1985
	DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c.1987
	DEMOLITION - EXISTING ALTERATIONS + ADDITIONS c.1988

REVISIONS	
NO.	DATE



CLIENT
John and Magdaline Mouawad

BUILDER

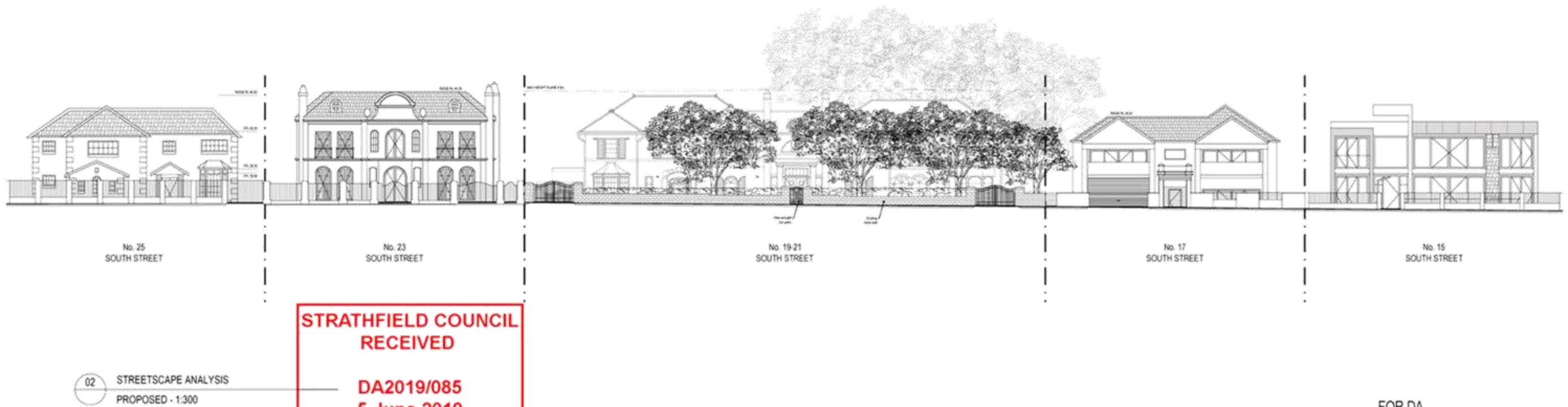
PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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CHECKED/AUTHORISED
Nominated Architect
Patrick O'Carigan
KIRAN NAYAK # 5025

INITIALS/SIGNATURE

FOR DA	
DRAWING TITLE ELEVATIONS EXISTING + DEMOLITION	
SCALE 1:200 @ A3	
PLOT DATE 20/05/19	DRAWN EF
PROJECT NO. 180302	ISSUE C
DRAWING NO. DA05	



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LEGEND

NO.	REVISIONS	DATE
D	FOR DA	20/05/19
C	FOR DA DRAFT	20/05/19
B	FOR DA	07/05/19
A	FOR CLIENT REVIEW	20/05/19
	DATE	DATE

TRUE NORTH



CLIENT
John and Magdaline Mouawad

BUILDER

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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Nominated Architect
Patrick O'Carraigian
KMAA NO. 145488 & 5025

INITIALS/SIGNATURE

FOR DA		DRAWING NO.
DRAWING TITLE STREETScape ANALYSIS EXISTING + PROPOSED		DA06
SCALE 1:300 @ A3	PLOT DATE 20/05/19	DRAWN EF
	PROJECT NO. 180302	ISSUE D



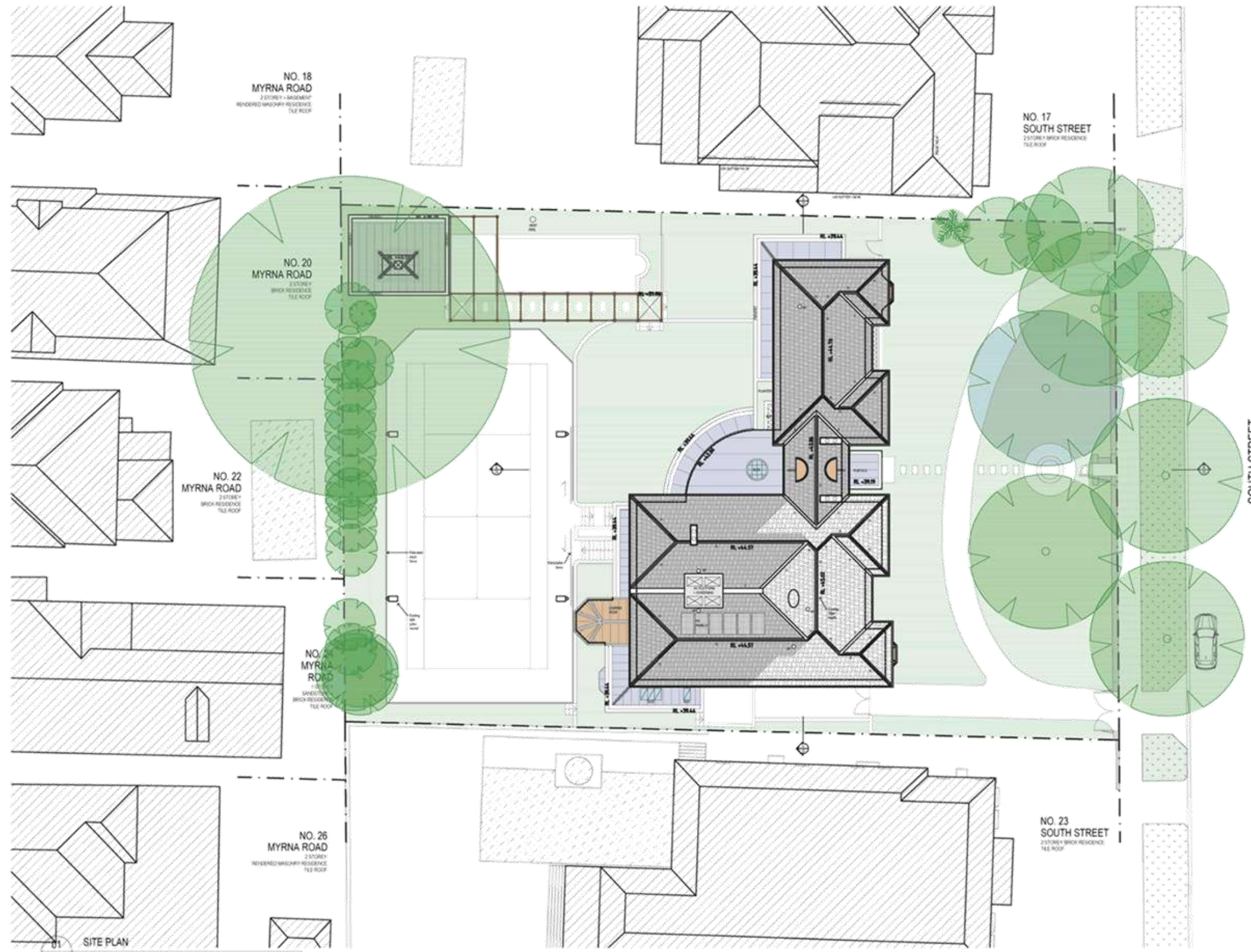
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01 MATERIALS + FINISHES
PROPOSED - 1:200

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PROJECT NO. 180302	ISSUE D																												



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1	FOR DA	28/05/19
2	FOR DA DRAFT	28/05/19
3	FOR PRELIMINARY REVIEW	01/06/19
4	FOR CLIENT REVIEW	28/05/19
5	FOR DA	04/06/19

TRUE NORTH

CLIENT
John and Magdaline Mouawad

BUILDER

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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CHECKED/AUTHORISED
Nominated Architect
Patrick O'Conner
PRACTICE NO. 10015

INITIALS/SIGNATURE

FOR DA

DRAWING TITLE
SITE PLAN
PROPOSED

SCALE 1:300 @ A3

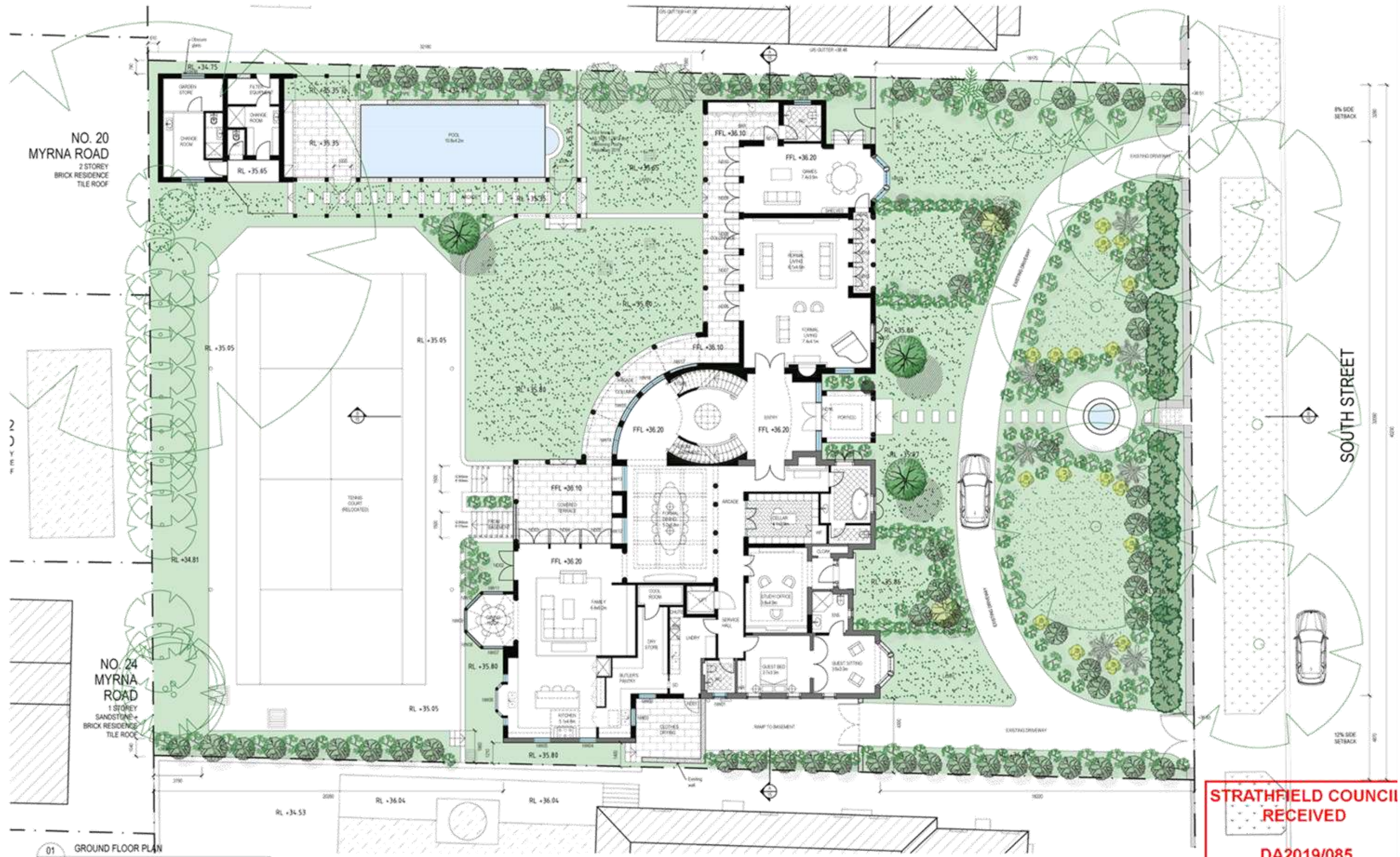
PLOT DATE 20/05/19

PROJECT NO 180302

DRAWN EF

ISSUE D

DRAWING NO DA08



01 GROUND FLOOR PLAN
PROPOSED - 1:200

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FOR DA
DRAWING TITLE
GROUND FLOOR PLAN
PROPOSED
SCALE 1:200 @ A3
PLOT DATE 20/05/19
PROJECT NO 180302
DRAWN EF
ISSUE D
DRAWING NO DA09

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LEGEND	
	EXISTING WALL
	PROPOSED WALL
	LANDSCAPED AREA
	DEEP SOIL LANDSCAPED AREA
	EXISTING TILE ROOF
	PROPOSED TILE ROOF
	PROPOSED PARAPET METAL ROOF OR SIMILAR
	PROPOSED ZINC (COPPER PATINA)

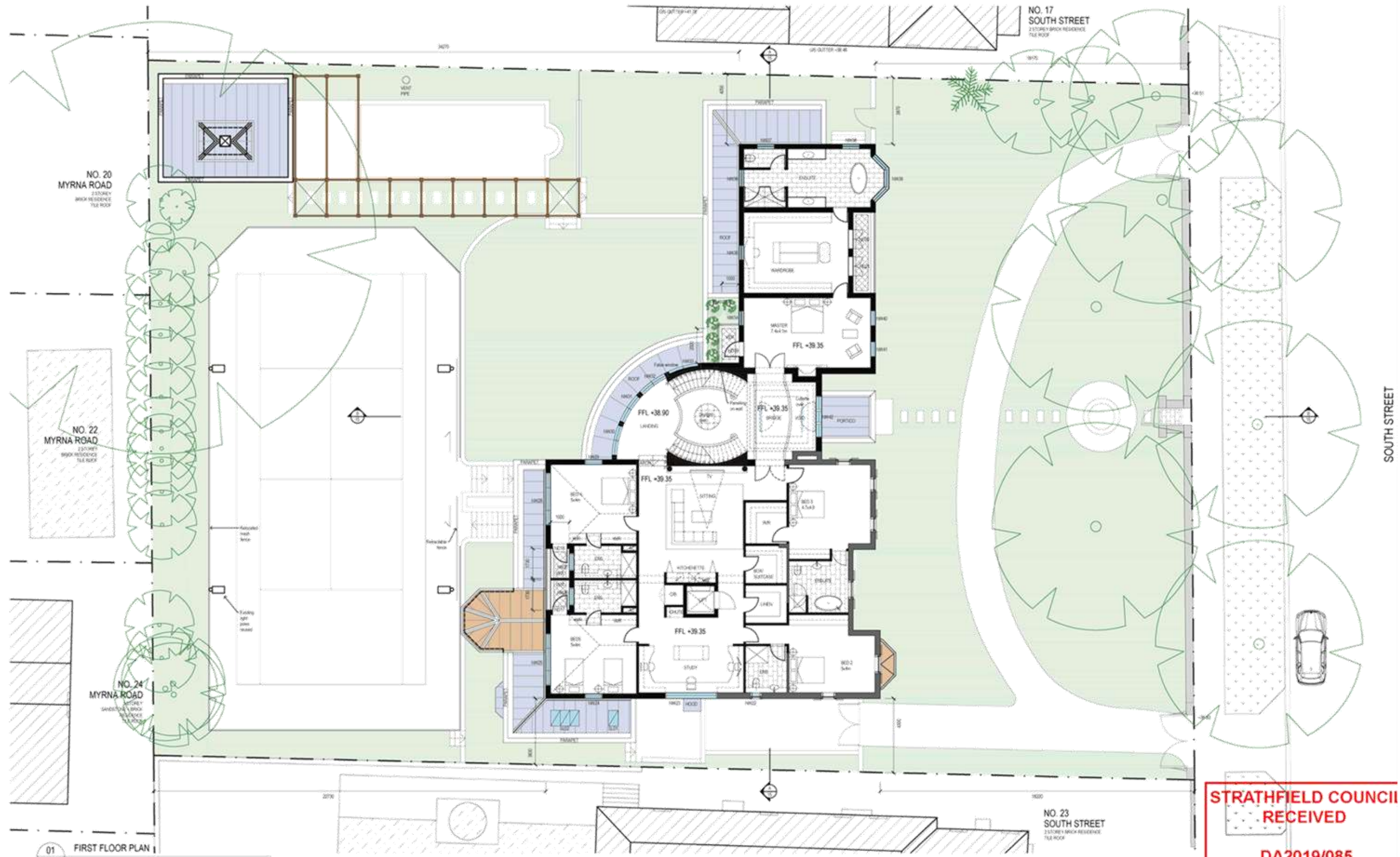
REVISIONS	
1	ISSUE FOR PERMIT
2	ISSUE FOR PERMIT
3	ISSUE FOR PERMIT
4	ISSUE FOR PERMIT
5	ISSUE FOR PERMIT



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John and Magdaline Mouawad
BUILDER

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CHECKED/AUTHORISED
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Patrick O'Carroll
Patrick O'Carroll & Partners
INITIALS/SIGNATURE



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LEGEND	
	EXISTING WALL
	PROPOSED WALL
	LANDSCAPED AREA
	DEEP SOIL LANDSCAPED AREA
	EXISTING TILE ROOF
	PROPOSED TILE ROOF
	PROPOSED PARAPET METAL ROOF OR SIMILAR
	PROPOSED ZINC (COPPER PATINA)

REVISIONS	
D	FOR DA
C	FOR DA DRAFT
B	FOR P&S DA
A	FOR CLIENT REVIEW
001	ISSUE FOR CONSTRUCTION



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John and Magdaline Mouawad

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CHECKED/AUTHORISED
Nominated Architect
Patrick O'Carroll
PRACTICE NO: 180302

INITIAL/SIGNATURE

DRAWING TITLE
**FIRST FLOOR PLAN
PROPOSED**

SCALE 1:200 @ A3

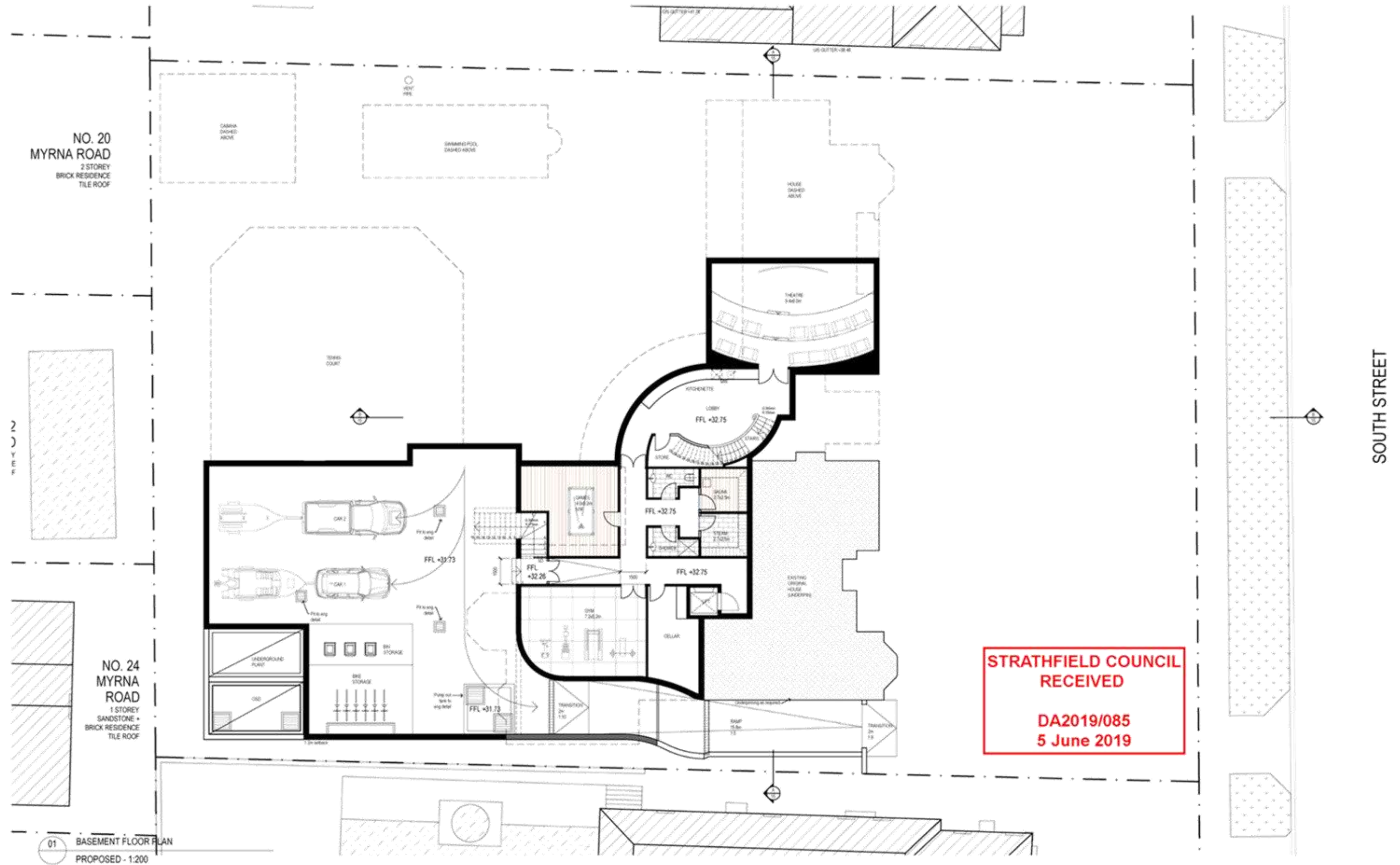
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20/05/19

PROJECT NO
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DRAWN
EF

ISSUE
D

DRAWING NO.
DA10

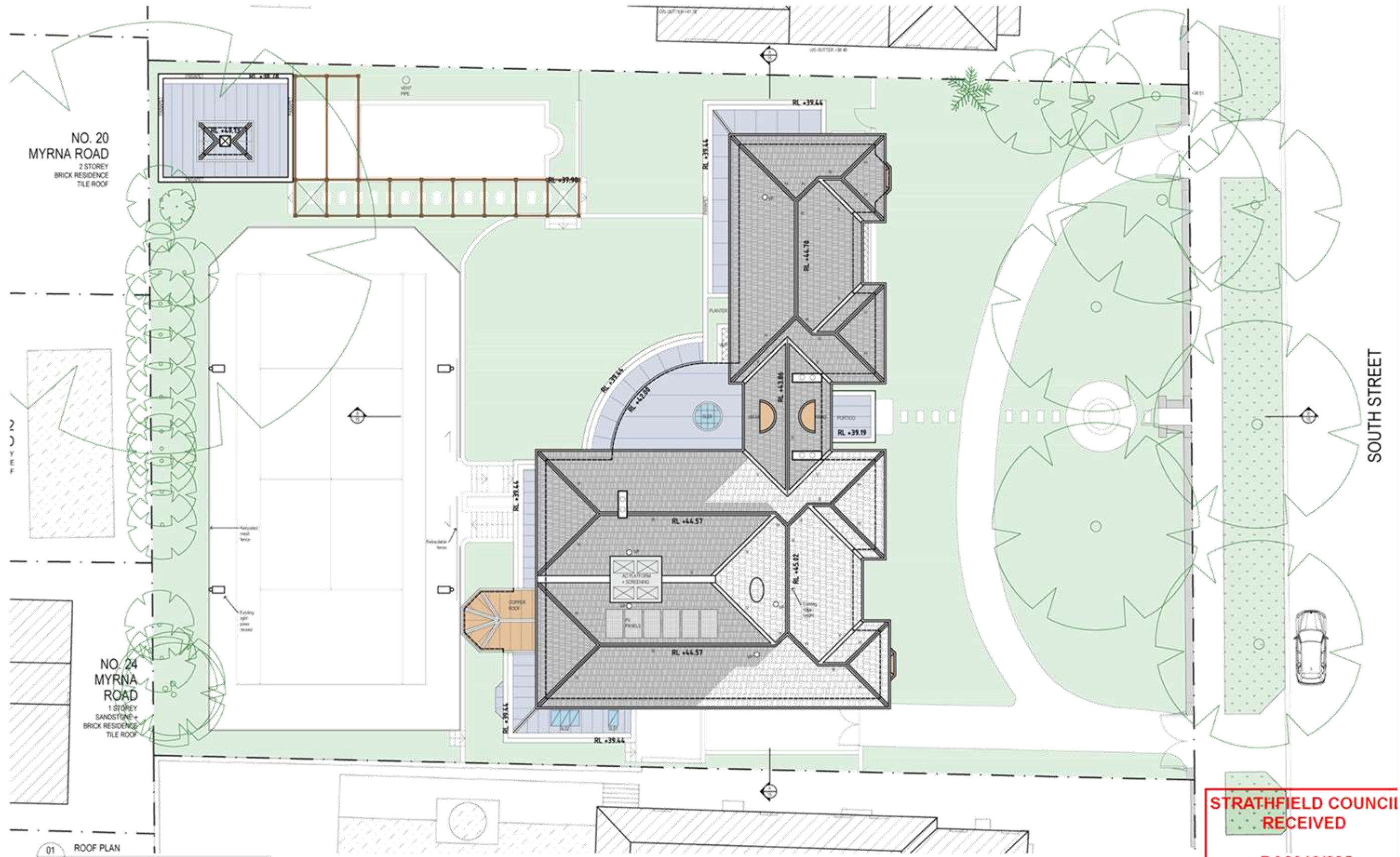


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01 BASEMENT FLOOR PLAN
PROPOSED - 1:200

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4	FOR CLIENT REVIEW	28/05/19																						
5	FOR DA SUBMISSION	04/06/19																						
<p>01 ROOF PLAN PROPOSED - 1:200</p>																								



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 5 June 2019

01 EAST ELEVATION
PROPOSED - 1:200

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LEGEND

 EXISTING TILE ROOF
 PROPOSED TILE ROOF
 PROPOSED ZINC (COPPER PATINA)

NO.	REVISIONS	DATE
1	FOR DA	20/05/19
2	FOR DA DRAFT	28/05/19
3	FOR PRE DA	01/06/19
4	FOR CLIENT REVIEW	28/06/19
5	FOR CONSTRUCTION	



CLIENT
John and Magdaline Mouawad

BUILDER

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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Sydney, Australia
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F 02 9799 9011
www.pocpartners.com.au
patrick@poc-p.com.au
www.086-693-781

CHECKED/AUTHORISED
Nominated Architect
Patrick O'Connell
FRANK MOURA # 5025
INITIAL SIGNATURE

FOR DA

DRAWING TITLE
EAST (STREETSCAPE) ELEVATION
PROPOSED

SCALE 1:200 @ A3

PLOT DATE
20/05/19

PROJECT NO.
180302

DRAWN
EF

ISSUE
D

DRAWING NO.
DA13

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5 June 2019**



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LEGEND

EXISTING WALL	EXISTING TILE ROOF
PROPOSED WALL	PROPOSED TILE ROOF
LANDSCAPED AREA	PROPOSED PARAPET METAL ROOF OR SIMILAR
DEEP SOIL LANDSCAPED AREA	PROPOSED ZINC (COPPER PATINA)

REVISIONS

NO.	DESCRIPTION	DATE
D	FOR DA	20/05/19
C	FOR DA DRAFT	20/05/19
B	FOR PRELIM DA	07/05/19
A	FOR CLIENT REVIEW	28/04/19
1	DATE OF PRELIM DA	07/05/19



CLIENT
John and Magdaline Mouawad

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FMAA NO. 148488 + 5025

INITIALS/SIGNATURE

FOR DA

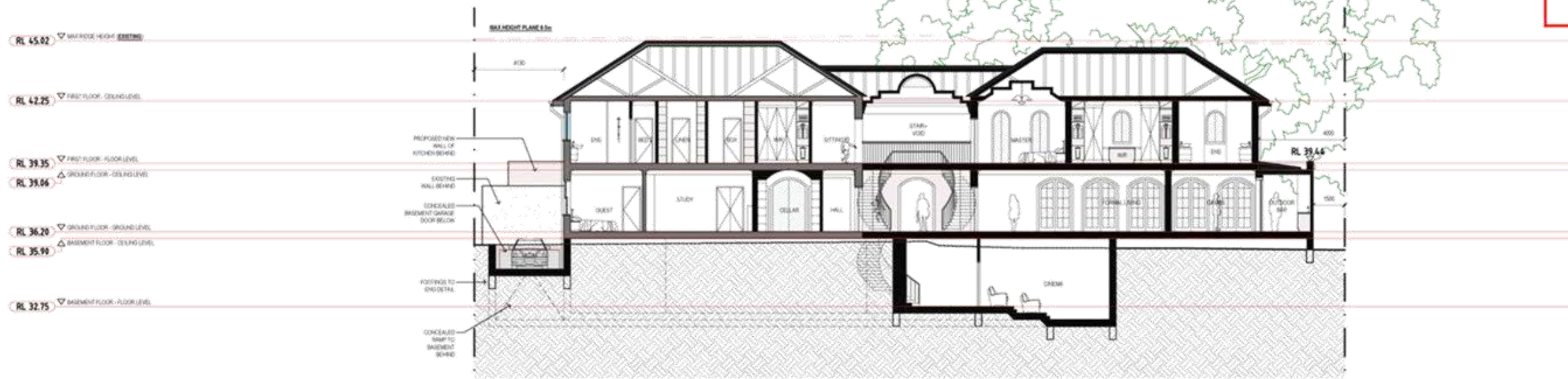
DRAWING TITLE
**WEST + NORTH + SOUTH ELEVATIONS
PROPOSED**

SCALE 1: 200 @ A3

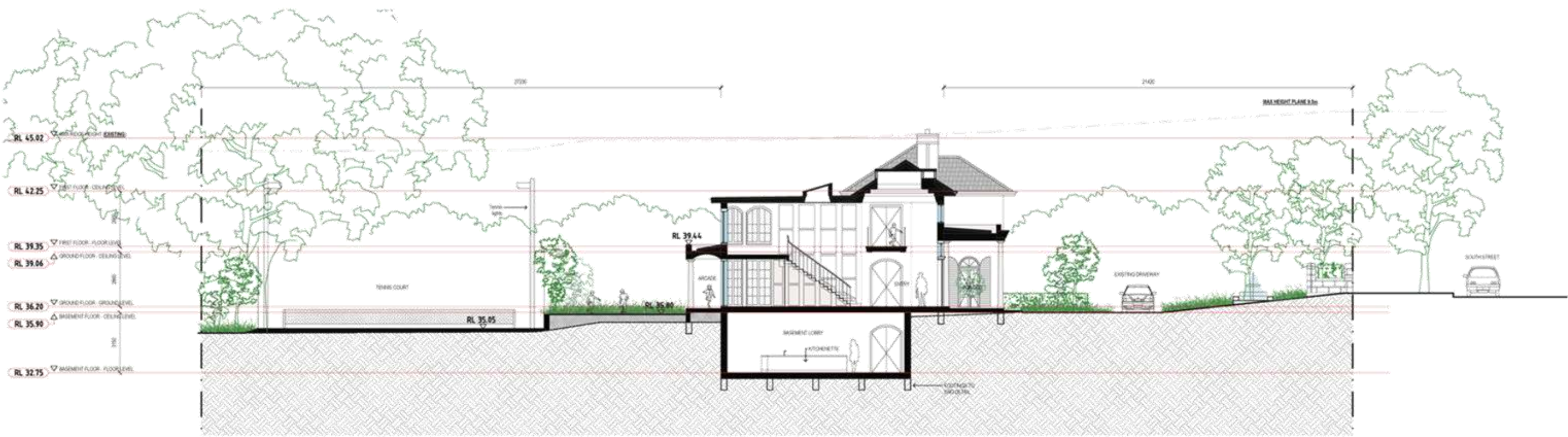
PLOT DATE 20/05/19	DRAWN EF	DRAWING NO. DA14
PROJECT NO. 180302	ISSUE D	

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**DA2019/085
5 June 2019**



01 SECTION A-A
PROPOSED - 1:200

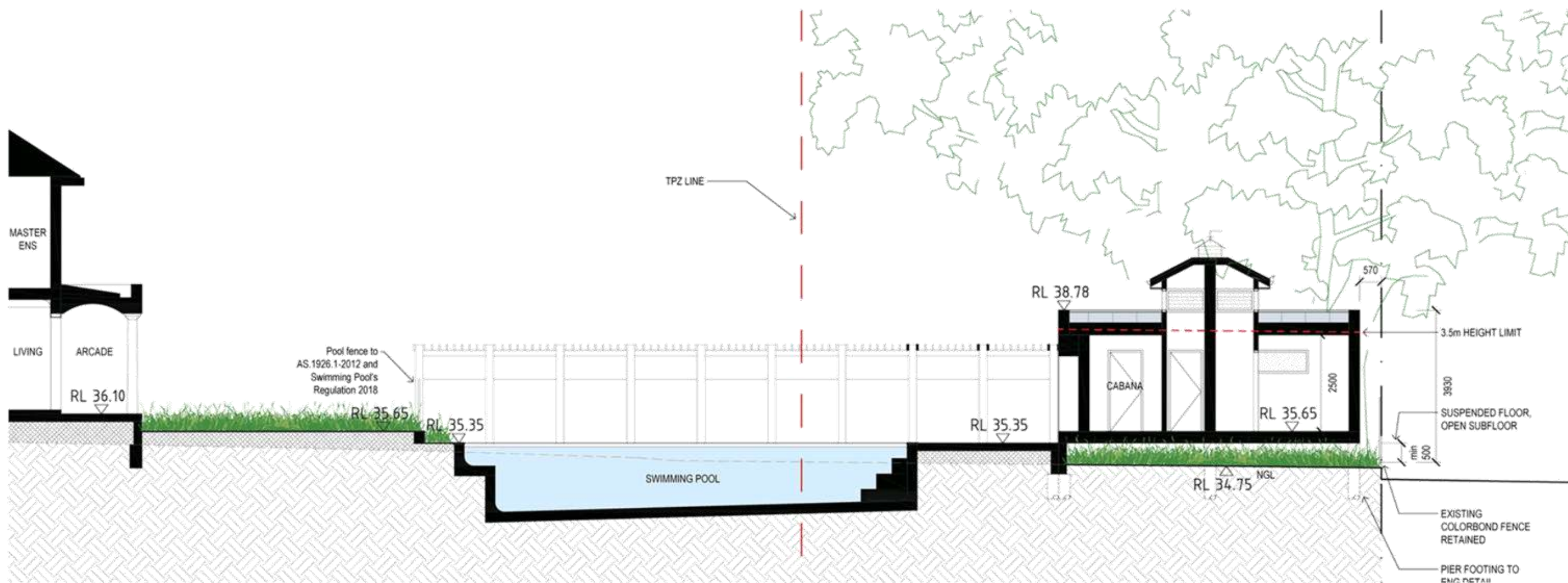


02 SECTION B-B
PROPOSED - 1:200

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	NO.	DESCRIPTION	DATE																		
D	FOR DA	20/05/19																			
C	FOR GA DRAFT	28/05/19																			
B	FOR PRE DA	01/05/19																			
A	FOR CLIENT REVIEW	28/05/19																			

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**DA2019/085
5 June 2019**



01 SECTION C-C
PROPOSED - 1:100

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LEGEND

REVISIONS	DATE	DESCRIPTION
P FORSA	25/05/19	
A FOR DA DRAFT	26/05/19	

TRUE NORTH



CLIENT

John and Magdaline Mouawad

BUILDER

PROJECT

PROPOSED ALTERATIONS AND ADDITIONS TO 19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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Nominated Architect
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FRANK MOURA # 3025
INITIAL SIGNATURE

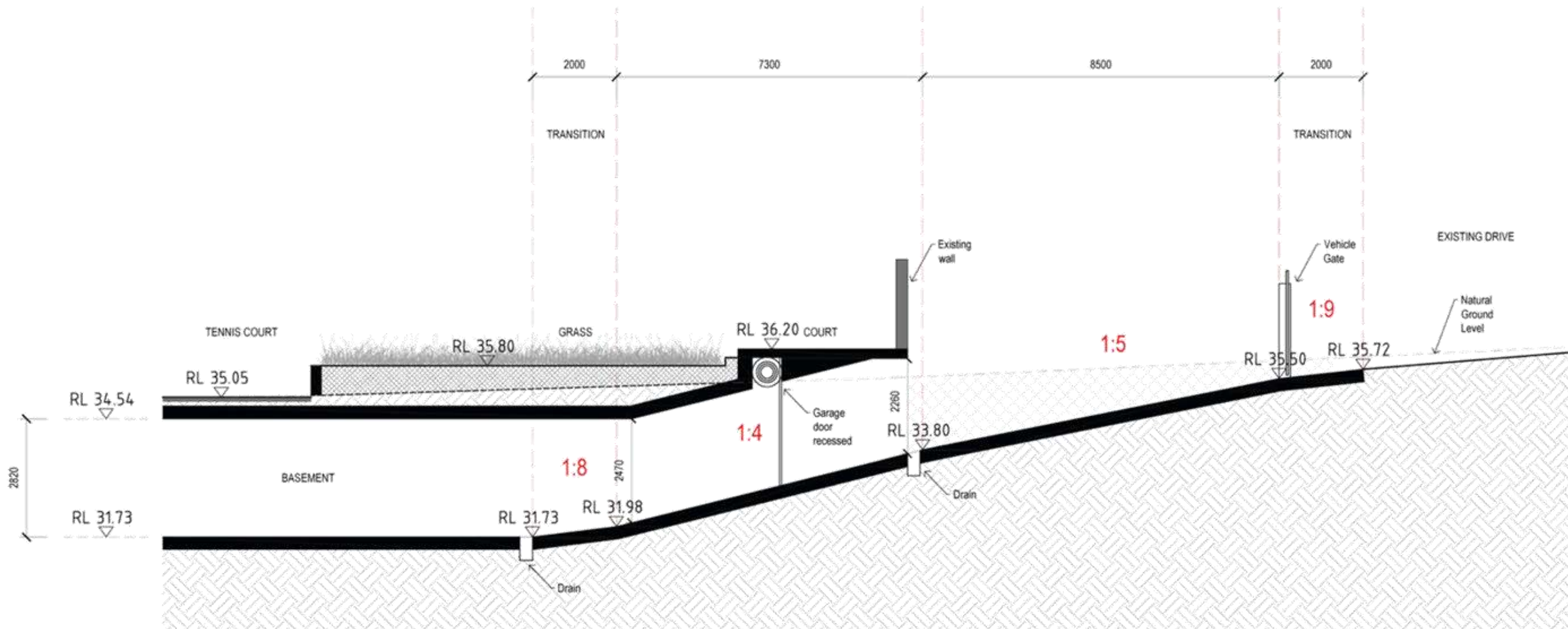
FOR DA

DRAWING TITLE
SECTION C-C
PROPOSED

SCALE 1:100 @ A3		DRAWING NO. DA16
PLOT DATE 20/05/19	DRAWN EF	
PROJECT NO. 180302	ISSUE B	

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**DA2019/085
5 June 2019**



03 SOUTH ELEVATION
PROPOSED - 1:200

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LEGEND
EXISTING WALL
PROPOSED WALL

NO.	REVISIONS	DATE
1	FOR SA	20/05/19
2	FOR DA DRAFT	20/05/19
3	FOR DA	20/05/19



CLIENT
John and Magdaline Mouawad

BUILDER

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FNSIA NUMBER # 5025

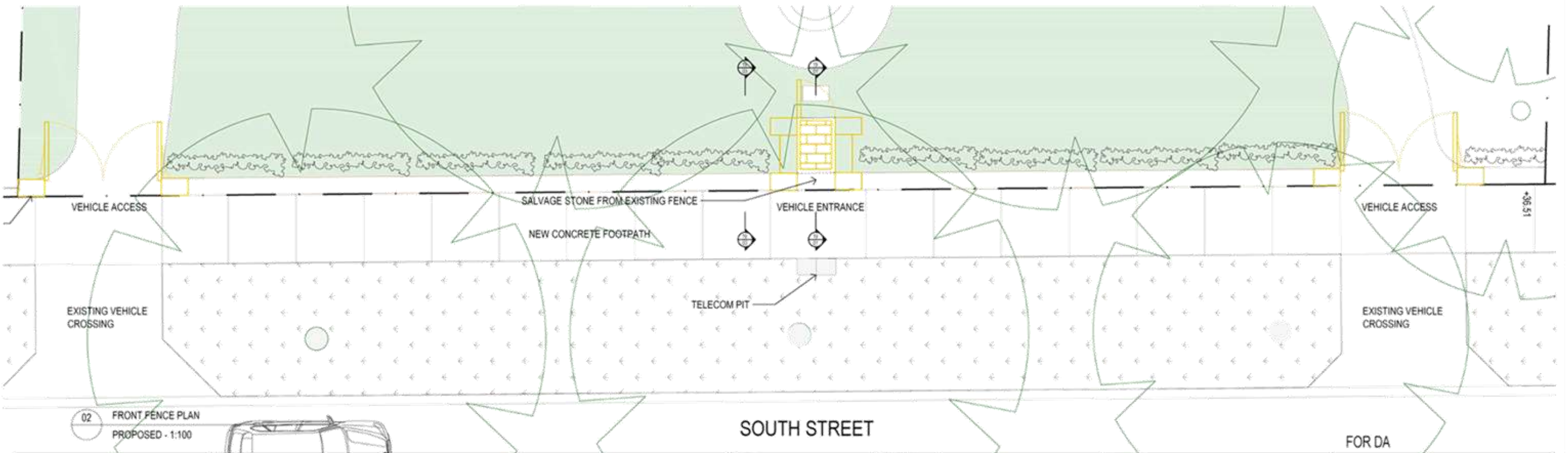
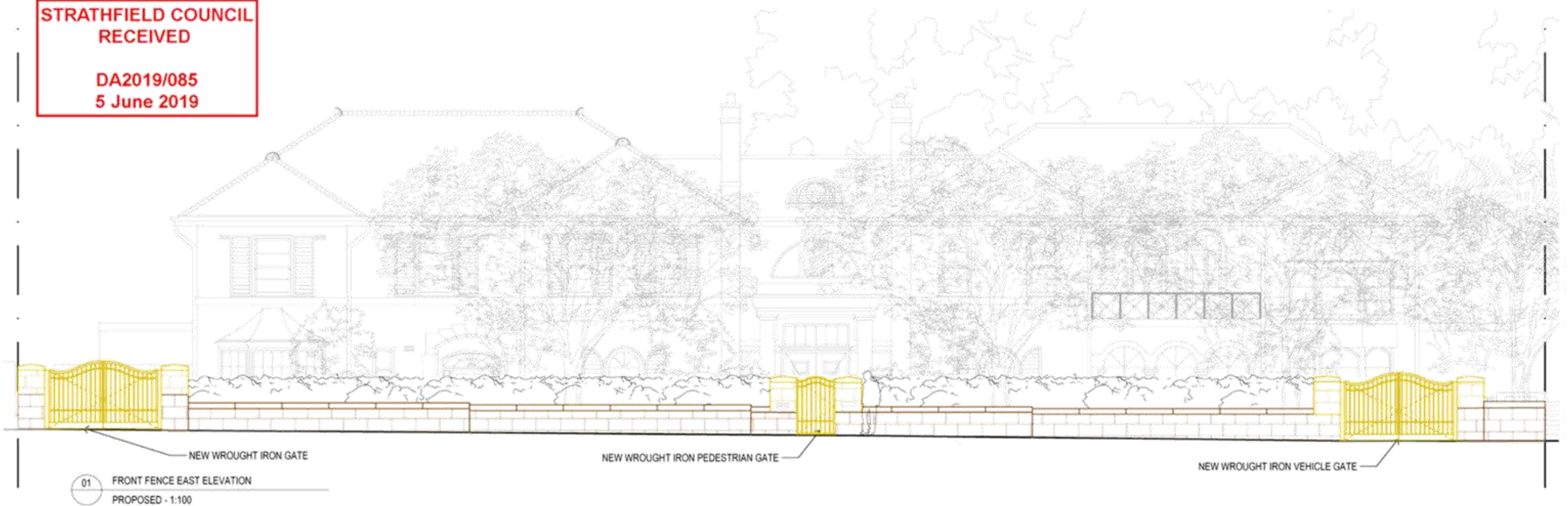
INITIAL SIGNATURE

FOR DA

DRAWING TITLE DRIVEWAY SECTION PROPOSED		DRAWING NO. DA17
SCALE 1:200 @ A3		
PLOT DATE 20/05/19	DRAWN EF	
PROJECT NO. 180302	ISSUE B	

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**DA2019/085
5 June 2019**



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LEGEND

NO.	REVISIONS	DATE
1	FOR DA	20/05/19
2	FOR DA DRAFT	20/05/19
3	FOR DA DRAFT	20/05/19

TRUE NORTH

CLIENT
John and Magdaline Mouawad

BUILDER

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO
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CHECKED/AUTHORISED
Nominated Architect
Patrick O'Connell
KIMIA REHMAN # 5025

INITIALS/SIGNATURE

FOR DA

DRAWING TITLE
**FENCE ELEVATION + PLAN
PROPOSED**

SCALE 1:100 @ A3

PLOT DATE
20/05/19

PROJECT NO.
180302

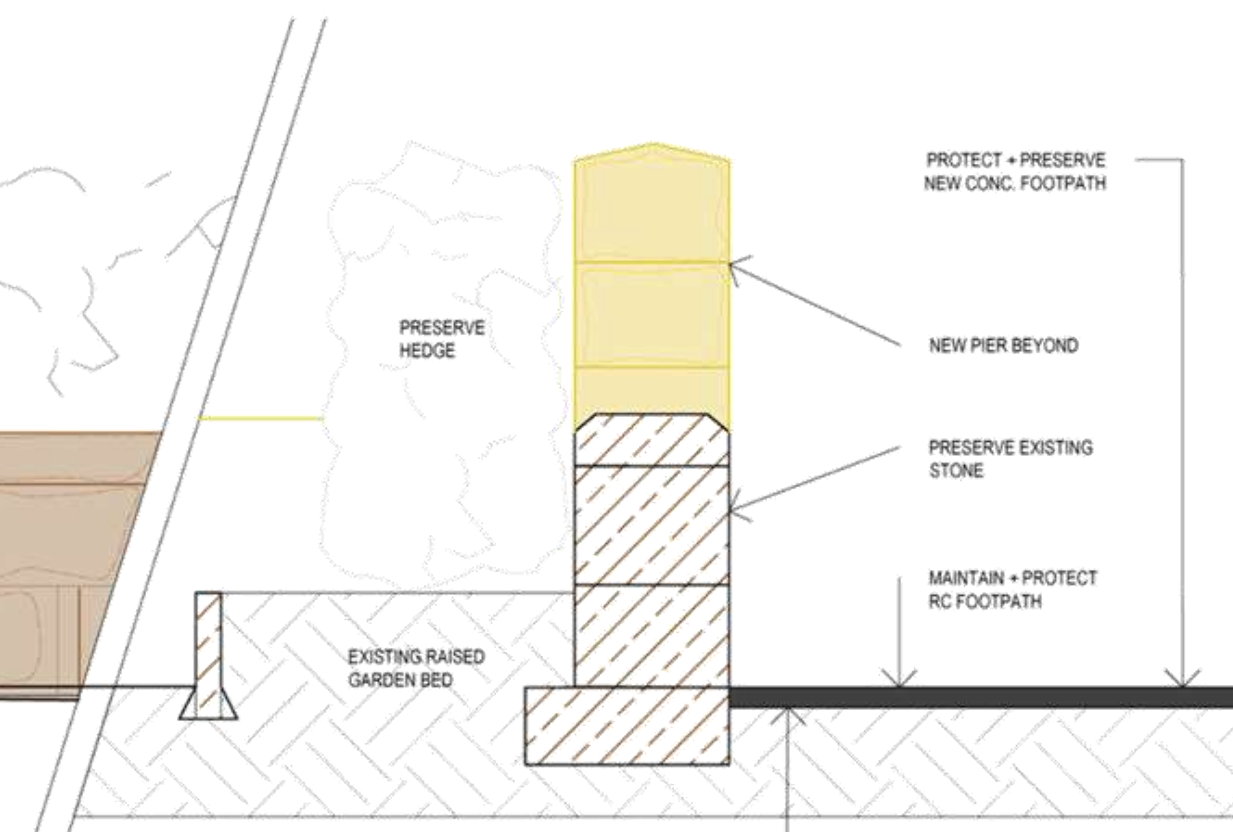
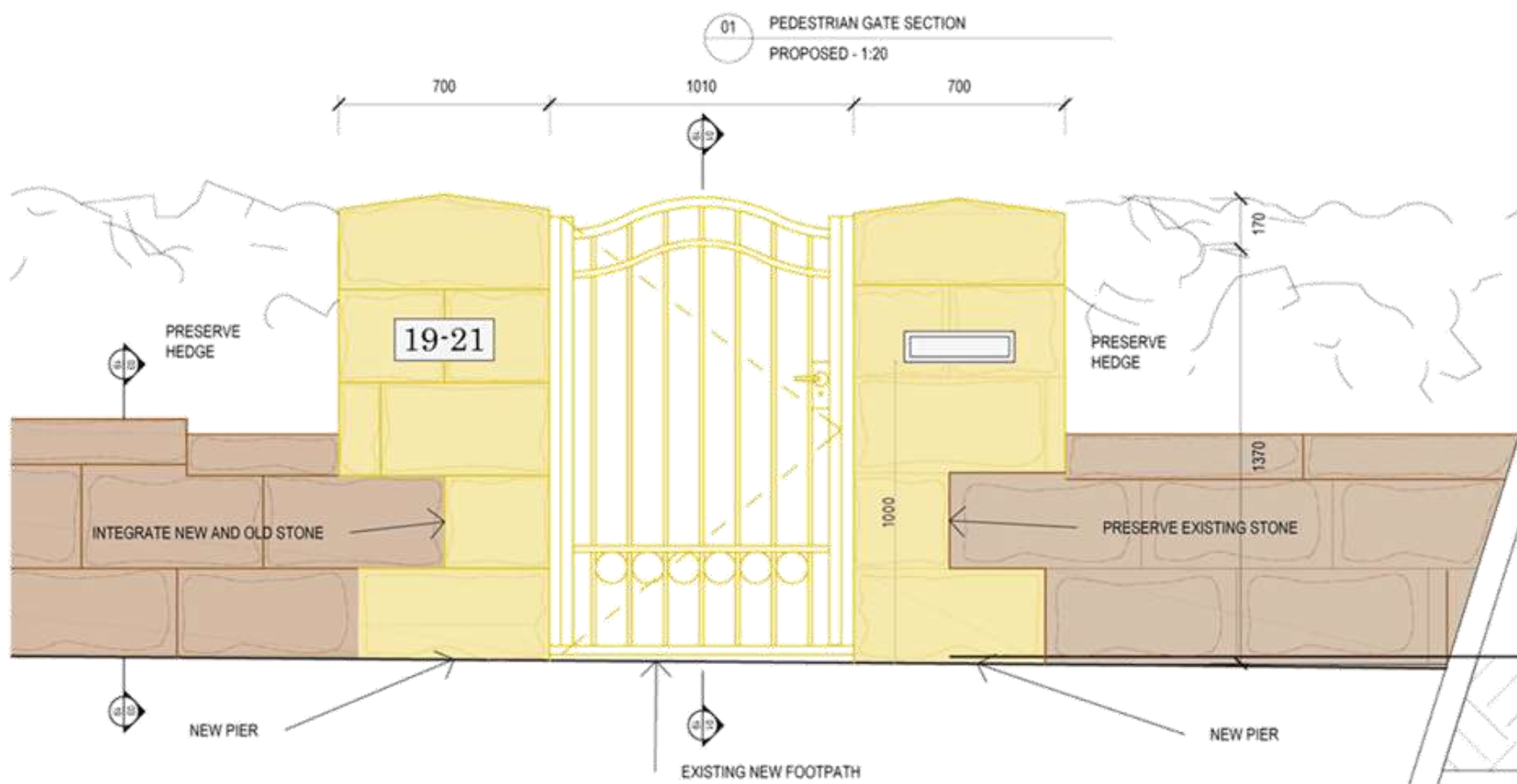
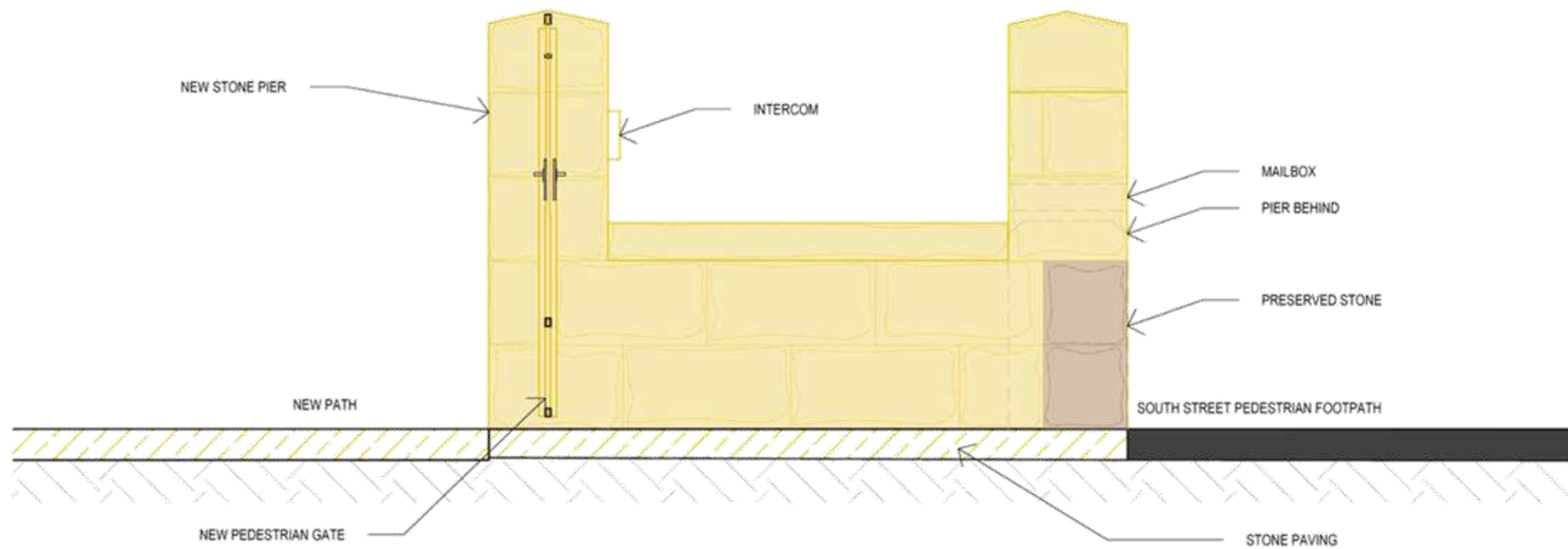
DRAWN
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B

DRAWING NO.
DA18

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**DA2019/085
5 June 2019**



02 PEDESTRIAN GATE EAST ELEVATION
PROPOSED - 1:20

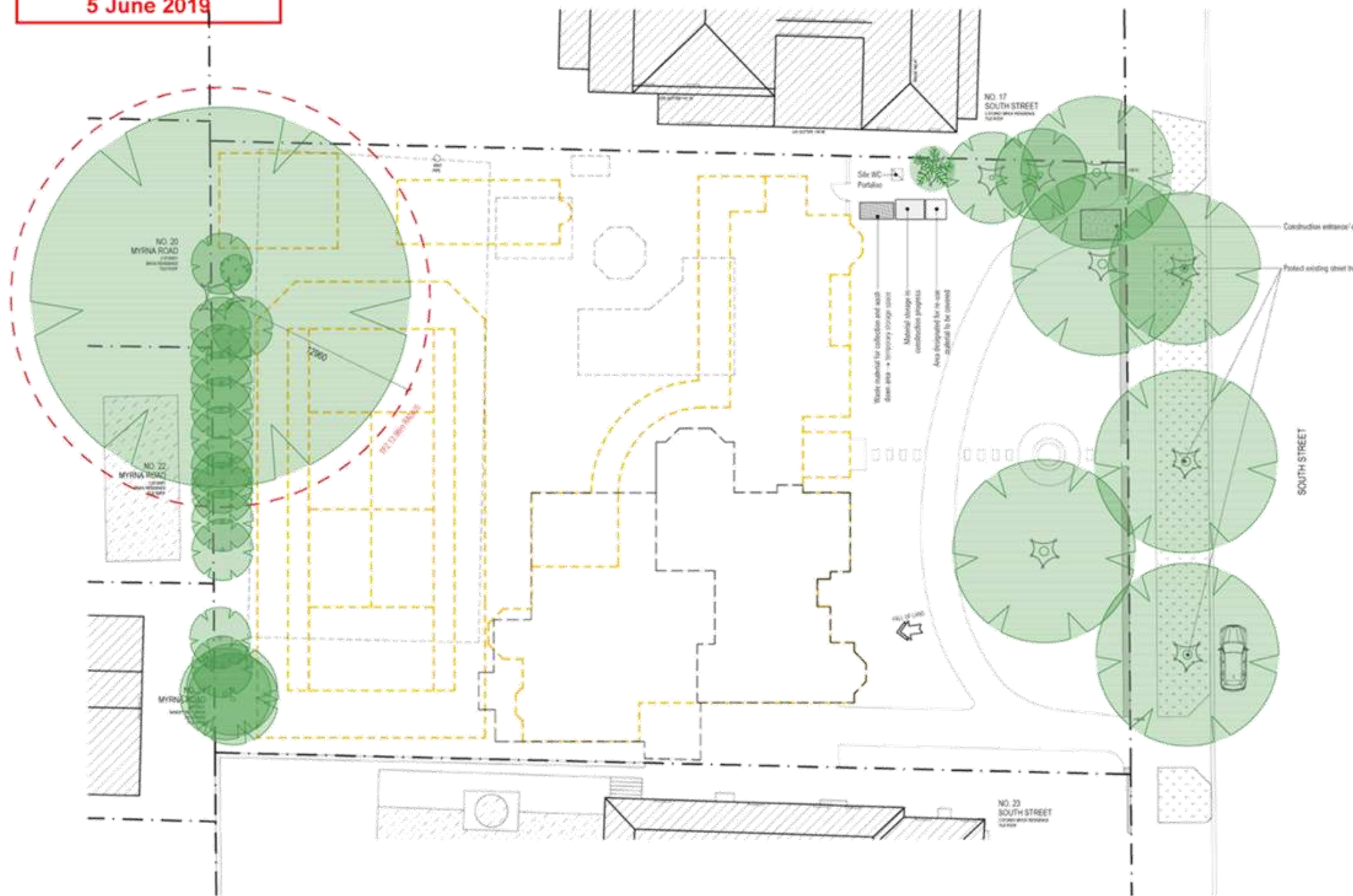
03 SECTION THROUGH STONE BAY
PROPOSED - 1:20

SOUTH STREET
PEDESTRIAN FOOTPATH
FOR DA

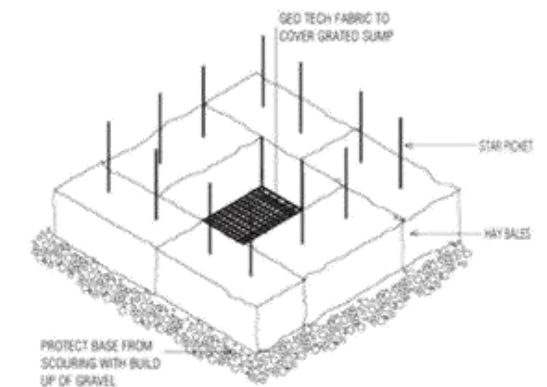
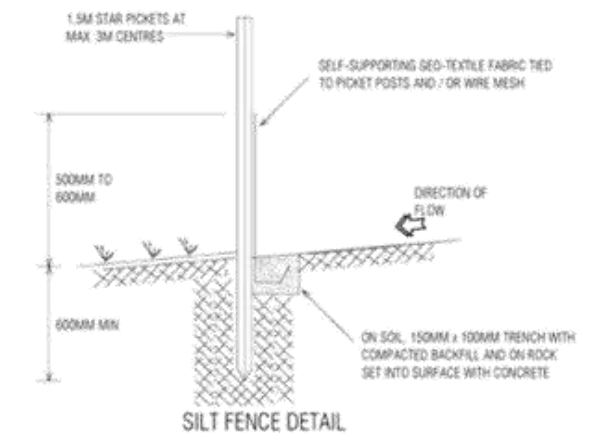
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			NO	DESCRIPTION	DATE											
1	FOR SA	25/05/19														
2	FOR DA ONLY	28/05/19														
<p>BUILDER</p>	<p>ARCHITECT POC+P architects Level 1 78 Ebbw St North Cherrybrook NSW 2152 Sydney, Australia T 02 9799 6000 F 02 9799 6011 www.pocarp.com.au patrick@pocarp.com.au www.086 693 781</p>	<p>INITIALS/SIGNATURE</p>	<p>SCALE 1: 50 @ A3</p> <p>PLOT DATE 20/05/19</p> <p>PROJECT NO. 180302</p>	<p>DRAWN EF</p> <p>ISSUE B</p> <p>DRAWING NO. DA19</p>												

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5 June 2019**

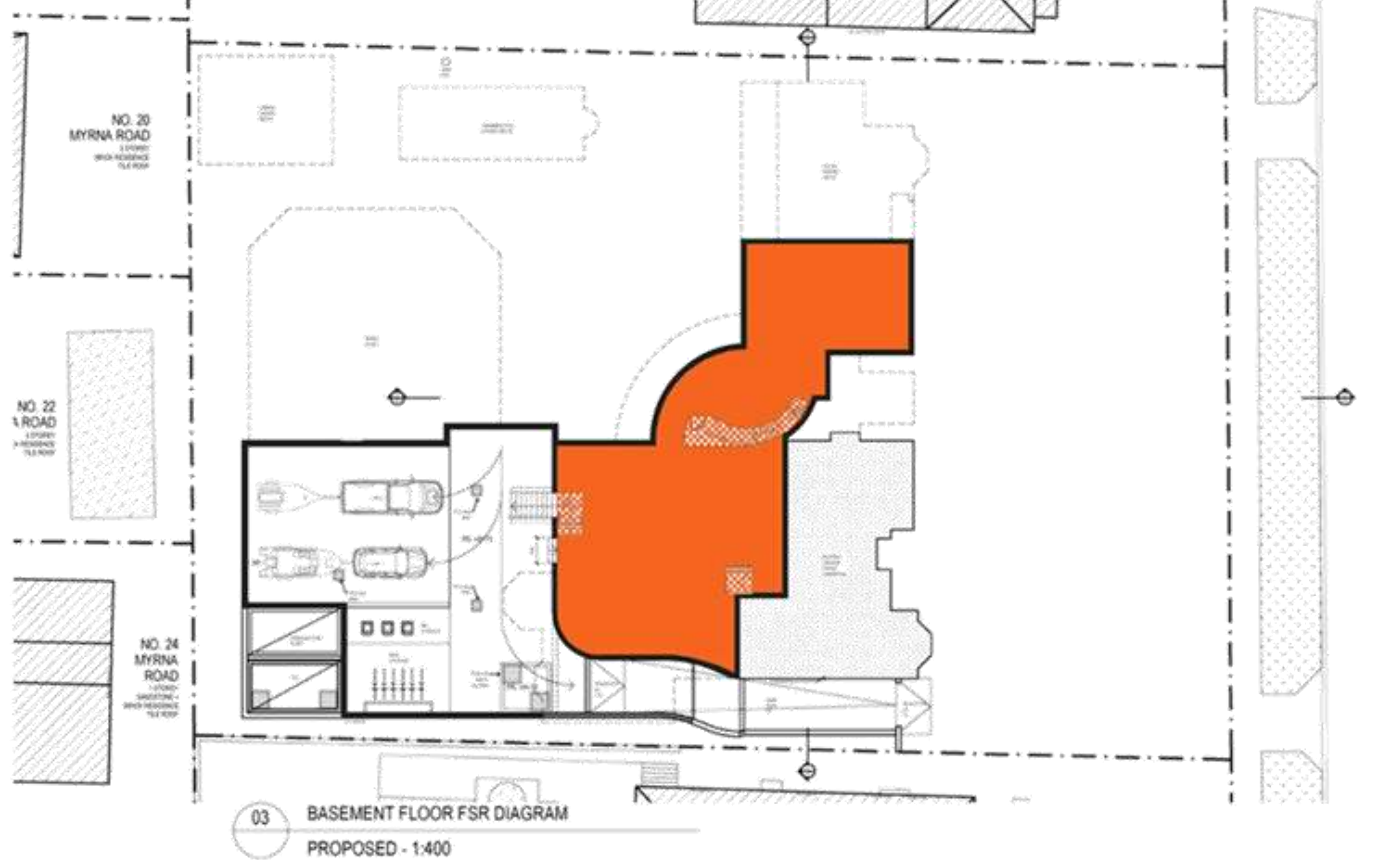
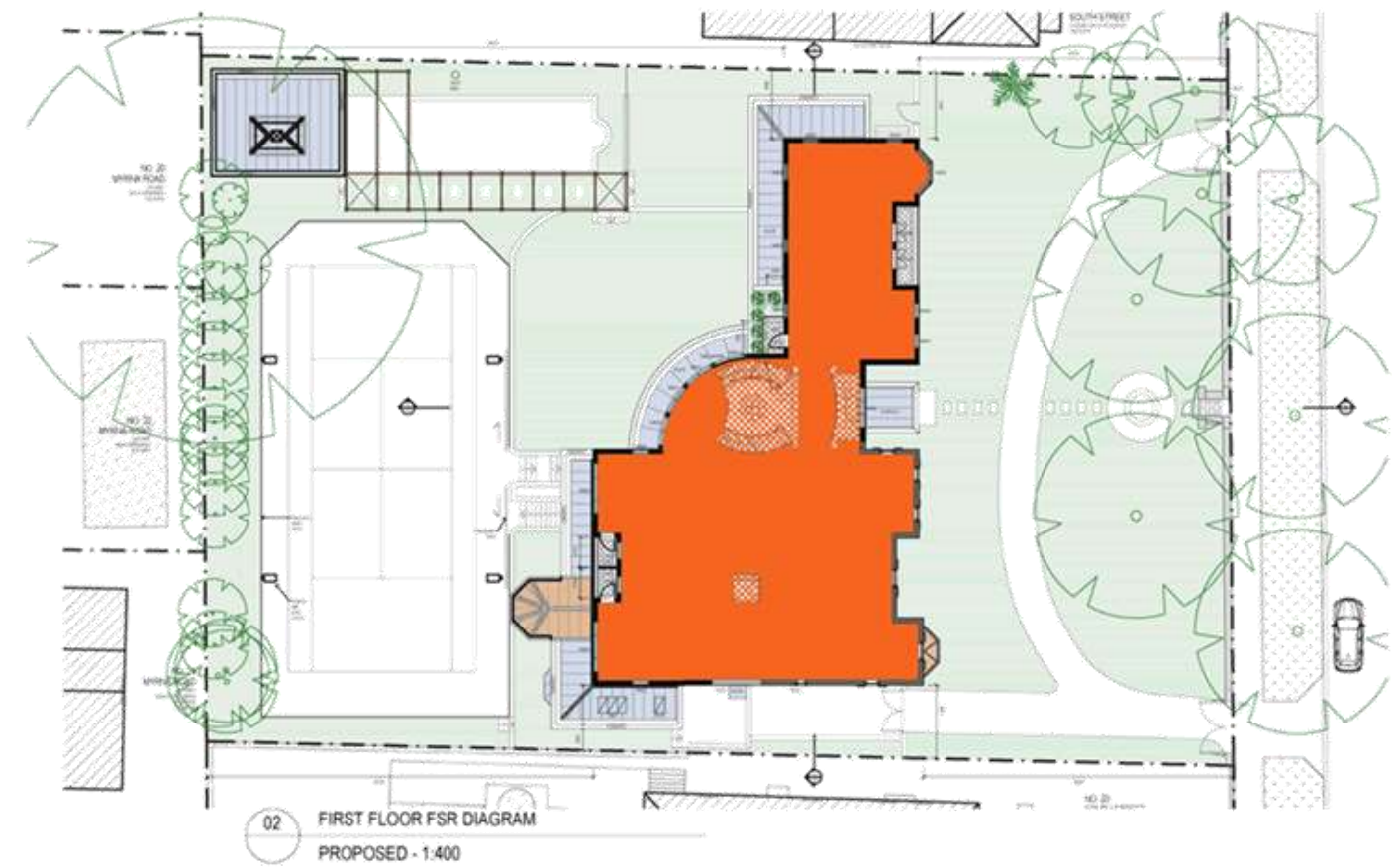


- EROSION AND SEDIMENT CONTROL NOTES:**
- BEFORE WORKING CAN COMMENCE, THE EROSION AND SEDIMENT CONTROL MEASURES WILL NEED TO BE IN PLACE. DURING CONSTRUCTION PERIODS, THESE CONTROL MEASURES WILL NEED TO BE MAINTAINED REGULARLY BY THE CONTRACTOR, ESPECIALLY AFTER STORM EVENTS.
 - ALL WORK TO BE CARRIED OUT TO PREVENT EROSION, CONTAMINATION AND SEDIMENTATION OF THE STORAGE SITE, SURROUNDING AREAS AND DRAINAGE SYSTEMS.
 - MINIMIZE DISTURBED AREAS COVERED WITH NATURAL VEGETATION ONLY. THOSE AREAS DIRECTLY REQUIRED FOR CONSTRUCTION ARE TO BE DISTURBED.
 - INSTALL EROSION / SEDIMENT CONTROL MEASURES PRIOR TO COMMENCEMENT OF CONSTRUCTION AND EXCAVATION OPERATIONS.
 - DISCHARGE CLEAN WATER FROM UNDISTURBED AREAS AROUND THE WORKING AREA.
 - CONTINUALLY MAINTAIN EROSION AND SEDIMENT CONTROL STRUCTURES TO ENSURE THEIR EFFICIENCY.
 - ADOPT TEMPORARY MEASURES AS MAY BE NECESSARY FOR EROSION AND SEDIMENT CONTROL, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - DRIVING TEMPORARY DRAINS AND CATCH DRAINS
 - SPREADER BANKS OR OTHER STRUCTURES TO DISPERSE CONCENTRATED RUN-OFF
 - SILT TRAPS, CONSTRUCTION AND MAINTENANCE OF SILT TRAPS TO PREVENT DISCHARGE OF SCOURED MATERIAL TO DOWNSTREAM AREAS.
 - TEMPORARY FENCING, MAINTENANCE AND REMOVAL AFTER RAIN, CLEAN AND REPAIR IF REQUIRED, TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES.
 - REMOVE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WHEN THEY ARE NO LONGER REQUIRED.



01 SEDIMENT AND EROSION CONTROL PLAN
PROPOSED - 1:300

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				BUILDER [Empty]	ARCHITECT POC+P architects Level 1 78 Edwin St North Cheltenham NSW 2132 Sydney, Australia T 02 9746 9600 F 02 9746 8011 www.poc+p.com.au poc+p@poc+p.com.au acn 086 603 781	INITIAL/SIGNATURE [Signature]	SCALE 1:300 @ A3 PLOT DATE 20/05/19 PROJECT NO. 180302 DRAWN EF ISSUE B DRAWING NO. DA20



SITE AREA
= 2426.6m²

CONTROL: MAXIMUM FSR
1213.3m²
=0.5:1

PROPOSED GROUND FLOOR: GFA
444.2m²

PROPOSED FIRST FLOOR: GFA
380.3m²

PROPOSED BASEMENT FLOOR: GFA
250.4m²

PROPOSED TOTAL: GFA & FSR
1074.9m²
=0.44:1

THEREFORE COMPLIES

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5 June 2019**

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LEGEND

GFA INCLUDED IN FSR

GFA (VERTICAL CIRCULATION + VOID) INCLUDED IN FSR

NO.	DESCRIPTION	DATE
1	FOR PRELIMINARY REVIEW	01/12/18
2	FOR CLIENT REVIEW	28/01/19
3	FOR SUBMISSION	04/12/18



CLIENT
John and Magdaline Mouawad

BUILDER

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19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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Nominated Architect
Patrick O'Connell
FRANK 100164193 & 10015

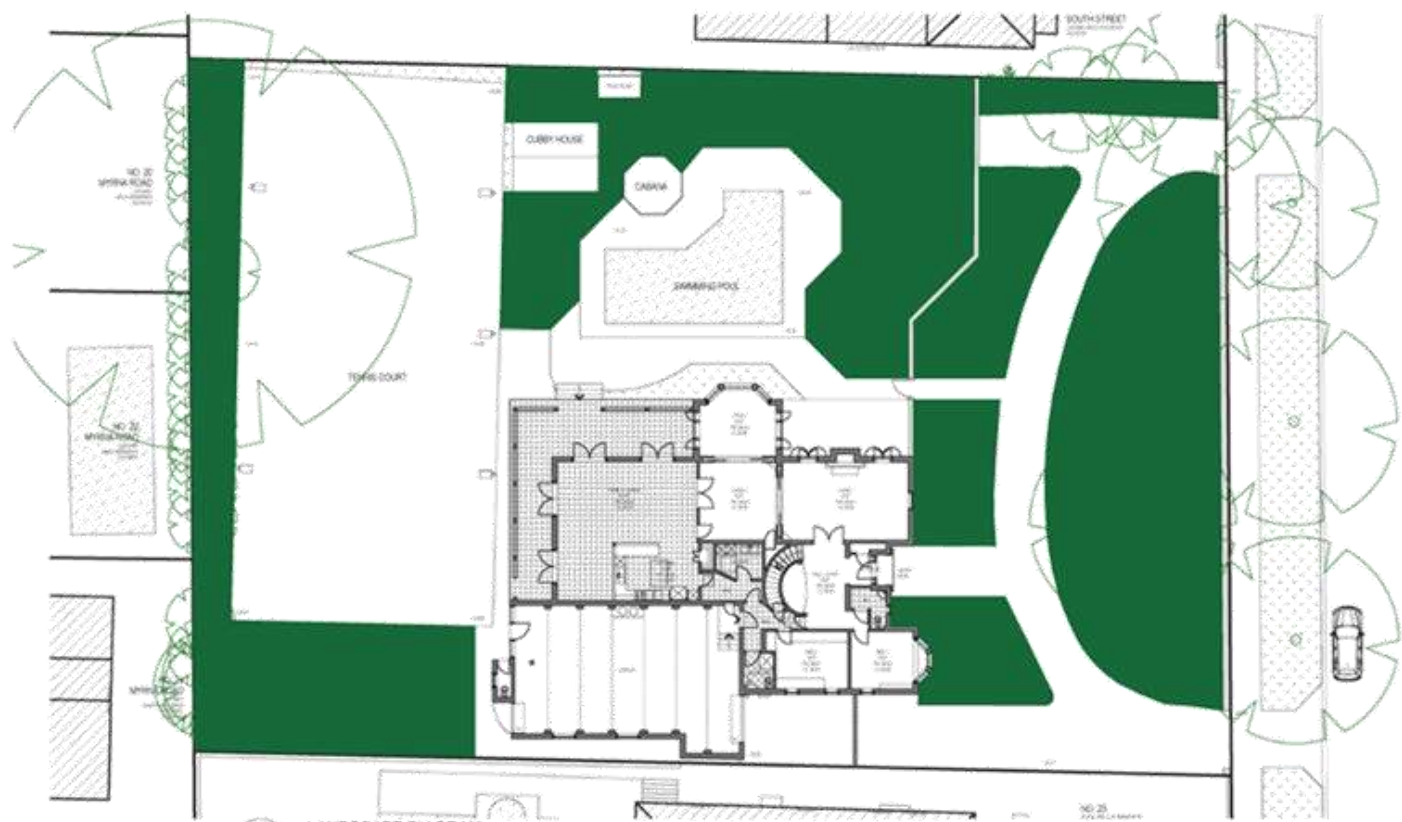
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FOR DA

DRAWING TITLE
FLOOR SPACE RATIO (FSR)
DIAGRAM

SCALE 1:400 @ A3

PLOT DATE 20/05/19	DRAWN EF	DRAWING NO. DA21
PROJECT NO. 180302	ISSUE D	



01 LANDSCAPE DIAGRAM
EXISTING - 1:400



02 LANDSCAPE DIAGRAM
PROPOSED - 1:400

SITE AREA = 2426.6m²

CONTROL: MINIMUM LANDSCAPE AREA (5.2.1)
1091.97m²
=45%

EXISTING: LANDSCAPE AREA
905.27m²
= 37%

PROPOSED: LANDSCAPE AREA COMPLIANT WITH (5.2.1)
1025.87m²
=42%

THEREFORE PROPOSED COMPLIANT LANDSCAPE AREA IS **IMPROVED** ON EXISTING

PROPOSED: LANDSCAPE AREA COMPLIANT WITH (5.2.1) + NOT COMPLIANT WITH (5.2.1)
1281.28m²
=53%

THEREFORE PROPOSED COMPLIANT + NOT COMPLIANT LANDSCAPE AREA **EXCEEDS** THE CONTROL OF 45%

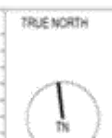
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- LEGEND**
- LANDSCAPE AREA COMPLIANT WITH 5.2.1
 - LANDSCAPE (PERVIOUS GROUND) AREA NOT COMPLIANT WITH 5.2.1
 - 1: PERVIOUS DRIVEWAY SURFACE
 - 2: PERVIOUS PATHWAY SURFACE
 - 3: WIDTH DIMENSION <1.5m
 - 4: ABOVE BUILT AREA (BASEMENT)
 - 5: BELOW SUSPENDED OUTBUILDING

NO.	REVISIONS	DATE
1	ISSUE FOR DA	01/12/18
2	FOR CLIENT REVIEW	28/02/19
3	FOR CONSTRUCTION	04/11/19



CLIENT
John and Magdaline Mouawad

BUILDER

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19-21 South Street, Strathfield DP 8778 Lot 65 + 66

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con 086 683 781

CHECKED/AUTHORISED
Nominated Architect
Patrick O'Connell
PSA 19014/019 + 1015

INITIAL/SIGNATURE

FOR DA

DRAWING TITLE
**LANDSCAPE AREA
DIAGRAM**

SCALE 1:400 @ A3

PLOT DATE
20/05/19

DRAWN
EF

PROJECT NO.
180302

ISSUE
D

DRAWING NO.
DA22

TO: Strathfield Local Planning Panel Meeting - 7 November 2019
REPORT: SLPP – Report No. 3
SUBJECT: DA2019/057 - 136 & 144 PARRAMATTA ROAD, HOMEBUSH
LOTS 5 & 6 DP 9154 & LOT 4 DP 9154
DA NO. DA2019/057

SUMMARY

Proposal: Demolition of existing structures and construction of mixed used development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking.

Applicant: 136 Parramatta Road Homebush Pty Ltd

Owner: Iris Property Group P/L

Date of lodgment: 15 April 2019

Notification period: 30 April – 31 May 2019

Submissions received: Five (5) – Four (4) objections, One (1) support

Assessment officer: RG

Estimated cost of works: \$25,658,964.00

Zoning: B4 – Mixed Use - SLEP 2012

Heritage: N/A

Flood affected: Yes

Is a Clause 4.6 variation proposed? Yes

Extent of the variation supported? 16m building height- exceeded between 0.6% (100mm) and 6.25% (1000mm)

Peer review of Clause 4.6 variation: 32m building height – exceeded by 0.6% (200mm)
A peer review of the Clause 4.6 variation has been undertaken and the assessment officer's recommendation is supported.

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 Development consent is sought for the demolition of existing structures and construction of mixed used development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking.
- 2.0 The site forms Key Site 70 under the Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal follows the desired amalgamation pattern of SLEP 2012. The proposal complies with the maximum floor space ratio development standard prescribed by Clause 4.4A of SLEP 2012 however, seeks a maximum 6.25% variation to the building height development standard prescribed by Clause 4.3 & 4.3A of SLEP 2012. A Clause 4.6

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Variation request has been submitted which is supported due to the minor non-compliance, that the portion of the building breaching the height limit will not be highly visible from the streetscene, and the proposal still accords with the objectives of the building height development standard and the B4 – Mixed Use zone.

- 3.0 The application is identified as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979, as the application is deemed an aquifer interference activity requiring authorisation under the Water Management Act 2000. Water NSW has provided their General Terms of Approval which are included in the recommended conditions of consent.
- 4.0 The application was notified in accordance with the requirements of Part L of SCDPC 2005 and four (4) submissions, including three (3) objections and one (1) support submission was received. The objections primarily related to loss of privacy, overshadowing, traffic, and safety.
- 5.0 Overall, the proposal is considered to be satisfactory for approval as it provides a mixed use development on the site which generally accords with the development standards and controls, will not adversely impact the amenity of neighbouring properties subject to imposition of conditions regarding operation hours of the pub, acoustic attenuation and compliance with the Plan of Management. Furthermore, the proposal is in the public interest as it provides a pedestrian pathway along Loftus Lane (adjacent to the eastern boundary of the site), thereby improving accessibility in the surrounding area, and also provides affordable housing (subject to conditions of consent).

BACKGROUND

23 November 2019 The applicant sought pre-application advice for a mixed use development comprising a ground floor level pub, serviced apartments above and basement car parking at property 136 Parramatta Road, Homebush. It is noted that the pre-application did not relate to 144 Parramatta Road. The main points of Council's pre-application advice are summarised as follows:

- Pubs and serviced apartments are permissible in the B4 zone.
- The bonus height and floor space ratio provisions relating to Key Site 70 under SLEP 2012 only apply when all lots contained within Key Site 70 are being redeveloped together. Therefore, in order to take advantage of the bonus provisions, 144 Parramatta Road should also be included in the redevelopment proposal.
- The development should include No. 144 Parramatta Road to promote the orderly and economic development of the land and to avoid site isolation. If this site is isolated it needs to be demonstrate that amalgamation of the sites is not feasible and orderly and economic use and development of the separate sites can be achieved, based on the planning principles established by the Land & Environment Court in *Melissa Grech v Auburn Council* [2004] NSWLEC 40 and *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189
- Due to lack of development controls for parking for pubs and serviced apartments, a car parking demand and traffic impact assessment prepared by a qualified traffic engineer must accompany any future DA to inform car parking rates
- Servicing areas including loading dock and waste room should be relocated so that they are accessed from the rear lane.

15 April 2019

The subject application (DA2019/057) was lodged with Council.

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- 30 April –
31 May 2019** The application was neighbour notified in accordance with the requirements of Part L of SCDP 2005. Four (4) submissions were received where three (3) objected to the proposal and one (1) was made in support of the application. The objections primarily related to saturation of pubs within the surrounding area; increased traffic; loss of privacy, solar access, views and security of the adjoining property at No. 146-152 Parramatta Road, Homebush; loss of surrounding property value; oversupply of residential properties; increased demand on the green space in the surrounding area. The letter of support encouraged increased competition for pubs in the surrounding area, but requested that the Social Impact Assessment be amended to consider Homebush Hotel (even though it is not currently operating).
- 19 June 2019** The application was presented to the Design Review Panel and their advice dated 1 July 2019 is provided in the referral section of this report.
- 26 June 2019** Water NSW gave their General Terms of Approval for the aquifer interference activity involved with the application (as required by Section 91(3) of the Water Management Act 2000 and Section 4.46 of the Environmental Planning and Assessment Act 1979)
- 18 July 2019** A deferral letter was sent to the applicant identifying the outstanding issues including:
- Matters raised by the Design Review Panel to be addressed
 - The Clause 4.6 to vary the building height standard in SLEP 2012 is not supported
 - The common vertical circulation spaces are enclosed and are to be included in the calculation of FSR. Therefore, the proposal exceeds the maximum FSR permitted for the site
 - The new footpath to the portion of Loftus Lane on the south-eastern side of the site is to be contained entirely within the boundaries of the site
 - Increase number of vehicle parking spaces for the pub
 - Acoustic Report to be revised to accord with industry standards
 - Minimum 15% of the site is to be provided as deep soil landscaping
 - Improve the relationship between the site (and front terraced wall) and the public path
 - Communal open space to be increased
 - Acid Sulfate Soil Management Plan to be revised in accordance with industry standards and also include an assessment of 144 Parramatta Road (as well as 136 Parramatta Road)
 - Increase storage area for the pub – for the storage of kegs and the like
 - Residential access to their waste store area to be clarified
 - An amended Waste Management Plan to be submitted.
- 19 July 2019** The applicant was requested to amend the Social Impact Statement to address matters raised in support submission relating to Homebush Hotel.
- 7 August 2019** The assessment officer met with the applicant to discuss the matters raised in the deferral letter dated 18 July 2019.
- 25 September 2019** The applicant submitted an addendum to the Social Impact Assessment.

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27 September 2019 The applicant submitted amended plans and additional documents including where the main changes involved:

- Relocation of the 1.2m wide pedestrian footpath within the boundaries of the site (adjacent to the eastern side boundary fronting Loftus Lane). The applicant also agreed to provide this as an unconditional right of way for public access, to be maintained by the applicant at no cost to council
- Void added adjacent to Unit 410
- More details submitted regarding the horizontal circulation space to demonstrate that these are open and mostly do not count towards gross floor area
- Air conditioning units relocated to the roof
- A glazed acoustic balustrade added along the front boundary
- Added storage areas for the pub- cool room, keg storage etc.
- Amended landscape plans providing an additional tree within the front setback
- An amended BASIX report to reflect the amended plans
- An amended Acoustic Report
- An amended Clause 4.6 variation
- An amended Waste Management Plan in accordance with the requirements of SCDCP 2005
- Details of natural ventilation of residential apartments and communal corridors
- An amended Acid Sulfate Soil Report
- An addendum to the Social Impact Assessment

30 September 2019 The applicant submitted an amended Acid Sulfate Soils Assessment Report.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lots 4, 5 & 6 in DP 9154 and is commonly known as 136 & 144 Parramatta Road, Homebush. The site is located on the southern side of Parramatta Road, and is bound by Loftus Lane to the east and south, and a six (6) storey shop-top housing development to the west. The site comprises a 30.17m width frontage (by survey) to Parramatta Road, side boundary length of 50.29m and a total site area of 1,516m².

The site slopes from west to east and has a cross-fall of approximately 2.46m.

Existing development on the site comprises a 1-storey bulky good store/ showroom (located at the fronting Lots 5 and 6), a 2-storey auto workshop (located at the rear of Lots 5 and 6) and a 1-storey scooter shop (sales and repairs) (located across Lot 4). The existing buildings on Lots 5 and 6 are currently vacant but were most recently tenanted by Autopro and the existing building on Lot 4 is currently occupied by Scooterino. There are no formal car parking spaces within the site however, there are hardstand areas at the rear of the site capable of accommodating vehicle parking. The site is almost entirely hard paved.

The surrounding locality is generally characterised by a mixture of large sites used as sales yards and showrooms, mixed use development and walk-up flats. The Parramatta Road corridor is undergoing a transition towards higher density development. Lower density housing including detached dwellings and townhouses are located to the rear (south) of the site across Loftus Lane. Augustus Loftus Reserve is also located to the rear of the site, across Loftus Lane. The site is located approximately 600m walking distance from Homebush Railway Station.

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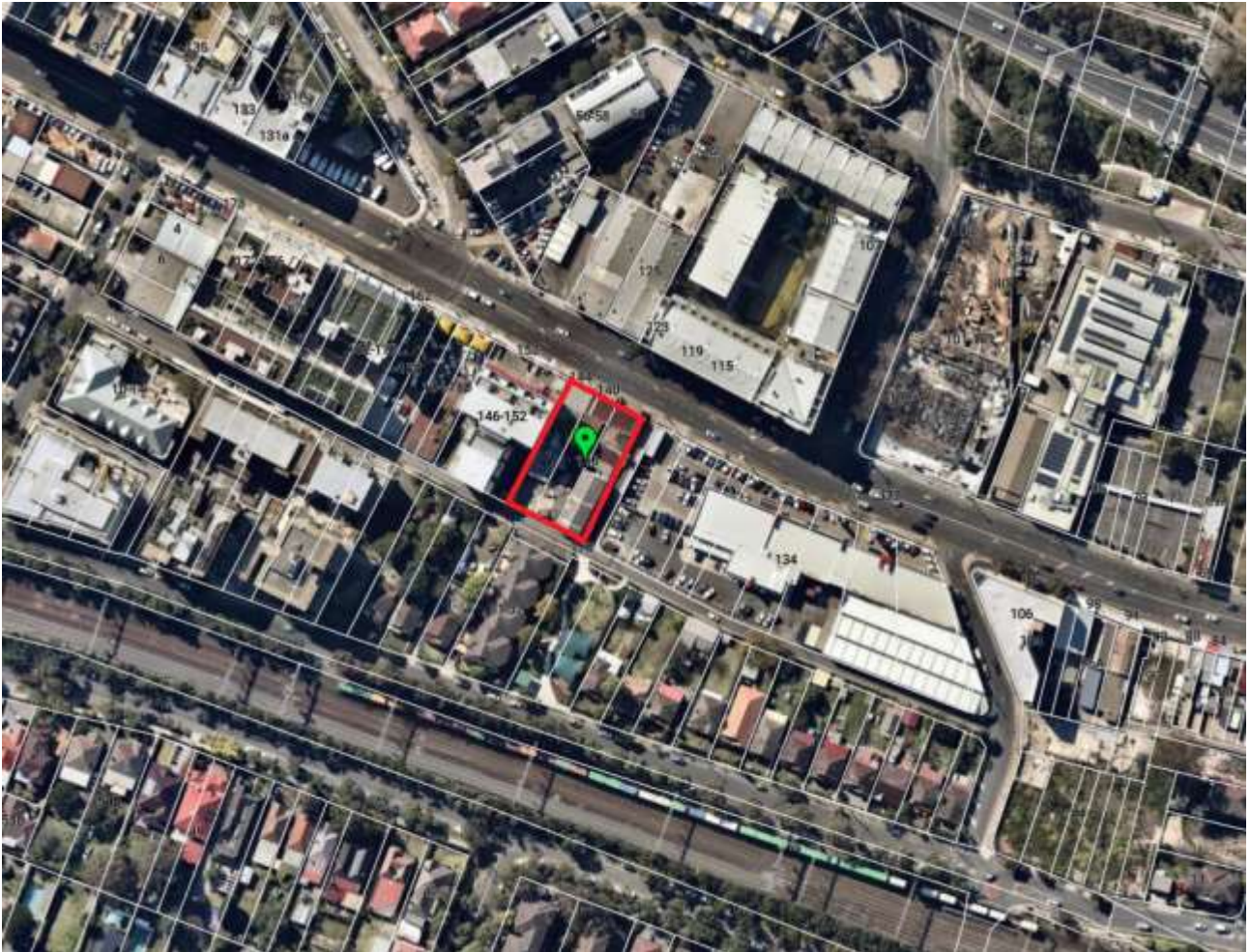


Figure 1: Locality plan with the subject site outlined in red

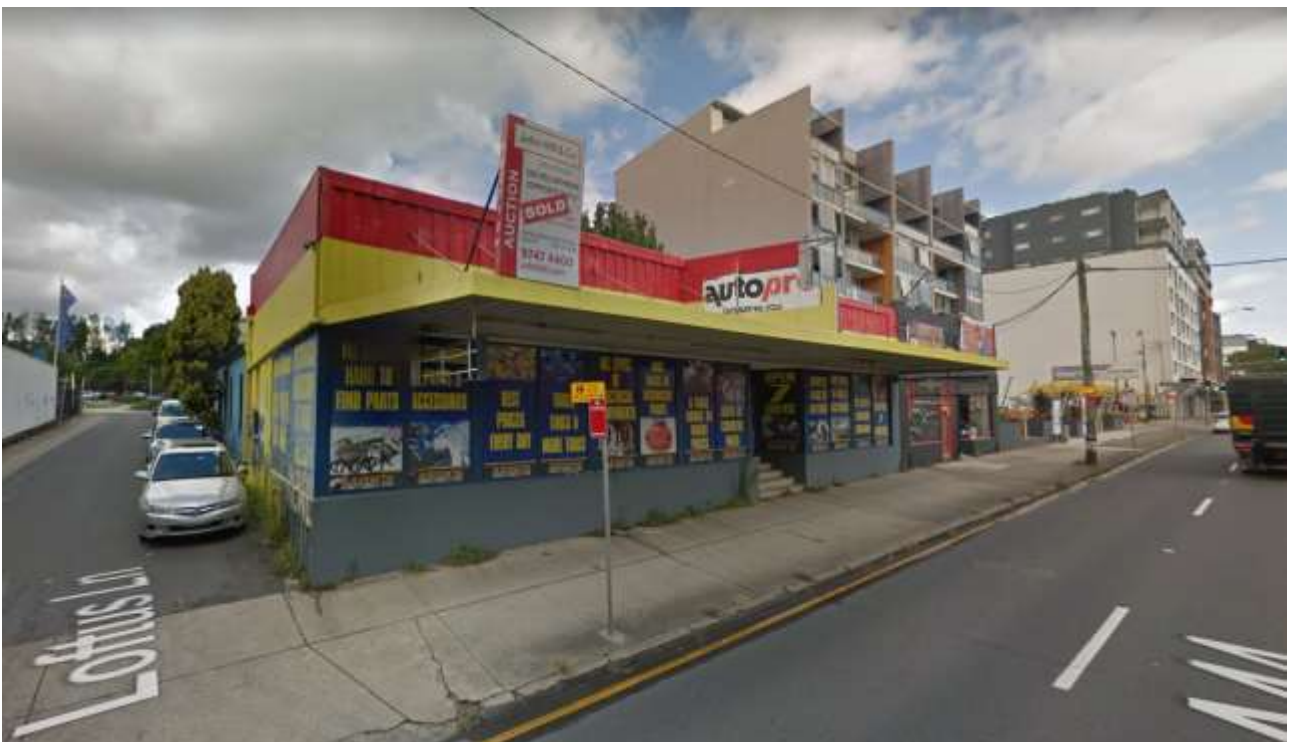


Figure 2: Westerly view of the subject site from Parramatta Road

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Figure 3: Westerly view of the subject site from Loftus Lane



Figure 4: Southerly view of the adjoining shop-top housing development at 146-152 Parramatta Road

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Figure 5: Southerly view of Augustus Loftus Reserve located to the rear (south) of the site across Loftus Lane

PROPERTY BURDENS AND CONSTRAINTS

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of mixed used development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking. The proposal is for a part 5, part 10 storey building with the taller component fronting Parramatta Road.

A pub is proposed at ground floor level and it covers a total of 469sq.m, including:

- Sports bar;
- Gaming room including a maximum 30 gaming machines;
- Outdoor courtyard;
- Office;
- Kitchen;
- Services such as access to loading dock, waste store and plant equipment;
- Toilet amenities

The residential component of the development incorporates a total of 63 apartments (27 x 1-bedroom, 31 x 2-bedroom and 5 x 3-bedroom apartments) whereby 44 of these are residential apartments and 19 of these are serviced apartments.

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The serviced apartments are located at the rear of the site within the 5-storey component of the development (from levels 1 to 4), and the residential apartments are located within the 10-storey component of the building (from levels 1 to 9) which front Parramatta Road.

The access to the residential component is from the eastern side boundary which fronts Loftus Lane. There are separate cores for the serviced and residential apartments.

A communal open space accessible to the residential apartments is located on Level 5, towards the rear of the site.

The three (3) basement levels are accessed via vehicle entry from Loftus Lane adjacent the western side boundary. The basement levels comprise a total of 93 car parking spaces, whereby 77 car parking spaces (which includes 10 accessible car parking spaces) are allocated to the residential component of the development, and 16 car parking spaces (which includes one accessible space) are allocated to the pub component.

The basement levels also comprise waste stores, including a bulky waste store, storage areas, lift access, turning bays, fire pump rooms, hot water room, plant/ services, WC.

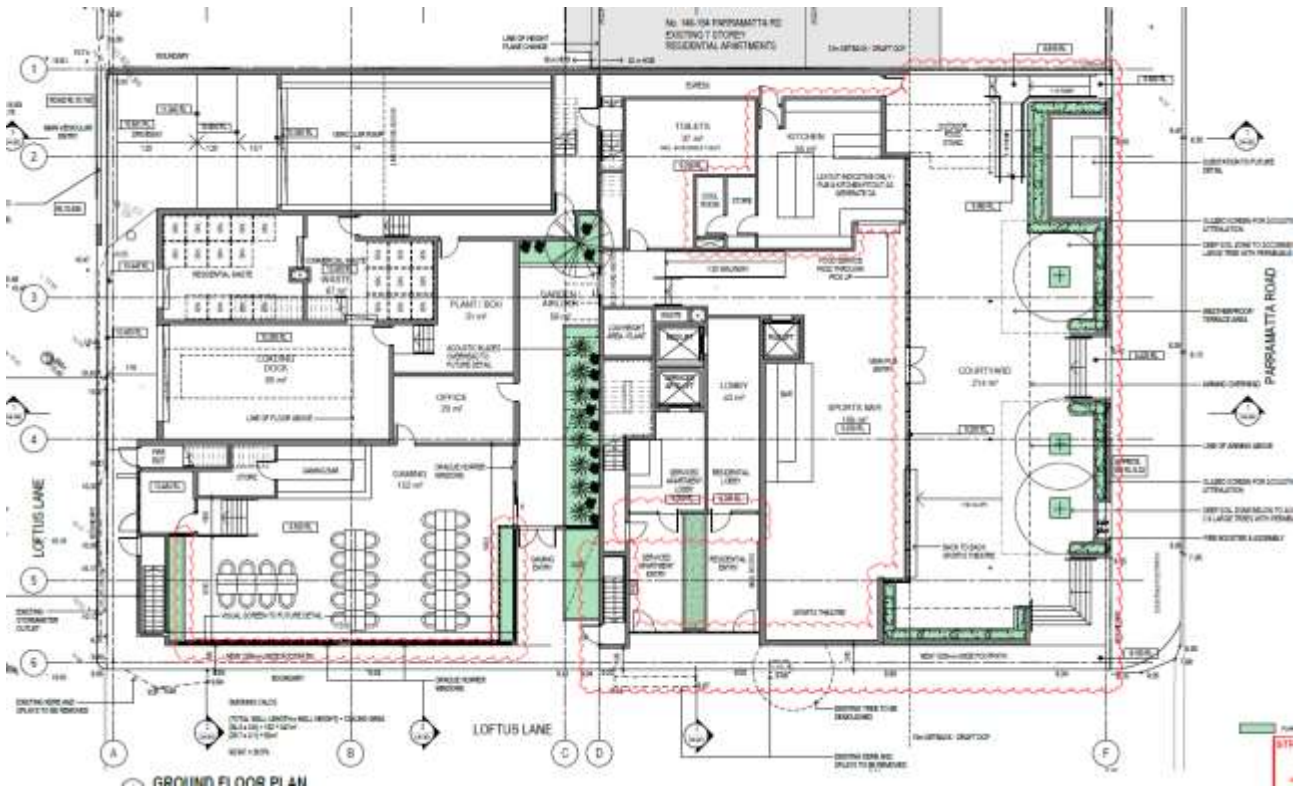


Figure 6: Extract of the proposed ground floor of the building which predominately comprises the pub

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Figure 7: Extract of the proposed southern (rear) elevation fronting Loftus Lane



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Figure 8: Extract of the proposed eastern (side) elevation fronting Loftus Lane



Figure 9: Photomontage of the original proposal (NB: it has been slightly modified during the assessment process)

REFERRALS

INTERNAL REFERRALS

Hydraulic Engineering Comments

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

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **Thomas Lau and Associates ref: PARRAMATTA136-SW4.DWG sheet: 1-20 of 20 dated April 2019**. The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The site discharges to existing stormwater pit on Loftus Lane by means of a gravity pipe via the boundary pit. Concept plan indicates all impervious area drain into suspended OSD tank below level 1 by gravity means. Subsoil seepage drains into basement sump by gravity means via subsoil drainage. Rising main from basement sump connects to the OSD tank. Landscaped areas drain into the OSD tank by gravity means via planter box grates. OSD tank has been designed with internal mechanism to negate the likelihood of internal flooding. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached."*

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Council's Engineer offered no 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:

"There are no significant trees on this property and I have no objection to their removal. This is conditional on the planting of feature trees on the site behind the footpath area.

*The landscape plan is generally supported however the proposed feature tree species is not suitable. The site frontage deserves 2 significant feature trees. The Landscape design is to be amended to provide the species *Corymbia maculata* (Spotted Gum) from 300 litre containers. This information is required prior to the issue of the development consent."*

Council's Tree Coordinator offered no objections to the proposal, subject to the abovementioned comment being addressed and imposition of recommended conditions of consent.

Traffic Comments

Council's Traffic Engineer has commented on the original proposal and identified that the applicant should refer to DCP 20 – Parramatta Road Corridor and Part I of Strathfield Consolidated Development Control Plan 2005 for parking rates in relation to the pub. Council's Traffic Engineer also requested for the following:

- The parking drawings to demonstrate the flow of traffic.
- There are no turning bays at basement level 1 before the boom gate. The applicant is to demonstrate how vehicles will maneuver if the parking is full.
- Cannot see the turning path for SRV, it needs to be demonstrated how will vehicles enter and exit the loading dock.
- The footpath of 1.2m in width has been proposed within Loftus Lane. Please note that this will render the two-way lane tight and unfit for two-way traffic.
- I am not in favour of converting this laneway to one way.
- RMS to be consulted.

Environmental Health Comments

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

Acoustic

"ALC have provided an updated acoustic report that shows the data excluded due to the impact of noise influencing weather.

The Noise Policy for Industry 2017 ("the NPI") requires that the day, evening or night period must be re-monitored if the number of excluded samples exceeds the 8 for day, 2 for evening or 4 for night.

While reviewing the data, it is noted that the following day, evening or night periods contain more excluded samples than permitted:

- Monday Day period (12 excluded measurement periods)
- Thursday: Day, evening and night period (14, 4 & 6 excluded measurement periods)
- Saturday: Day and night period (11 & 23 excluded measurement periods))

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- *Sunday: Day and evening period. (20 & 7 excluded measurement periods)*

Part B1.3 of Fact Sheet B of the NPI requires re-monitoring of the background noise for those periods. The NPI does contain an exception, but the updated acoustic report fails to demonstrate how the data set meets the exception criteria.

As it currently stands, the background readings contain 8 of 21 day, evening or night periods that fail to meet the requirements of the NPI, and about 15% of all measurements were weather influenced and excluded, including more than half of all Sunday readings. As such the background readings cannot be taken to be a true and accurate reflection of the existing acoustic environment.

Background noise readings are integral for establishing the existing acoustic environment and development of attenuation measures to protect future tenants and neighbors of the proposed development.

The applicant must submit an acoustic report, with background readings collected in accordance with the Noise Policy for Industry 2017.

Approval is not recommended as the applicant has submitted an acoustic report that fails to comply with the Noise Policy for Industry 2017. If the application is approved, the following conditions should be applied.”

The recommended conditions require submission of an amended acoustic report which contains:

- Background readings taken in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” long-term measurement. The background readings must include full details on how meteorological conditions were monitored.
- Background readings must be reported in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” for long-term measurement.
- Identify all noise producing aspects of the proposed development.
- Identify all external noise sources that may impact on the amenity of the residential properties of the development
- Demonstrate the suitability of any assumptions used in the acoustic report, via the provision of references or validating data.
- Recognise and provide variation for the impact of alcohol on any crowd noise.
- Identifying which areas of the development are indoor areas and outdoor areas.
- Propose effective and quantifiable noise control measures to control noise emitted from the premises to a levels required in condition 98 – Noise Use (Licenced Premises)
- Propose effective noise intrusion attenuation measures to maintain noise within residential areas of the development. The noise intrusion attenuation measures must comply with:
 - Strathfield Council DCP 2005
 - NSW Department of Planning ‘Development near Rail Corridors and Busy Roads (Interim Guide) 2008
 - State Environmental Planning Policy (Infrastructure) 2007
 - Australian and New Zealand AS/NZS 3671:1989 ‘Acoustics – Road traffic noise intrusion – Building siting and construction’
 - Australian and New Zealand AS/NZS 2107:2016 ‘Recommended design sound levels and reverberation times for building interiors’

Acid Sulfate Soils

“The Acid Sulfate Soil Report is satisfactory.

No Actual Acid Sulfate Soils (AASS) were identified.

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Potential Acid Sulfate Soils (PASS) are created using inorganic sulfur. Testing for PASS is usually done using the SPOCAS and/or Chromium Reducible Sulfur (CRS) methods. The report analysed both methods. Results of SPOCAS testing identified some samples as likely PASS. CRS testing, which analyses the presence of inorganic sulfur showed had results that indicated the absence of PASS. This result is acceptable. As stated in "Acid Sulfate Soils Laboratory Methods Guidelines" 2004, "the CRS provides a reliable and direct method of reduced inorganic sulphur."

The report concludes the site is not impacted by PASS or AASS

However, as the SPOCAS method identified samples that indicating PASS, the report recommends resampling of water prior to discharge.

I recommend the following condition for Acid Sulfate Soil Management:

Prior to discharge of any water from the site, water must be sampled and analysed in accordance with the Acid Sulfate Soils Manual.

If results of the sample indicate presence of actual acid sulfate soils or potential acid sulfate soils as defined in the Acid Sulfate Soils Manual, a detailed acid soil sulfate assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development or that an Acid Sulfate Soil Management Plan is required. The detailed assessment or Acid Sulfate Soil Management Plan shall be submitted to the Principal Certifying Authority, and implemented prior discharge of any water."

EXTERNAL REFERRALS

Water NSW

The application was identified as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as it requires general terms of approval (GTA) from Water NSW under Section 91(3) of the Water Management Act 2000. The application was referred to Water NSW via the Planning Portal for concurrence on 15 June 2019 and the General Terms of Approval (GTA) was received on 26 June 2019. The General Terms of Approval are included in the recommended conditions of consent.

Roads and Maritime Services (RMS) NSW

The application was referred to RMS. The following comments have been received.

"Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development, subject to Council's approval and the following requirements being included in any development consent:

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.

2. Right turn movements from Loftus Lane into Parramatta Road will not be permitted. As such, 'No Right Turn' signage should be installed. All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

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Alternatively, Council may want to consider implementing one-way traffic southbound on Loftus Lane.

3. 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. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

4. The proposed development should be designed such that road traffic noise from Parramatta 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.

5. 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 Parramatta Road.

6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.”

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

NSW Police

The application was referred to NSW Police. NSW Police raised no objection to the proposal, subject to the imposition of conditions relating to light, closed Circuit Television, security officers, signage and landscaping.

Ausgrid

The application was referred to Ausgrid who raised no objection to the proposal.

Design Review Panel

The application was referred to a Design Review Panel. The following advice has been received:

Preface

It is noted that a Pre-DA application meeting was held with Strathfield Council for a development scheme on the site at 136 Parramatta Road, Homebush. This advice led to the consolidation of 144 Parramatta Road, Homebush, into this development.

1. Parramatta Road Interface and Presentation

1.1 Parramatta Road is a major road that is a significant noise and pollution source. ADG cl.4J and the NSW Governments' Development near Rail Corridors and Busy Roads – Interim Guidelines (Infrastructure SEPP 2007) must be considered in the planning, design and assessment of development in, or adjoining busy roads.

The applicant should engage consultants to investigate both the air quality and acoustic considerations associated with proposing apartments on main roads. This

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consultant should provide advice that may to assist in achieving a floor plan layout that addresses this problem.

- 1.2 *The Panel suggested that the applicant investigate relocating the serviced apartments to the lower levels fronting Parramatta Road because these apartments would service short-term tenants and provide greater separation between the residential apartments and Parramatta Road. There is an opportunity to separately articulate the serviced apartments through a podium type expression to the façade, which may assist in modulating the scale and composition of the building.*
- 1.3 *Similarly the floors above the parapet line of the adjoining developed site at 146-160 Parramatta Road could be setback along the western boundary to reduce the bulk and scale of the street wall.*
- 1.4 *The scheme is completely dependent upon the ongoing viability of the verdant plantings across its facades. Some of the garden beds are inaccessible for ongoing maintenance from the balcony. The applicant must ensure that suitable species are selected and submit a plan of management for the establishment and ongoing maintenance and include details about irrigation and maintenance access to Council's satisfaction. The Panel caution against any proposal that would rely upon residents maintaining the plantings.*
- 1.5 *The Panel recommends additional intensive tree and shrub planting along the Parramatta Road frontage to provide a generous green buffer to the hotel and lower residential uses. The species should be selected to complement the balcony planting.*
- 1.6 *The applicant needs to review the location and appearance of the substation kiosk fire booster on Parramatta Road in consultation with Council and to the requirements of RMS.*
- 1.7 *The sports bar has been design with glazing out to an elevated courtyard adjoining Parramatta Road. Gaming facilities located in the southern corner must not be visible from any public space, necessitating opaque glazing for the street level ground floor windows and hence a poor interface with the public domain. The location of the gaming room should be reconsidered so that an active frontage and favourable outlook towards the Augustus Loftus Reserve can be achieved.*

2. Layout and Amenity

- 2.1 *The Panel considers that the typical floor plan is too "dense" and requires removal of one apartment. One possibility is that the units located in the south-western stack be deleted so that the building has an L-shaped floor layout. Whilst there would be ADG issues to resolve, it would improve light and ventilation as well as resolve the built form in relation to the adjoining building. The Panel notes that the foyers, corridors and garbage rooms have been excluded from the calculation of the FSR, which is likely to necessitate a reduction in yield.*
- 2.2 *The second bedrooms in Unit x05 stack, are not acceptable as it is located above the narrow gaming entry and has an outlook to a narrow void area opposite a bathroom window.*
- 2.3 *The living areas and balconies for Unit x07 stack should take advantage of the favourable aspect towards the Augustus Loftus Reserve.*

3. Other matters

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- 3.1 *The lift cores and lobbies should be designed so that the occupants have access to each of the two lifts on each floor.*
- 3.2 *The applicant will need to ensure to the satisfaction of Council that the operational and acoustic impacts of the hotel and the residential apartments above are resolved.*
- 3.3 *Unit stacks x02, x03 and x04 are not considered cross-ventilated to ADG requirements. Alternative engineered solutions would require the advice of suitably qualified and experienced engineers.*

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

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

The application was accompanied by a Preliminary Site Investigation which included that aerial photographs of the site indicate the site has been occupied by residential properties in the 1930s and remained residential until 1956. Between 1956 and 1975 the site was redeveloped into a commercial property which is the current use of the site.

The subject site is not listed on the NSW Environmental Protection Authority's database of contaminated site however; it is noted that this database does not provide record of all contaminated land in NSW.

The Preliminary Site Investigation identified that given the previous and existing use of the site, and that there are areas where the site is unsealed, that there is potential for site contamination. The Investigation report concluded that the risks to human health and the environment associated with soil and groundwater contamination at the site are medium in the context of the proposed use of the site however, the site can be made suitable for the proposed development, subject to the following recommendations:

- *Preparation of a Detailed Site Investigation (Phase 2 Environmental Site Assessment) by a suitably qualified Environmental Consultant*
- *Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014)*
- *An asbestos Clearance Certificate is recommended to be completed once all existing buildings and structures have been demolished.*
- *If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.*

Therefore, despite the potential site contamination, the site can be made suitable for the proposed development subject to the recommendations of the Preliminary Site Investigation being included as conditions of consent. Subject to the imposition of these conditions, the objectives outlined within SEPP55 are considered to be satisfied.

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STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) states that the consent authority must not grant consent to development on land 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.

In regards to Clause 101(a), practicable and safe vehicular access is provided by Loftus Lane, which is a road that is not classified, which is the preferred option to providing access from a classified road, in this instance, Parramatta Road.

In regards to Clause 101(b) the safety, efficiency and ongoing operation of Parramatta Road is not considered to be affected by the development as a result of the design of the vehicular access, as this is from Loftus Lane, nor is the mixed used development for a pub and residential apartments likely to give rise to smoke and dust which would affect the classified Road. The emissions and smoke from the pub will be reasonably dealt with through the construction certificate process. In regards to Clause 101(b)(iii) this is addressed in the discussion regarding Clause 104- Traffic Generating Development.

The proposed development, in part, is for residential development which may be sensitive to traffic noise and emissions from Parramatta Road. However, appropriate conditions of consent are recommended which require additional noise monitoring and the recommended attenuation measures incorporated in the design of the building.

The application was referred to Roads and Maritime Services in relation to Clause 101 and they raised no objection to the proposal, subject to the imposition of recommended conditions of consent.

The proposal is considered to be Traffic- Generating Development under Clause 104 of the Infrastructure SEPP as it involves the construction of over 75 residential dwellings on a site which has access to a road that connects within 90m to a classified road (Parramatta Road). Clause 104(3) of the Infrastructure states that before determining a development application, the consent authority must:

(a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration:

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(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

In regards to Clause 104(2)(a) and (b), the application was referred to RMS under Clause 104 of the Infrastructure SEPP and their recommended conditions are included in the recommended conditions of this report.

In regards to Clause 104(3)(b)(ii) and (iii) the accessibility of the site from Loftus Lane is considered to be suitable for the movement of people to and from the site, without disturbing traffic flows along Parramatta Road. Furthermore, the site is considered to be well connected to a number of bus routes and Homebush Railway Station to minimise the need for travel by car.

Overall, the proposal is considered to be acceptable in relation to Clause 101 and 104 of the Infrastructure SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

A BASIX Certificate was submitted as part of the application which indicated that the original proposal met the required reduction targets. An appropriate condition of consent will be imposed to requiring an amended BASIX Certificate to be prepared in relation to the revised proposal and to ensure future compliance with these targets.

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 existing site is most hard paved and mostly devoid of vegetation. However, there are three (3) trees located on the site which are all proposed to be removed. This includes a semi mature Camphor (Tree 1), a Privet tree (Tree 2) and a Cypress pine (Tree 3). The application was accompanied by an Arboricultural Report which concluded that all of these trees are of low significance and would be recommended for removal irrespective of the proposed development.

Council's Tree Coordinator raised no objection to the removal of these trees, subject to replacement planting. Council's Tree Coordinator recommended that a minimum of two (2) trees be provided within the boundaries of the site along frontage to Parramatta Road. It was further

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recommended that these trees be of the species *Corymbia maculata* (Spotted Gum) and planted from a 300 litre containers.

The applicant has submitted amended plans which include planting of three (3) trees within the front setback which are *Hymenosprum flavum*, an Australian native tree to the east coast of Australia. This is a species on Council’s Recommended Tree list which is considered acceptable. However, a condition of consent is recommended for these to be planted from 300L containers, rather than 100L as proposed. The applicant’s Landscape Architect has noted that 300L containers is accepted.

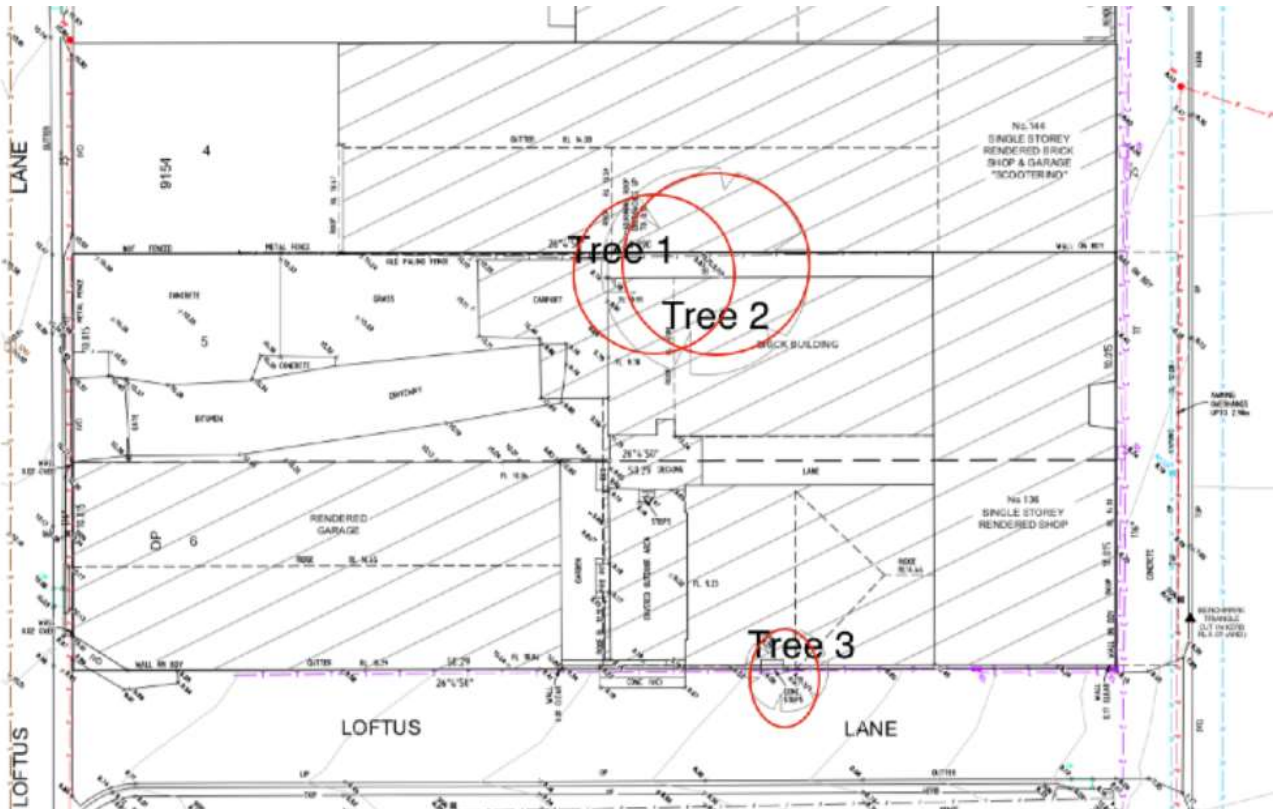


Figure 10: Plan of the subject site with the existing trees proposed to be removed outlined in red.

The application has increased the extent of landscaping across the site with the deep soil planting in the front setback, planting centrally within the site at ground floor level, centrally within the site along the western side boundary at Level 1, on a number of the balconies, and also the communal open space area on level 5.

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) aims to improve the design quality of residential flat development in New South Wales. SEPP 65 recognises that the design of residential apartments is of significance due to the economic, environmental, cultural and social benefits of high quality design.

Strathfield Council does not have a design review panel referred to under Clause 28 however utilises the services of a Design Review Panel formed at Canada Bay Council. An assessment of the design quality of the residential component of the development (excluding the serviced

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apartments) against the design principles of the SEPP and the relevant design criteria of the Apartment Design Guide has been undertaken in the table below:

Principle	Objective	Proposed
Context and neighbourhood character	<p><i>Responding to context involves identifying the desirable elements of an area's existing or future character.</i></p> <p><i>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The proposed development responds to the high density, mixed use, urban context of the site which is envisaged for the Parramatta Road corridor. The height of the proposed development steps down from Parramatta Road to the rear of the site, responding the building height development standards but also steps down to the lower density residential properties at the rear.</p> <p>The proposed design considers the local context and is consistent with the desired future character of the area, particularly Parramatta Road.</p>
Built form and scale	<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><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></p>	<p>The subject site forms Key Site 70 in SLEP 2012 and follows the desired consolidation pattern in the area.</p> <p>The proposed FSR complies with the FSR development standard, and whilst the proposed building height exceeds the maximum building height standard, this is considered acceptable with the Clause 4.6 variation request in that the breach is minor, will not be discernible from the streetscene, and still meets the objectives of the development standard and mixed use zone.</p> <p>The proposal is setback 10m from Parramatta Road to accord with the front setback of the neighbouring property at 146-154 Parramatta Road and also the desired boulevard style of Parramatta Road.</p> <p>The private and public domain is well defined through the use of retaining walls, planting and recessed entries along the eastern side boundary.</p> <p>The front and rear façade incorporate visual interest through varied materials, articulation and planting. Concern is raised with the visual appearance of the eastern flank wall to the 10-storey component of the building, particularly given its prominence within Parramatta Road. A condition of consent is recommended to redesign this façade.</p>
Density	<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed</i></p>	<p>The proposal complies with the building FSR development standard of SLEP 2012. Whilst the proposed building height exceeds the maximum building height standard, this is considered acceptable with the Clause 4.6 variation request in that the breach is minor, it will not be discernible from the streetscene, and still meets the objectives of the</p>

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Principle	Objective	Proposed
	<p><i>infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>development standard and mixed use zone.</p> <p>The proposal is located within close proximity to public transport and employment opportunities along Parramatta Road, which will support the proposed residential density and unit mix. Equally, the pub is likely to be well supported given the residential density in the surrounding area.</p>
<p>Sustainability</p>	<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The proposal complies with BASIX and provides good solar access and natural ventilation to heat and cool the building alongside building products which provide high insulation properties.</p> <p>Additional information was received in relation to the ventilation strategy of the horizontal communal circulation areas.</p>
<p>Landscape</p>	<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbors' amenity and provides for practical establishment and long term management.</i></p>	<p>The subject application is accompanied by a landscape plan that is considered suitable for the scale of development.</p> <p>The proposal incorporates 65.4sq.m (8.4% of the residential portion of the site) as deep soil landscaping. Whilst the proposal involves the removal of three (3) trees, the trees were considered to be of low significance and their removal is supported by Council's Tree Coordinator. The landscape plans incorporate three (3) frangipani trees planted from 300 litre containers (by condition) which assists improving the visual amenity of the streetscape. In addition, there is on-slab landscaping provided on a number of the balconies, Level 1 and 5 (communal open space).</p>
<p>Amenity</p>	<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access</i></p>	<p>The proposal has been designed to achieve a high level of internal residential amenity through compliant ceiling heights and adequate access to natural light and ventilation with all units attaining an easterly, or northerly orientation.</p> <p>The proposal has been designed to minimise overlooking to adjoining developments. Units</p>

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Principle	Objective	Proposed
	<p><i>to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>109, 210, 310 and 410 are orientated to the west towards 146-154 Parramatta Road however, they are setback over 13m from the adjoining apartments so as to minimise any potential overlooking opportunities.</p> <p>The unit layouts are efficient and comply with the new minimum unit sizes required by the ADG.</p> <p>A condition of consent requires an amended Acoustic Report to be prepared in accordance with the advice of Council's Environmental Health Officer. This is to ensure appropriate attenuation measures are incorporated in the development to protect amenity of future occupiers from the noise of the Parramatta Road and the pub located on the ground floor level.</p>
Safety	<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The proposed residential entry is secure and identifiable through its recession along the eastern side boundary. However, it is not considered that the residential entry is clearly defined and identifiable and so a condition of consent is recommended to improve the legibility of this entrance.</p> <p>The balconies will overlook the public domain as they are mostly orientated towards Parramatta Road and Loftus Lane, thereby providing additional surveillance opportunities.</p>
Housing diversity and social interaction	<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>The proposal provides an acceptable mixture of apartment types including 24 x 1 bedroom, 15 x 2-bedroom and 5 x 3-bedroom. Whilst the serviced apartments are not required to be assessment against SEPP 65, it is noted that they incorporates 16 x 2-bed apartments and 3 x 3-bed apartments which cumulatively with the residential apartments provides a good mix.</p> <p>The proposal is provided with accessible and well-considered areas of communal open space. Whilst it is located within the southern portion of the development, it achieves adequate sunlight during the afternoon when considering the dense urban environment of the surrounding area.</p>
Aesthetics	<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p>	<p>The building is mostly well articulated with balconies orientated to Parramatta Road and Loftus Lane. Whilst there is concern with the unarticulated wall on the eastern elevation of the 10-storey component of the building, a condition of consent is recommended to</p>

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Principle	Objective	Proposed
	<i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	improve the visual interest of this elevation. The proposal incorporates a mixture of materials and finishes included varied grey paint finish, stone wall and cement like finish. The schedule of external finishes is of a neutral colour palette which will integrate well with both the natural as well as built form characteristics and colours in the streetscape.

Apartment Design Guide

Design Criteria	Required	Proposed	Compliance
2E - Building Depth	Maximum 12m – 18m	9.5-15m	Yes.
2F – Building Separation	Up to 4 storeys (approx.. 12m) <ul style="list-style-type: none"> • 12m between habitable rooms/ balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	<p>North: Parramatta Rd is situated directly to the north. The building is set back 10m from the boundary with balconies sitting proud of this setback. The distance, boundary to boundary, to the property to the north is approximately 24.4m</p> <p>East: Loftus Lane separates the site from the easternmost site. The distance between the site's easternmost boundary and the boundary to the site across Loftus Lane (Existing car showroom & lot) is approximately 6.43-9.2m. Additionally the Strathfield SLEP 2012 Height of building map shows the easternmost portion of the car lot as a 0m height plane, preventing future residential development in this zone, and potential privacy issues</p> <p>South: Loftus Lane separates the site from Augustus Loftus Lane & 31-32 Loftus Lane to the south. The first 4 storeys of the southern, serviced apartment portion of the proposal is situated approximately 12m from the southern townhouses. The distance between townhouse windows and balconies/windows to habitable spaces on the subject site are a minim of 12m. The building steps back a further 4m from the southern boundary at the fifth storey for further privacy</p> <p>West: A nil setback at the north-west and south-west corners of the building envelope has been provided, mirroring the existing street condition of boundary to boundary construction</p>	Yes

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		along Parramatta Rd. These westernmost walls are blank for privacy and to allow for future development. Central serviced apartment units which face west have been setback a minimum of approximately 7.2m from the property boundary to balconies for privacy.	
3B – Orientation	<p>Responsive to streetscape and site</p> <p>Designed to optimise solar access and minimise overlooking</p> <p>Shall not further reduce solar access by more than 20%</p>	<p>The proposal is responsive to the dual street frontage and is designed to optimise solar access whilst minimising the potential for overlooking.</p> <p>The proposal results in a degree of unavoidable overshadowing to the properties located to the south across Loftus Lane. However, this will mostly be in the morning, and the additional shadowing to these properties will mostly have disappeared by 12pm.</p>	Yes.
3C – Public Domain Interface	<p>Balconies/windows orientated to overlook the public domain</p> <p>Front fence design is permeable</p> <p>Opportunities for concealment minimised</p> <p>Services concealed</p> <p>Access ramps minimised</p>	<p>Balconies and windows are orientated to overlook the public domain, both to Parramatta Road and Loftus Lane.</p> <p>The proposal does not incorporate a front fence however, the front retaining wall, acoustic glass balustrade and landscaping will delineate the private land along Parramatta Road.</p> <p>The services entry is concealed to the rear of the site along Loftus Lane. Access ramps are minimise however, there is one provided along Parramatta Road to the outdoor front courtyard which is considered acceptable.</p> <p>A condition of consent is recommended to improve the legibility of the residential entries</p>	Yes, subject to condition.
3D – Communal Open Space	<p>Min. 25%</p> <p>Min 2h to 50% communal open space at mid-winter Consolidated area</p> <p>Min dimension of 3m</p> <p>Equitable access</p> <p>Where developments are unable to achieve the design criteria, such as on small lots they should;</p> <ul style="list-style-type: none"> - Provide communal open space elsewhere such as a landscape rooftop terrace; 	<p>The proposal incorporates one (1) communal open space located at Level 5 which is for use for the residential apartments only. The communal open space is 205sq.m which presents as 25% of the residential portion of the site. The communal open space achieves 1.5 hours of direct sunlight to 50% of its principal usable area in the afternoon and whilst this does not comply with the minimum requirements, it is considered acceptable given the dense urban area, proximity to Augustus Loftus Reserve, provision</p>	Yes.

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	<ul style="list-style-type: none"> - Provide larger balconies or increased private open space' - Demonstrate good proximity to public open space and facilities. 	of oversized balconies.	
3E – Deep Soil Zones	Min. 7% (54m ²)	The proposal provides 71m ² of deep soil landscaping which is provided at ground floor level at the northern portion of the site. This is achieved by the setback of the basement from the northern boundary of the site. Three (3) trees are proposed within the deep soil landscape area.	Yes.
3F – Visual Privacy	<p>Up to 4 storeys: 6-12m 6m between habitable rooms/balconies and the boundary</p> <p>3m between habitable and non-habitable rooms and the boundary.</p> <p>5-8 storeys: 9-18m</p> <ul style="list-style-type: none"> • 9m between habitable rooms/balconies; and • 4.5m between habitable and non-habitable rooms and the boundary. 	<p>North: Parramatta Rd is situated directly to the north. The building is set back 10m from the boundary with balconies sitting proud of this setback. The distance, boundary to boundary, to the property to the north is approximately 24.4m</p> <p>East: Loftus Lane separates the site from the easternmost site. The distance between the site's easternmost boundary and the boundary to the site across Loftus Lane (Existing car showroom & lot) is approximately 6.43-9.2m. Additionally the Strathfield SLEP 2012 Height of building map shows the easternmost portion of the car lot as a 0m height plane, preventing future residential development in this zone, and potential privacy issues</p> <p>South: Loftus Lane separates the site from Augustus Loftus Lane & 31-32 Loftus Lane to the south. The first 4 storeys of the southern, serviced apartment portion of the proposal is situated approximately 12m from the southern townhouses. The distance between townhouse windows and balconies/windows to habitable spaces on the subject site are a minim of 12m. The building steps back a further 4m from the southern boundary at the fifth storey for further privacy</p> <p>West: A nil setback at the north-west and south-west corners of the building envelope has been provided, mirroring the existing street condition of boundary to boundary construction along Parramatta Rd. These westernmost walls are blank for privacy and to allow for future</p>	Yes.

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		development. Central serviced apartment units which face west have been setback a minimum of approximately 7.2m from the property boundary to balconies for privacy.	
3G – Pedestrian Access and Entries	Entry addresses public domain Clearly identifiable Steps and ramps integrated into building design	The vehicle and pedestrian ramps are separated and suitable integrated into the building. The residential entry is recessed behind the eastern elevation and a condition of consent is recommended requiring amended plans which demonstrate that the residential entry is clearly identifiable and legible in the street.	Yes.
3H – Vehicle Access	Integrated into façade Visual impact minimised Entry behind the building line or from secondary frontage Clear sight lines Garbage collection screened Pedestrian and vehicle access separated	Vehicle access is integrated into the secondary frontage along Loftus Lane Street and provides clear sightlines. Garbage collection is provided on-site at the rear from Loftus Lane. Pedestrian access around the site is improved through the provision of a new 1.2m wide pedestrian pathway along the full length of the eastern boundary of the site. This will improve pedestrian links and ensure that pedestrian access and vehicle access is suitably separated.	Yes.
3J – Bicycle and Car Parking	Within 800m of a railway station: Min RMS Rate Applies: <u>20 or more units:</u> 1 bedroom: 0.6 spaces (24 x 0.6 = 14.4 spaces) 2 bedroom: 0.9 spaces (45 x 0.9 = 30 spaces) 3 bedroom: 1.4 spaces (3 x 1.4 = 7 spaces) Visitor 1 per 5 units (52 / 5 = 8.8 Spaces) Total requirement = 31 resident spaces and 9 visitor spaces	55 parking spaces are provided for the residential component and a condition of consent is recommended to retain these car parking spaces for use of the residential component and to dedicate 9 of these as visitors spaces.	Yes
4A – Solar and Daylight Access	Min. 70% (31 units) receive 2 hours solar access.	100% of the apartments receive more than 2 hour of solar access during mid-winter.	Yes.

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	<p>Max. 15% units have no solar access Light wells, skylights and highlight windows are only to be a secondary source where sunlight is limited Design incorporates shading and glare control.</p>		
4B – Natural Ventilation	<p>Min. 60% units are cross ventilated Light wells are not the primary source of ventilation for habitable rooms Single aspect units have limited depth to maximise ventilation.</p>	A minimum of 70% of the units are naturally cross ventilated.	Yes.
4C – Ceiling Heights	<p>Habitable: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m main living area, 2.4m mezzanine Mixed Use: 3.3m ground floor.</p>	The floor to ceiling height of habitable floors meet the minimum 2.7m and the floor to ceiling height of non-habitable floors meet the minimum 2.4m.	Yes.
4D – Apartment Size and Layout	<p>1 bed: 50m² 2 bed: 70m² 3 bed: 90m² Additional bathrooms +5m² Each habitable room must have a window > 10% floor area of the room. If open plan layout =max 8m from a window Master bed: min 10m² Other bedroom: min 9m² Living room min. width: Studio and 1 bed: 3.6m 2 and 3 bed: 4m Crossover/through: min 4m.</p>	The proposed apartments comply with the minimum size requirements.	Yes
4E – Private Open Space and Balconies	<p>Studio: 4m² 1 bed: 8m², min depth 2m 2 bed: 10m², min depth 2m 3 bed: 12m², min depth 2.4m</p>	All units are provided with an area of private open space with a minimum dimension of 2m which meets the minimum area requirements.	Yes.
4F – Common Circulation and Spaces	<p>Max 8 apartments off a single core</p>	<p>No more than eight (8) apartments are accessed off a single core. 5 units are provided from level 1-8 per core; and 4 units are provided on level 9.</p>	Yes.
4G – Storage	<p>Studio: 4m³ 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³ At least 50% within the basement</p>	The minimum storage areas are provided within the apartments and also by utilizing storage areas in the basement levels.	Yes.
4H – Acoustic Privacy	<p>Orientate building away from noise sources Party walls limited or insulated,</p>	The subject site is located on Parramatta Road which is a substantial noise source.	Yes, refer to conditions.

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	like rooms together Noise sources (e.g. garage doors, driveways) located at least 3m from bedrooms	Nevertheless, Council's Environmental Health Officer has recommended that the acoustic report be amended and resubmitted to address concerns with the methodology. This matter is considered to be able to be addressed by condition and this has been included in the recommended conditions.	
4J – Noise and Pollution	Site building to maximise noise insulation Noise attenuation utilised where necessary	It is acknowledged that the site fronts Parramatta Road which is a considerable noise source. Nevertheless, conditions of consent are recommended regarding additional noise testing and compliance with the recommendations of acoustic report.	Yes.
4K – Apartment Mix	Variety of apartment types Appropriate apartment mix Different apartments distributed throughout the building.	The proposal an adequate housing mix as follows: <ul style="list-style-type: none"> - 24 x 1-bed units - 15 x 2-bed units; and - 5 x 3-bed units 	Yes.
4M – Facades	Composition of building elements. Defined base, middle and top Building services integrated into the façade	The composition of the building façade has a defined base and top with modulated balconies, varied materials and planters to provide visual interest. However, there is concern with the lack of visual interest on the eastern elevation of the 10-storey component of the building which will be highly visible in Parramatta Road. A condition of consent is recommended to redesign this façade to improve the visual interest.	Yes.
4N – Roof Design	Roof design integrated into the building Incorporates sustainability features May include common open space	A flat roof design is proposed which includes a roof top common open space area at Level 05 (on the southern portion of the building) which is suitable for the scale of development.	Yes.
4O – Landscape Design	Responsive to streetscape Viable and sustainable	The landscape scheme is responsive to the streetscape and incorporates a mixture of lower level shrubs and larger canopy trees.	Yes.
4Q – Universal Design	Variety of adaptable apartments	20% of total apartments has the potential to comply with the Liveable Housing guideline' Silver level universal design features. 10 of the 44 adaptable units are provided representing 15% of the residential apartments.	Yes.

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4U – Energy Efficiency	Adequate natural light to habitable areas Adequate natural ventilation	The proposal achieves compliant cross ventilation outcomes.	Yes.
4V – Water Management and Conservation	Efficient fixtures/fittings WSUD integrated Rainwater storage and reuse	Refer to BASIX Certificate commitments.	Yes.
4W – Waste Management	Minimise impact on streetscape, building entry and amenity	The proposal provides a waste storage room located the basement level whereby the bins will be transferred to a temporary storage room at ground floor level for on-site collection from Loftus Lane.	Yes.
4X – Building Maintenance	Material selection reduces ongoing maintenance costs.	The proposed schedule of external finishes is understated and refined to ensure the development will evolve nicely with both the approved as well as future development in the street. The proposed schedule of external finishes will include a mixture of grey paint, stone and cement appearance finishes. The selected materials are suitable for the scale of the development and are relatively durable to reduce the ongoing maintenance costs of the building.	Yes.

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>	Yes
(b) <i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c) <i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	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>	Yes
(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</i>	Yes

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and restricting incompatible development

Comments: The proposal is for a mixed use development, including residential apartments, serviced apartments and a pub which can be compatible subject to conditions of consent including appropriate noise attenuation and plan of management. The serviced apartment and pub uses provides additional employment opportunities.

The subject site is located on Parramatta Road and a number of bus routes, and approximately 600m walking distance from Homebush Railway Station, thereby maximizing public transport patronage.

The pub use provides opportunities for social activities and social interaction, whilst when considering the sale of alcohol and gaming machines, it is not considered to result in a cumulative adverse social impact to the surrounding locality.

Overall, the proposal is considered to accord with the aims of SLEP 2012.

Permissibility

The subject site is Zoned B4 –Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

Serviced apartments are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

“serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.”

Pubs are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

“pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”

Residential flat buildings are permissible within the B4 Zone with consent and is defined under SLEP 2012 as follows:

“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

The proposed mixed use development for the purpose of serviced apartments, pub and residential flat building are consistent with the definitions above and are permissible within the B4 – Mixed Use Zone with consent.

Zone Objectives

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

Objectives	Complies
➤ <i>To provide a mixture of compatible land uses.</i>	Yes
➤ <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	Yes
➤ <i>To facilitate mixed use urban growth around railway station and transport</i>	Yes

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nodes and corridors, commercial centres and open space.

- *To provide local and regional employment and live and work opportunities.* **Yes**

Comments: The proposal is for a mixed use development, including residential apartments, serviced apartments and a pub which can be compatible subject to conditions of consent including appropriate noise attenuation and plan of management. The serviced apartment and pub uses provides additional employment opportunities. The subject site is located on Parramatta Road and a number of bus routes, and approximately 600m walking distance from Homebush Railway Station, thereby maximizing public transport patronage. Overall, the proposal is considered to accord with the objectives of the B4 zone.

Part 4: Principal development standards

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

4.1A Minimum lot sizes for residential flat buildings

Clause 4.1A sets out that the minimum lot size for residential flat buildings on land zoned B4 – Mixed Use is 1,000m². As the site area is 1,516m², it meets the minimum area requirements and accords with the planned residential density in the zone, in accordance with the objective and controls of this Clause.

4.3 Height of buildings and 4.3A Exceptions to height of buildings (Parramatta Road Corridor)

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	16m – rear portion of the site 22m - portion of the site fronting Parramatta Road	Maximum 17m	No- see section on Clause 4.6 Variation request
4.3A	Exceptions to height of buildings (Parramatta Road Corridor)	32m - portion of the site fronting Parramatta Road	Maximum 32.2m	No- see section on Clause 4.6 Variation request

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

Comments: The subject site is identified as Key Site 70 under Clause 4.3A. Under Clause 4.4 the site is subject to a 16m maximum building height limit at the rear of the site, and a 22m maximum building height limit at the front of the site. However, as all the sites within Key Site 70 are proposed to be redeveloped together, then the front portion of the site is subject to a building height uplift, where the maximum building height to this portion of the site is 32m.

The proposal results in a non-compliance with the maximum building height permitted for the site. The applicant has submitted a Clause 4.6 variation request to the building height development standard and this is considered later in this report. Overall, the proposal involves a consolidation patterns which leads to the optimum sustainably capacity height for the area, and the building height is still generally compatible with the desired building heights along Parramatta Road.

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Therefore, despite the building height non-compliance, the proposal is considered to accord with the objectives of Clause 4.3.

4.4 Floor space ratio and 4.4A Exceptions to floor space ration (Parramatta Road Corridor)

Cl.	Standard	Controls	Proposed	Complies
4.4	<i>Floor space ratio</i>	2:1 (3031m ²)	3.15:1 (4775m ²)	Yes
4.4A	<i>Exceptions to floor space ration (Parramatta Road Corridor)</i>	3.15:1 (4775m ²)		
4.4	Objectives			Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>			Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>			Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>			Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>			Yes
(e)	<i>In relation to Strathfield Town Centre:</i>			Yes
	<i>i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i>			
	<i>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>			
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>			Yes

Comments: The subject site is identified as Key Site 70 under Clause 4.4A. As the proposal is redeveloping all of the lot within Key Site 70, the proposal is subject to a maximum floor space ratio of 3.15:1, presenting an uplift of an additional 1.15:1 in floor space (additional to the maximum floor space ratio permitted under Clause 4.4).

The proposal complies with the objectives of Clause 4.4 in that the built form is in keeping with the newly constructed developments in the surrounding area, and follows the desired consolidation pattern in the Parramatta Road Corridor.

Clause 4.6 Exceptions to Development Standards

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

As demonstrated in the table above, the proposed development fails to comply with the maximum building height development standard permitted under Clause 4.3 and 4.3A of the SLEP 2012. The area of non-compliance relates to:

- the top of the clear balustrade around the rooftop communal open space area which breaches the 16m building height limit by approximately 1000mm or 6.25% (Figure 11);
- The planter boxes at the rooftop open space area breach the building height limit by approximately 100mm or 0.6%;
- The screened rooftop plant adjacent to the communal open space area which breaches the building height limit of 16m by approximately 800mm or 5% (Figure 11); and
- The lift overrun which breaches the building height limit of 32m by approximately 200mm or 0.6% (Figure 12).

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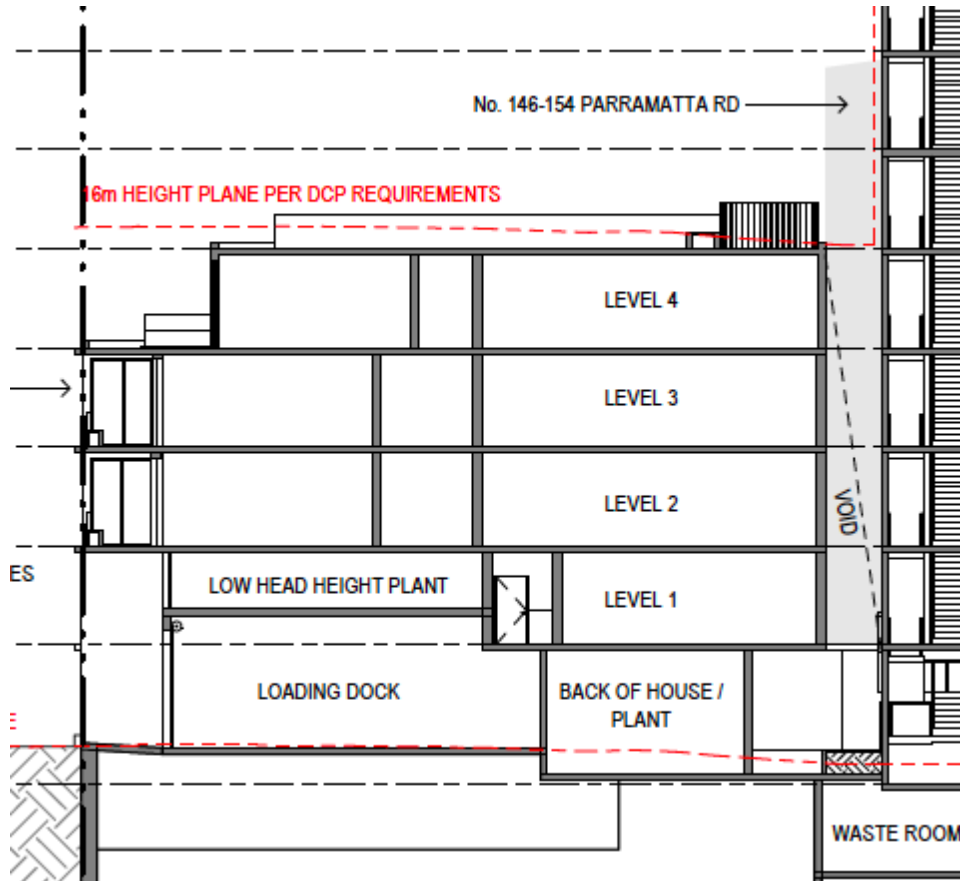


Figure 11: Section along the eastern elevation which shows the balustrading and plant screening which breaches the building height development control.

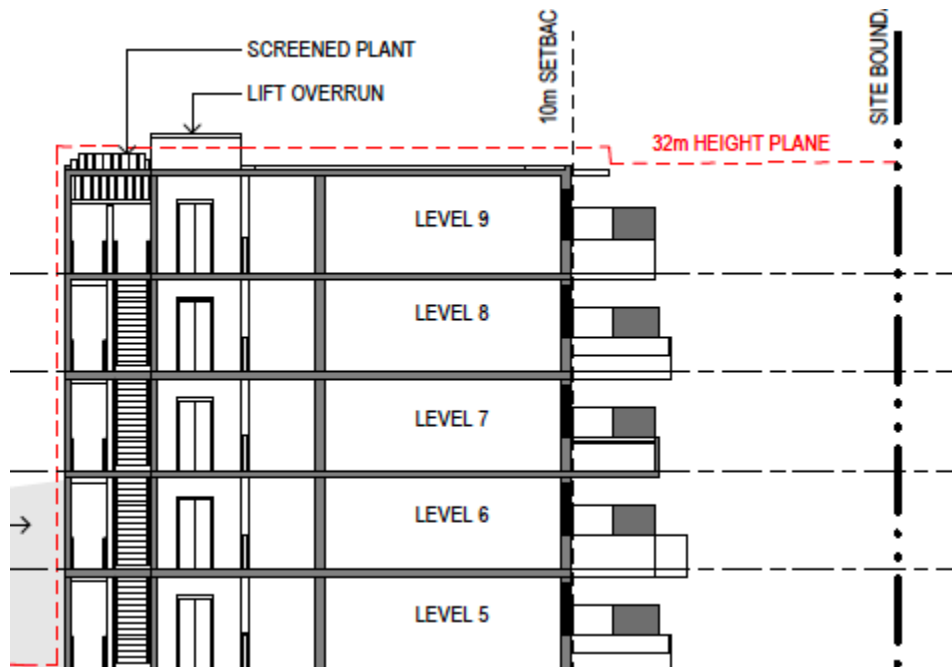


Figure 12: Section along the eastern elevation which shows lift overrun which breaches the building height development control.

Clause 4.6(3) of the SLEP 2012 states the following:

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“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.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the building height (Clause 4.3 and 4.3A) development standard on the following grounds:

- The variations respond to a reduced site area resulting from the provision of a public footpath within the site
- The variations are minor in extent, occurring over a small portion of the site area varying from the standard by a maximum 6.25%
- The variations would result in no significant adverse environmental impacts that could otherwise be avoided through a compliant form, as follows:
 - No additional overshadowing particularly given the minor extent of the non-compliance and central location of the non-compliant structures on the site
 - The balustrade breach facilitates provision of a high quality rooftop communal open space
 - The planter boxes are landscaping features which increase residential amenity by adding visual interest and provide screening between the communal open space and apartment set the north
 - The lift overrun provides improved access through the site
 - The variations would be virtually imperceptible and result in no adverse visual impacts. They would not be noticeable from street level and are made of glass which would not add notable mass or bulk to the building.
- The proposed development, despite the non-compliance, is consistent with the objectives of the height of buildings standard as follows:
 - The proposed development achieves a height that is generally compatible with and improves the appearance of the existing area. The proposed variation would not detract from the overall appearance of the building and would not add any abnormal height or bulk to the building
 - The proposal achieves the desired consolidation pattern (Key Site 70), the proposed height variation would not lead to an unsustainable height for the area given its minor extent and lack of environmental impacts.
 - The proposed development comprises prominent mixed use development that will positively contribute to the area’s small and large development options.
- The proposed development, despite the non-compliance, is consistent with the objectives of the B4 Mixed Use zone as follows:
 - The proposed development contributes to the area’s mixture of compatible land uses by providing a mixed use building with serviced and residential apartments and complementary pub
 - The proposed development places residential and retail (pub) development in close proximity to Homebush Railway Station (approx.. 400m).

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- The proposed development provides for mixed use urban development along the Parramatta Road commercial corridor, within 400m of the Homebush Railway Station and directly opposite an urban park
- The proposed development features a pub, which will facilitate local employment opportunities.

Clause 4.6(4) of the SLEP 2012 states the following:

- *“Development consent must not be granted for a 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)

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

(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.

The proposal is considered to be consistent with the objectives of the development standard in that:

- The proposed development achieves a height that is generally compatible with the surrounding area.
- The proposal achieves the desired consolidation pattern (Key Site 70) which leads to the optimum capacity height for the area
- The proposal provides a part 5- part 10 storey building which contributes the diversity of small and large development options in the surrounding area.

The site is Zoned B4- Mixed Use under SLEP 2012 wherein development for the purposes of a mixed use building including a pub, serviced apartments and residential flat building is permissible with consent. The proposal is generally consistent with the objectives of the B4- Mixed Use Zone in that:

- It provides a mixture of compatible land uses, including a pub, serviced apartments and residential apartments (subject to conditions of consent relating to noise attenuation);
- It integrates the pub, serviced apartments and residential apartments in an accessible location which in close proximity to a number of bus routes, Homebush Railway Station; and
- Provides local employment and live and work opportunities.

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

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

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In conclusion, the applicant's written request to justify the contravention of the 4.3 and 4.3A building height development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Part 5: Miscellaneous Provisions

The provisions contained within Part 5 of the SLEP 2012 are not relevant to the subject proposal.

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 within 500m of Class 2 soils. The application was accompanied by a Preliminary Acid Sulfate Soils Investigation Report for 136 Parramatta Road however, the applicant was requested to submit an amended Preliminary Acid Sulfate Soils Investigation Report which covered 136 and 144 Parramatta Road.

The amended report has concluded that:

The pH_f of the investigated samples was well above 4. This is indicative that the soils collected did not contain actual ASS. The field pH of the soil peroxide solution (pH_{fox}) did decrease below 3.5, the pH dropped more than 2 pH units in four samples. A moderate to vigorous effervescence reaction rate was noticed in six samples.

The results of the SPOCAS test determined that the percentage of oxidisable Sulphur (SPOS) and acid trail (TPA/TSA) were below the relevant action criteria with the exception of BH1 (0-0.1m), ASS1 (1.0m) & ASS3 (0.2, 1.0, 2.0 and 3.0m). The results are indicative that the soil material has some acid sulphate potential within the soil matrix.

The assessment of acid sulphate material can be quite complex and can have a lot of interferences associated with the test methods and soil matrix. Further analysis using the Chromium reducible suite indicated that very minor inorganic sulphur sources were present below the relevant action criteria. In consideration of the geology & approximate AHD levels of the soil horizon (in vicinity of 10mAHD) it has been determined that the site is NOT impacted by Potential Acid Sulphate Soils or Actual Acid Sulphate Soils to maximum depth tested.

Based on the laboratory results from BH1/GW1 & BH3/GW3, water from the site will need to be resampled prior to any discharge of water into the environment.

Council's Environmental Health Officer reviewed the revised Investigation Report and advised that that report is satisfactory and no Actual Acid Sulfate Soils (AASS) were identified. They also advised that:

"Potential Acid Sulfate Soils (PASS) are created using inorganic sulfur. Testing for PASS is usually done using the SPOCAS and/or Chromium Reducible Sulfur (CRS) methods. The report analysed both methods. Results of SPOCAS testing identified some samples as likely PASS. CRS testing, which analyses the presence of inorganic sulfur showed had results that indicated the absence of PASS. This result is acceptable. As stated in "Acid Sulfate Soils Laboratory Methods Guidelines" 2004, "the CRS provides a reliable and direct method of reduced inorganic sulphur."

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The report concludes the site is not impacted by PASS or AASS

However, as the SPOCAS method identified samples that indicating PASS, the report recommends resampling of water prior to discharge.

I recommend the following condition for Acid Sulfate Soil Management:

Prior to discharge of any water from the site, water must be sampled and analysed in accordance with the Acid Sulfate Soils Manual.

If results of the sample indicate presence of actual acid sulfate soils or potential acid sulfate soils as defined in the Acid Sulfate Soils Manual, a detailed acid soil sulfate assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development or that an Acid Sulfate Soil Management Plan is required. The detailed assessment or Acid Sulfate Soil Management Plan shall be submitted to the Principal Certifying Authority, and implemented prior discharge of any water."

Therefore, the proposal is considered to accord with the objectives of this Clause, subject to the imposition of conditions of consent.

6.2 Earthworks

The proposal involves earthworks including excavation to accommodate three (3) levels of basement. The proposed is considered to be Integrated Development under Clause 4.46 of the EP&A Act 1979 as an aquifer interference licence is required under Clause 91(3) of the Water Management Act 2000. As previously advised in the report, Water NSW's General Terms of Approval have not yet been received. Water NSW have provided their General Terms of Approval whereby the terms have been included in the recommended conditions of consent.

Appropriate conditions of consent to be imposed to ensure compliance with the sediment and erosion control plan as well as conditions of consent which include preparation of a dilapidation report to protect structural adequacy of neighbouring buildings.

Overall, the proposal is considered to comply with the objective of this Clause, subject to the imposition of recommended conditions of consent

6.3 Flood planning

The subject site is located within the 1% AEP overland extent. Council's Hydraulic Engineer has reviewed the proposal, including the Stormwater Overland Flow Assessment, and raised no objection subject to the imposition of standard conditions of consent.

Subject to the imposition of these conditions, the proposal is considered to accord with the objectives of this Clause.

6.4 Essential services

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

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6.9 Additional provisions for development in Parramatta Road Corridor

The site forms Key Site 70 and the proposal conforms to the amalgamation pattern required by Key Site 70. The proposal will integrate well with existing approved key site developments in the streetscape. The proposal therefore satisfies the additional provisions for development in Parramatta Road Corridor in accordance with this Clause.

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

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

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

STRATHFIELD DEVELOPMENT CONTROL PLAN NO 20 – PARRAMATTA ROAD CORRIDOR AREA

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

Clause 6(1) of SEPP 65 confirms that in the event of any inconsistency between the controls of the ADG and Council's Development Control Plan, the objectives, design criteria and design guidance set out in the ADG prevail.

This confirms that if a development control plan contains provisions that specify requirements, standards or controls in relation to the following matters, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage,
- (i) parking.

These matters, as of relevance to the application, have been addressed in the ADG assessment above where it has been determined that the proposal is satisfactory. The remaining matters of relevance provided in the DCP are addressed in the table below:

Section	Development Control	Required	Proposed	Compliance
2.2	Land Consolidation	Proposal to conform to the consolidation pattern identified in figure 12.	Conforms with consolidation pattern of SLEP 2012 (Key Site 70)	Yes
2.3	Building Height	Proposal to conform to building height identified in figure 12, which requires max. 3 storeys.	Refer to previous discussion of building height under SLEP 2012	No, acceptable-see SLEP 2012
	Minimum Unit Sizes	Proposal to comply to the following min. unit sizes: 1 bed – 70m ² 2 bed - 85m ²	The unit sizes of the ADG prevail.	N/A

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Section	Development Control	Required	Proposed	Compliance
		3 bed - 100m ²		
2.5	Roof Form	Lift and service plant concealed within roof structure.	The lift overrun structure protrudes beyond the roof structure however will not be highly visible from the street.	Yes.
		Provide an interesting skyline and enhance views from adjoining developments.	Acceptable roofline provided for the scale of the building.	Yes.
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Entries are distinguishable, subject to conditions of consent, and do not include opportunities for concealment.	Yes.
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	Human scale is maintained through the provision of a pub at ground floor level with the residential apartments above. An awning is located over the front courtyard to assist with providing human scale.	Yes.
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	Materials and finishes comprise grey paint finishes, concrete look finish with stone walls. Whilst 30% of the façade is not facebrick, the proposed external finishes and colours are considered to accord with the emerging character of the surrounding area.	Acceptable.
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	The extent of glazing on the north and western elevations is considered acceptable and the glazed elements are predominately setback behind the front balconies,	Yes.
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	ADG prevails	N/A
		Main living areas oriented to the street or rear garden to prevent overlooking.	ADG prevails	N/A
		Acoustic privacy must be considered in relation to proposal and surrounding environment.	Acoustic report submitted and appropriate conditions recommended in regards to further acoustic testing and attenuation.	Yes, subject to conditions.
		Buildings designed and sited to minimise transmission of noise to adjoining developments.	The residential component is unlikely to generate noise. Conditions of consent are recommended to limit the noise from the proposed pub, and use of the front courtyard will be restricted after 8pm to minimise noise impacts to neighbouring properties.	Yes.

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Section	Development Control	Required	Proposed	Compliance
		Developments adjoining major road or railway line to consider potential noise impacts.	Proximity to Parramatta Road addressed in acoustic report and by conditions of consent.	Yes, subject to condition.
		Shared pedestrian entries shall be capable of being locked and serve a limited no. of dwellings	Secured separate entries proposed.	Yes.
		Casual surveillance maintained of public streets and spaces with at least one habitable room window facing that area.	Casual surveillance encouraged through balcony orientation to overlook the public domain and centrally located open space areas.	Yes
2.9	Private Open Space	Proposal to provide 35% deep soil landscape area on the site.	ADG prevails.	N/A
		Retain and protect existing significant trees.	The existing site is mostly hard paved and devoid of vegetation. However, there are three (3) trees located on the site which are all proposed to be removed. This includes a semi mature Camphor (Tree 1), a Privet tree (Tree 2) and a Cypress pine (Tree 3). The application was accompanied by an Arboricultural Report which concluded that all of these trees are of low significance and would be recommended for removal irrespective of the proposed development. Council's Tree Coordinator agreed with this recommendation.	Yes
		Each contiguous landscape area shall provide large trees.	Three (3) trees are proposed in the front setback.	Yes.
		Trees and pergolas to shade external areas and control sunlight into buildings.	Three (3) trees provided within the front setback and an awning provided over a portion of the front courtyard.	Yes.
		Proposal to provide common open space to the following dimensions: 10% of site or 100m ² (whichever is greater); Min dimensions of	ADG prevails	N/A

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Section	Development Control	Required	Proposed	Compliance
		7m; Positioned to receive sunlight, be conveniently located for residents with good opportunities for passive surveillance and contain durable children's play equipment; Located behind front setback.		
	Balconies	Dwellings without ground level open space shall have balconies to the following requirements: <ul style="list-style-type: none"> • 12m² up to 2 bed; and • 15m² for 3 or more bed; Min. dimension of 2.0m; Located off living areas and with good solar access; and Balustrades designed to provide privacy and conceal service areas whilst allowing passive surveillance.	ADG prevails.	N/A
		Achieve required BASIX rating.	BASIX satisfied.	Yes.
	Solar Access	Main living and 50% of POS receive min. 3 hours solar access.	ADG prevails	N/A
		Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	ADG prevails	N/A
	Stormwater, Sewerage and Drainage	Site to be adequately serviced by stormwater, sewerage and drainage in accordance with Council's Stormwater Management Code.	Stormwater assessed to comply with Council's Stormwater Management Code.	Yes.
2.11	Disabled	One main entrance	Barrier free access to and from the	Yes.

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Section	Development Control	Required	Proposed	Compliance
	Access	barrier free and accessible.	main entrance.	
2.13	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	Yes.
		Car parking to be provided on the following basis: Residential 1 and 2 bed – 1 space 3 bed – 1.5 spaces required Visitor – 1 space per 5 units	ADG prevails for the residential flat building component. These residential car parking rates are considered suitable for the serviced apartments component which would require 21 serviced apartment spaces and 4 serviced apartment visitor spaces. The proposal has allocated 21 car parking spaces for the serviced apartments, where none of these are for visitors of the serviced apartments. However, this is considered acceptable given the occupants of the serviced apartments is usually short term, visitor parking spaces for this use are unlikely to be required.	Acceptable
		Commercial To comply with Part I of SCDCP 2005.	To comply with Part I of SCDCP 2005.	See SCDCP 2005.
2.14	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	Condition of consent recommended requiring the driveway ramp be designed in accordance with AS2890.1-2004.	Yes
		Electricity and telecommunication supplies shall be underground.	Condition requires potential underground connections.	Acceptable subject to condition.
		Letterbox provision	Letter boxes are provided adjacent to the main building entry.	Yes.
		Master TV antenna provided.	No details provided.	No, but condition will be imposed to enforce compliance.
		Comply with BCA	To be enforced by condition of consent.	Yes, by way of condition of consent.
2.16		Dilapidation report for all adjoining development.	No details provided.	Yes, by way of condition.

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STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

Part I – Provision of Off-Street Parking Facilities (SCDCP 2005)

In regards to Part I of SCDCP 2005, the parking rates for clubs apply to the pub component of the proposed development. This includes 26.4 spaces per 100m² of public or licensed floor area (bar, lounge, dining plus games).

The pub comprises a total floor area of 469m², which as per the provisions of Part I would require 218 car parking spaces to be provided for the pub component. However, the proposal provides 16 car parking spaces, which presents a significant non-compliance with the car parking controls.

The application was accompanied by a Traffic Assessment report which has justified the non-compliance as follows:

- Council has exhibited a draft version of Strathfield Development Control Plan – Parramatta Road Precinct (May 2018) which nominates car parking rates for retail development for sites with less than 500m² of gross floor area, 1 car parking space per 100m² is required. This would equate to 5 car parking spaces
- Car parking rates in Part I of SCCP 2005 are based upon results of studies undertaken in 1977 and in 1978 by the then Traffic Authority of NSW, prior to the introduction of random breath testing in 1982. It is considered that community attitudes to drink driving have changed significantly and parking demands generated by licensed premises have significantly decreased
- Reference is made to week-long parking accumulation studies undertaken at Wentworth Hotel- an existing pub located on Parramatta Road in the Strathfield LGA. The surveys identified an average maximum parking demand in the order of '1 space per 34m²' which, given the similarities between the proposed pub, and Wentworth Hotel in lane use, demographics of the locality and location. Application of this parking rate yields a peak off-street car parking requirement of 13.9 car parking spaces.

Therefore, considering the above, the provision of 16 car parking spaces for the proposed pub is considered acceptable in this instance.

The car parking requirements for the serviced apartments is considered against the requirements of DCP 20, and the car parking requirements for the residential flats is set out in SEPP 65.

Part H - Waste Management (SCDCP 2005)

The applicant has submitted a revised Waste Management Plan in accordance with the requirements of Part H of SCDCP 2005.

The residential component involves waste and recycling bins within the apartments which are disposed of via a chute for the residential apartments, or for the serviced apartments they are transferred from the serviced apartment to residential waste store. The residential waste room is 27m² and a minimum 17.25m² is required by this Part. The residential waste store is considered capable of accommodating the minimum number of bins required which include 5 x 1100L garbage bins (including 1 x 1100L spare), 8 x 1100L comingled bins (including 1 x 1100L spare comingled bins). The waste store is located in Basement Level 1 and the bins will be relocated by management to the temporary residential waste store at ground floor level via a bin tug or small vehicle, for collection. A medium rigid vehicle (MRV) is expected to perform the collection and the minimum clearance for this vehicle is 3m. A minimum 3.4m clearance is available at the collection point and throughout ground floor level.

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The commercial pub component incorporates a separate waste store to the residential component at ground floor level which connects to the loading dock. The waste store is 69sq.m in area which meets the minimum requirement of a 11.94m² waste store. The store area is considered capable of accommodating the minimum number and size of bins for the pub which is 6 x 1100L garbage bins and 3 x 1100L comingled bins. The bins can easily be maneuvered into the loading dock for collection.

The proposed waste management and collections provisions are considered acceptable and comply with the requirements of Part H.

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 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

A number of impacts that result from the proposed development have already been discussed in this report, including traffic and parking, acid sulfate soils, flood affection and the like. Below are some other impacts resulting from the development which require some further discussion.

Access and Pedestrian Pathway

The proposal originally involved the construction of a footpath for the full length of the eastern side boundary on Council land. However, Council requested that the footpath be provided entirely within the boundaries of the site so as not to reduce the width of Loftus Lane which is already relatively narrow, and sufficient width is required for reasonable vehicle access to/ from Parramatta Road. The applicant submitted revised plans to address this, and a 1.2m width footpath is now provided within the boundaries of the site, for the full length of the eastern side boundary. The footpath is considered to be in the public benefit to provide safe pedestrian access to and from the site, and also to improve pedestrian links in the surrounding area.

The applicant has agreed in writing to provide the pedestrian footpath as an unconditional right of way registered to the lane which:

- allows for unconditional public access and use of this pedestrian pathway at all times for the lifetime of the development; and

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- the pedestrian pathway is to be provided and perpetually maintained at no cost (including construction, legal, ongoing maintenance, upkeep, liability and the like that may burden financially or otherwise) to the Council.

This has been included as a condition of consent.

Social Impacts

The proposal involves a pub with gaming machines located at ground floor level of the building. The proposed pub will have three main spaces including:

- A sports bar of 197sq.m which would contain its main servery bay, space for dining, Tab and Keno with a screen for viewing sporting events;
- A gaming room of 174sq.m with a separate servery bar and capable of accommodating 30 gaming machines;
- The courtyard facing Parramatta Road of 162sq.m which would be used for dining and drinking with a light-weight food stand (which covers 18sq.m) providing light meals for patrons in the courtyard.

The pub is provided with the usual back-of-house facilities including a kitchen, sanitary facilities, office, plant room and waste storage.

The hours of operation proposed are 10 am to 12 am (midnight), seven days a week however, the use of the courtyard is proposed to be restricted after 8 pm.

The application was accompanied by a Social Impact Assessment in regards to the provision of a pub and gaming machines.

The Liquor Act deals with the issue of social impact by requiring them to be considered on two communities:

- i) the local community (which the Independent Liquor and Gaming Authority considers to be the State Suburb in which the pub is located) and
- ii) the broader community (which the Authority takes to be the local government area in which the pub is located).

In this case, they would be the State Suburb of Homebush (SSH) and the Strathfield local government area (LGA), respectively

Demographics

The submitted Social Impact Assessment noted that in 2016, the SSH recorded a population 7,007 compared to 6,195 recorded in the 2011 Census. As there have been a number of buildings containing residential flats completed near the site since the 2016 Census, the current population would be larger than that recorded at that Census. It is likely that more residents will be accommodated in the HSS in the next few years. The 2016 population of the LGA was 40,312 compared to 35,188 in 2011. The LGA has experienced growth since 2016 and it seems evident that growth in its population will continue.

The populations of both areas in 2016 were considerably younger than the NSW population as indicated by their median ages. They contained few persons of Aboriginal and Torres Strait Islander descent and had lower percentages under the age of 20 than the NSW population.

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The percentages of the populations of the two areas who had achieved the educational level of bachelor degree or higher was almost twice that in the NSW population while the percentages who had only achieved Year 9 was about half that in NSW. These indicate well-educated populations.

In NSW, 37% of the population had both parents born overseas but, in the two areas, the percentage was twice that. Conversely, while English was the only language spoken in 68.5% of households in NSW, in the two areas, the percentages were less than half that percentage. The main foreign languages spoken were Mandarin, Korean, Tamil and Cantonese.

While 65.5 % of the NSW population was born in Australia, in the LGA, the percentage was 36.4 and, in the HSS, 30.5. The main foreign countries of birth were India, China and Korea with those three countries accounting for 28.6% of the total in the LGA and 35.8% in the HSS.

41% of adults were engaged in professional or managerial occupations in the HSS compared to 42.4% in the LGA and 37.1% in NSW. Despite that, unemployment levels were higher than in NSW. This appears to have been due to high proportions of the populations being students.

Median weekly incomes were above the NSW levels in all three categories. In terms of socio-economic status, the LGA and the HSS are relatively advantaged when compared to NSW.

In summary, the HSS and the LGA contain populations which have considerable levels of socio-economic advantage, which are young, relatively wealthy, and well-educated but where foreign-born persons outnumber those born in Australia by about 2:1.

The Social Impact Assessment noted that there are three (3) hotel licenses in the HSS while, and another two (2) in the LGA. The hotels are:

- Markets Hotel, 268 Parramatta Road (located in the Flemington Markets);
- The Horse and Jockey Hotel, 70 Parramatta Road; and
- The Homebush Hotel, cnr Underwood and Parramatta Roads.

The Homebush Hotel's site has been re-developed and that licence is not being exercised. Nevertheless, the applicant has provided an addendum to the Social Impact Assessment in response to an objection received. The Addendum noted that the Homebush Hotel has been closed for at least 14 years and given that there is no indication as to when it may reopen, that little weight should be given to the provision of this hotel in the social impact assessment and this is considered reasonable by the assessment officer.

The hotel which is close to the HSS is the Wentworth at 195 Parramatta Road, Homebush West. An application has been lodged for a further hotel licence for premises providing 152 guest rooms at the rear of the Wentworth Hotel.

The fifth hotel in the LGA is the Crossroads, 482 Liverpool Road, South Strathfield, three (3) kilometres to the south.

There are other hotels nearby including the Strathfield Hotel in Everton Road, opposite Strathfield railway station, Cookie's Lounge Bar in George Street, North Strathfield, the Concord at Concord West and the Novotel and Ibis in Sydney Olympic Park. The last is in the City of Parramatta and the others are in the City of Canada Bay.

There are two components of any pub which are generally accepted as having the potential to generate adverse social impacts while there are other components which generate beneficial social impacts. The two components likely to generate adverse impacts are the availability of liquor

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and the presence of gaming machines. Those which have beneficial impacts include the provision of food and entertainment, employment opportunities, and providing a place for social interaction.

Gaming machines

Section 209 of the Gaming Machines Act 2001 reads:

- (1) An environmental planning instrument (whether made before or after the commencement of this section) under the Environmental Planning and Assessment Act 1979 cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.*
- (2) If an environmental planning instrument contains any provision in contravention of subsection (1), the provision is taken to have no effect.*
- (3) A consent authority (within the meaning of the Environmental Planning and Assessment Act 1979) cannot:*
 - (a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or*
 - (b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.*
- (4) The installation, keeping or operation of an approved gaming machine in a hotel or on the premises of a club is not an activity for the purposes of Part 5 of the Environmental Planning and Assessment Act 1979.*
- (5) Any approval or authorisation under this Act to keep an approved gaming machine in a hotel or on the premises of a club is not an approval for the purposes of Part 5 of the Environmental Planning and Assessment Act 1979.*

In regards to Clause 3 above, in assessing the development application Council cannot refuse the application, or impose conditions on any consent issued, because of the proposed provision of gaming machines. For that reason, the social impact of gaming machines is not addressed in this report and the supporting Social Impact Assessment. If the proposal is granted consent, the provision of gaming machines will require an application to the Liquor and Gaming Authority for which the social impact of the machines will be considered part of this process. Council will have the opportunity to participate in this process through the Local Impact Assessment process which will be required to be publically exhibited when it is notified that the application has been made to the Authority.

Availability of Liquor

The Social Impact Assessment notes that there are typically two types of impacts that the consumption of alcohol may have on the community, including immediate and long term impacts.

Immediate impacts are identified as those which arise from the excessive consumption of alcohol over short periods. The Social Impact Assessment advises that:

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"Immediate impacts are usually manifested in anti-social behaviour such as public drunkenness, excessive patron noise, violence, accidents, vandalism and the like. Such behaviour can occur on, or outside, licensed premises.

The principal cause of immediate impacts is over-indulgence, particularly, binge drinking but can arise from such matters as the nature of the clientele at, and the design and operation of a venue.

When it occurs outside licensed premises, anti-social behaviour is more likely to occur, and to be more severe, closer to the premises than at a distance from them. Exceptions to that are motor vehicle driving offences.

Most incidents of anti-social behaviour occur late at night and, particularly, on Friday and Saturday nights. That is a reflection of the fact that attendances at pubs and clubs peak at those times."

Data obtained from BOSCAR identifies that the rates of alcohol-related non-domestic assaults in the LGA and SSH have generally been about half the rates of NSW. The LGA and SSH's rates of alcohol related domestic assault have generally been between half and two-thirds of the NSW rates.

The Social Impact Assessment identifies long term impacts of alcohol consumption as those manifested as chronic illnesses which are the result of regular consumption of alcohol, usually above the recognised levels of safe consumption, over long period. The Social Impact Assessment advises that:

It is unlikely that the establishment of the pub would have any appreciable effect on the long term impacts of alcohol on the community because alcohol is readily available to any adult (who may patronise the pub) from a variety of alternate sources including other pubs, clubs and packaged liquor outlets. Moreover, it is unlikely that any individual would patronise the proposed pub exclusively over a sufficiently long period to materially affect his or her health.

That is not to say it may not contribute to long term impacts but it is likely that those impacts would arise even if the pub were not established, such is the ubiquity of alcohol in modern society.

While the LGA has experienced varying rates of alcohol attributable hospitalisations in this century, those rates have always been below the NSW rates. Both NSW and the LGA have experienced falling rates of alcohol attributable deaths this century but the LGA's rates have been below those of NSW. The Social Impact Assessment advises that this suggests that long term impacts of alcohol on the population of the LGA, have not presented problems in the past.

The Social Impact Assessment has concluded that the beneficial impacts of providing the pub, including employment opportunities, and opportunities for social interactions by providing a meeting place, would out-weigh the adverse impacts which may result from the pub, particularly given the demographics of the area including the higher social economic levels and the relatively low levels of alcohol related domestic abuse, subject to conditions of consent which require compliance with the Plan of Management. The assessment officer agrees with this assessment.

Operating Hours and Plan of Management and Safety

The proposal and Social Impact Assessment was accompanied by a Plan of Management which establishes performance criteria for the various aspects of the operation of the pub. The Plan of Management assists in ensuring that the various uses on the site can exist relatively harmoniously, reduces potential for anti-social behavior and provide processes and management for if an incident were to occur. Compliance with the Plan of Management is enforced by a condition of consent. It is

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noted that the application was referred to NSW Police who raised no objection to the proposal, subject to the imposition of conditions relating to safety measures such as CCTV and the like.

The proposal has requested trading hours of 10am to 12am (midnight), Monday to Sunday, and for the sales of packaged liquor for consumption off site between 10am and 11pm, Monday to Sunday. The proposed hours of operation are considered reasonable considering the hours of operation approved for Crossways Hotel located at 482 Liverpool Street is 5am to 12pm, Monday to Saturday; and 10am to 10pm Sunday and Public Holidays. Furthermore, a 12-month trial period for extended hours has recently been granted approved for extended hours on Fridays and Saturdays from 12am (midnight) to 2am, and also from 10pm to 12am (midnight) on Sundays and Public Holidays. Similarly, the Horse and Jockey Hotel, located at 70 Parramatta Road, Homebush has approval to operate from 10am to 12am (midnight) Monday to Saturday, and 10am to 10pm Sundays, with a 12-month trial period extended trading hours from 12am (midnight) to 2am Monday to Saturday and 10pm to 12am (midnight) on Sundays and Public Holidays.

The applicant has proposed a maximum of 350 patrons on the premises at any one time up until 8 pm. Between 8 pm and 10 pm, that number will be reduced by limiting the use of that part of the front courtyard which is outside the area covered by the proposed awning. After 10 pm, the number in the courtyard should be reduced to 30 and the overall capacity of the pub to 280. This is enforced by a conditions of consent.

Amenity Impacts

Noise

The background readings fail to meet the requirements of the Noise Policy for Industry 2017. Approximately 15% of all measurements were weather influenced and excluded from the applicant's assessment, including more than half of all Sunday readings. As such the background readings cannot be taken to be a true and accurate reflection of the existing acoustic environment.

Council's Environmental Health unit stresses the importance of background noise readings noting that they are integral in establishing the existing acoustic environment and development of attenuation measures which protect future tenants and neighbours of a proposed development. As such, conditions requiring the submission of a revised acoustic report are to be submitted to Council prior to the issue of a Construction Certificate to ensure any noise impacts associated with the development are appropriately attenuated.

Privacy

The proposal is not anticipated to result in any adverse privacy impacts to the neighbouring properties. In respects to the western adjoining property at 146-154 Parramatta Road, the building is setback to align with this building, and privacy screens are provided to the western side of Units 601, 701, 801 and 901 which front Parramatta Road (Figure 14). This will restrict views behind to the upper most terrace on the adjoining property.

The serviced apartments, including Unit 109, 210, 310 and 410 are setback over 13m from the balconies of the eastern facing apartments of 146-154 Parramatta Road. Given the substantial setback, that these balconies are offset, and are unlikely to be highly used given that they are for serviced apartments, the proposal is not anticipated to result in adverse impacts to this property.

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Figure 14: Extract of western elevation showing the privacy screens on the western side at Levels 6-9.

Overshadowing

Given the orientation of the site, the proposal inevitably results in additional overshadowing to the neighbouring properties, particularly to the residential properties to the south and south-west. The application was accompanied by shadow diagrams which shows that the overshadowing to these residential properties will be in the morning and mostly have moved away from these properties by midday. In the afternoon the shadows are predominately to the eastern adjoining properties however, this is not a residential property and so no adverse impacts are anticipated. Overall, the proposal is not considered to result in an unreasonable additional extent of overshadowing to the neighbouring properties.

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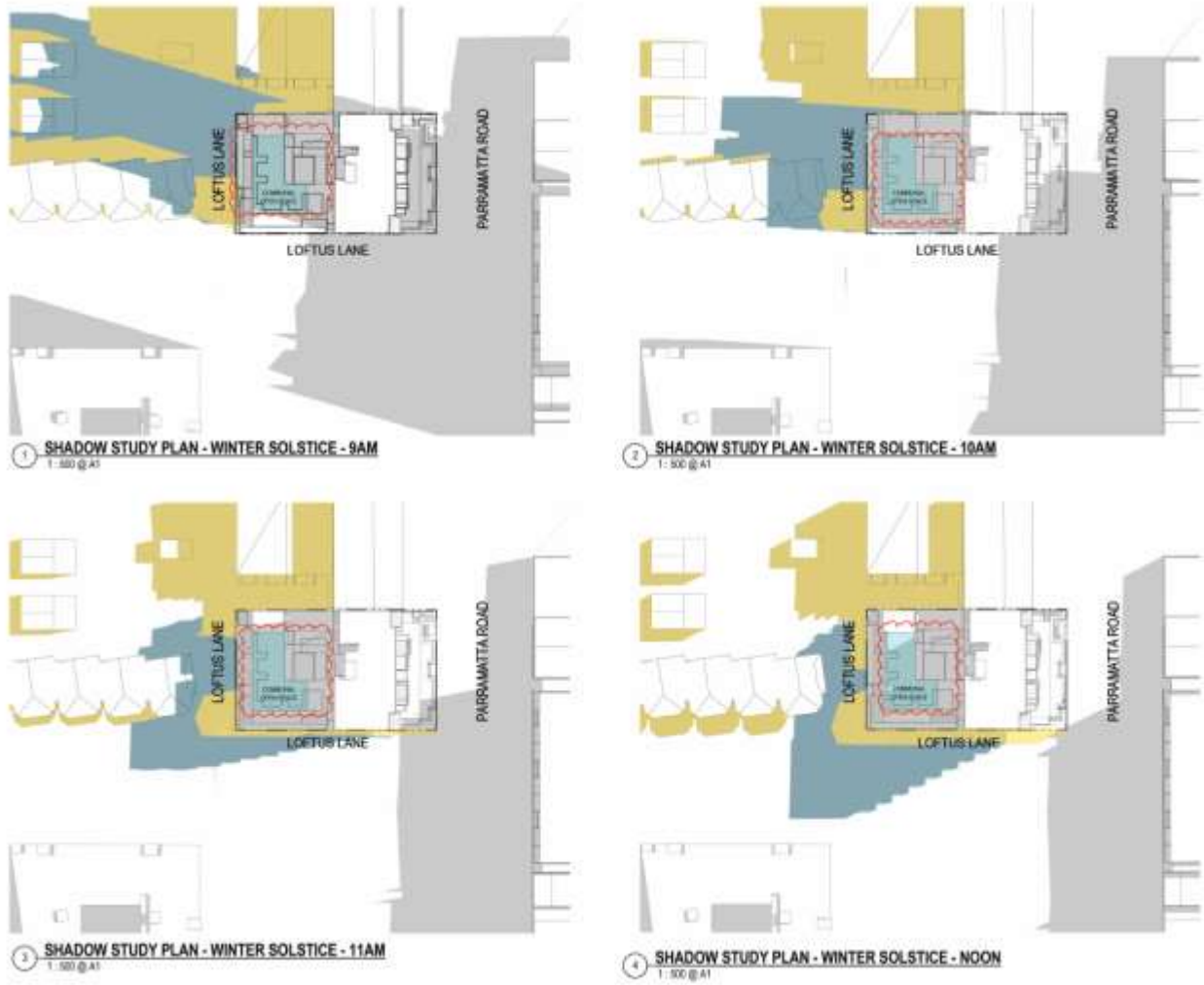


Figure 14: Extract of the shadow diagrams in the morning at winter solstice (existing shadow diagrams in yellow, and additional shadowing in blue).

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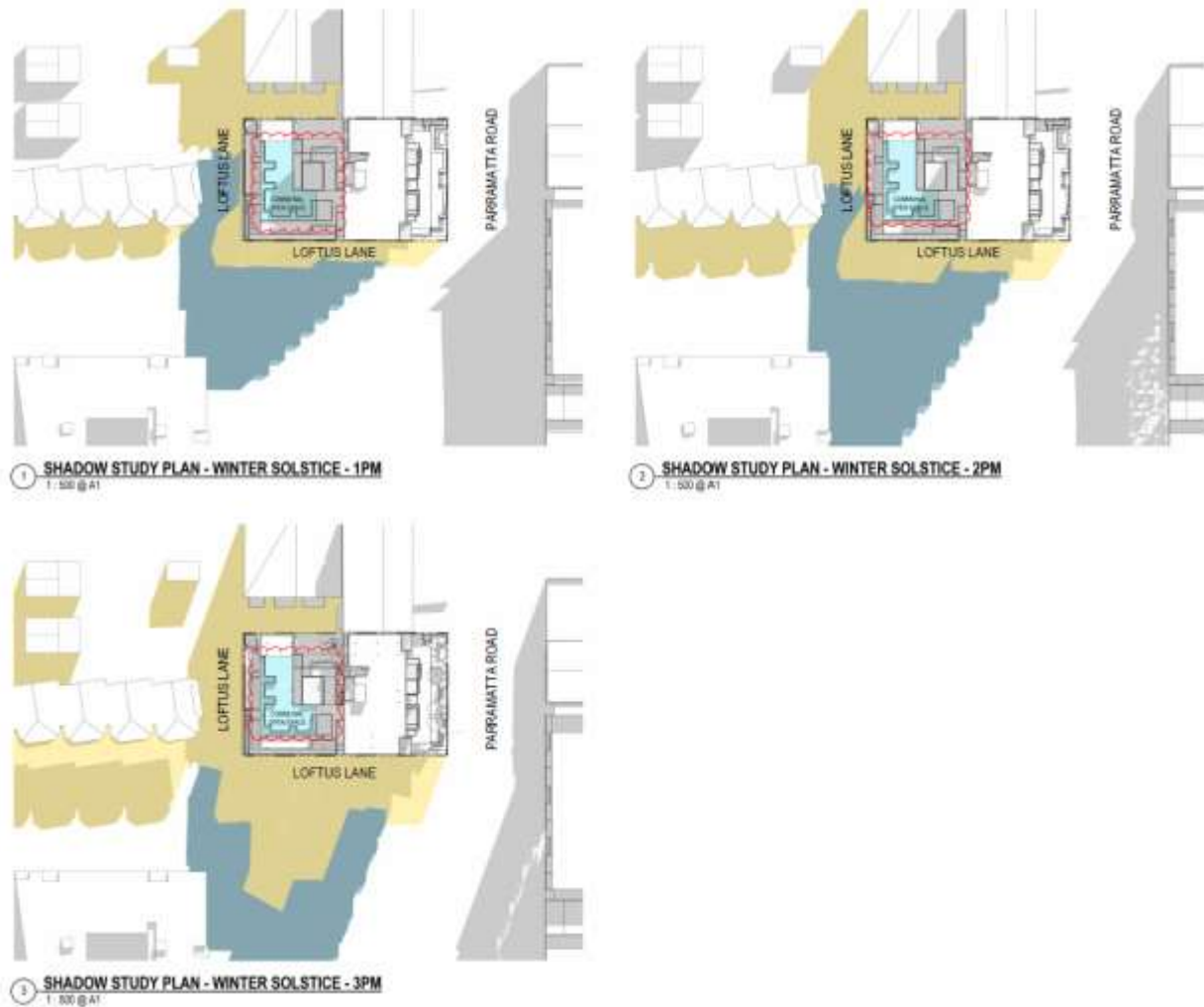


Figure 15: Extract of the shadow diagrams in the afternoon at winter solstice (existing shadow diagrams in yellow, and additional shadowing in blue).

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

The subject site is considered suitable for the proposed development in that mixed use developments, including residential flat buildings, serviced apartments and pubs are permissible uses in the B4 zone with consent. Furthermore, the proposal is consistent with the amalgamation and built form layouts intended for the site, as set out in SLEP 2012 and SCDP 2005. The proposal is generally consistent with the aims of SLEP 2012 and the objectives of the B4 zone. The density of the proposal is in character with other similar development which have been recently constructed in the surrounding area, or been granted development consent, particularly along Parramatta Road.

Whilst the site is identified as being affected by Class 5 Acid Sulfate Soils and is located within 500m of Class 2 Acid Sulfate Soils, it is considered that this is an environmental constraint can be managed in accordance with the recommendations of the Acid Sulfate Management Plan.

The proposal has successfully been designed to respond to the flood affectation of the site.

The site is in close proximity to Parramatta Road, thereby resulting in potential noise impacts to the sensitive use – residential flat building which is proposed on the site. However, the proposal has been designed to respond to this and a condition of consent is recommended to ensure that the Acoustic Report methodology is accurate and the recommendations of the report ensure that the proposal would comply with the industry standards for noise levels and attenuation.

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There are no other constraints which would render the site unsuitable for the proposed development.

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

The application was notified in accordance with Part L of the SCDP 2005 from **30 April to 31 May 2019**, with five (5) submissions received. One (1) submission of support was received from Sydney Markets and four (4) objections were received raising the following concerns:

1. *The proposal will contribute to the oversupply of residential properties in the surroundings area (and also result in reduced rent for owners)*

Assessing officer's comments: The proposal will contribute to the housing stock in the surrounding area, for which there is an identified need.

2. *Increase demand on roads and open space*

Assessing officer's comments: A condition of consent is recommended for the payment of contributions in relation to open space, community facilities and the like, in accordance with the Strathfield Direct Development Contributions Plan 2010-2030.

3. *An additional pub will provide financial strain on existing pub operators within the surrounding area*

Assessing officer's comments: This is not a material planning consideration.

4. *The surrounding area is already well-serviced by existing pubs and restaurants*

Assessing officer's comments: This is not a material planning consideration. However, social impacts of this have been considered earlier in this report.

5. *The proposal will result in additional traffic to the surrounding road network, including Parramatta Road*

Assessing officer's comments: This has been addressed earlier in the report. The applicant submitted a Traffic Impact Assessment report which identified that any increase in traffic is capable of being accommodated by the existing roads. Furthermore, it is noted that RMS raised no objection to the development in regards to Clause 104 – Traffic Generating Development of the Infrastructure SEPP.

6. *The number of proposed gaming machines would exceed the maximum allowed in the region and would result in adverse impact on the gambling community*

Assessing officer's comments: The social impact of the proposed gaming machines both for the subject site, and considered cumulatively with gaming machines in operation in the surrounding area is addressed earlier in this report. Overall, the social impact of additional gaming machines in this location is considered acceptable.

7. *The north-facing balconies of Levels 6-9 will result in adverse privacy impacts to the privacy of the northern terrace at Level 07 of the adjoining property 146-152 Parramatta Road.*

Assessing officer's comments: The proposal has incorporated screens on the western side of the balconies which adjoin the western side boundary from levels 06 to 09, and therefore the

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proposal is not considered to result in privacy impacts to the northern terrace at Level 7 of the adjoining property.

8. Loss of sunlight and daylight to the neighbouring property 146-152 Parramatta Road

Assessing officer's comments: The shadow diagrams submitted with the application demonstrate that adequate solar access is retained to this neighbouring property and this has been discussed earlier in this report.

9. Security concerns due to proximity of proposed northern balconies and northern balconies of adjoining property 146-152 Parramatta Road

Assessing officer's comments: The proposal has incorporated screens on the western side of the balconies which adjoin the western side boundary from levels 06 to 09, and therefore the proposal is not considered to result in security risks to the upper floor terrace on this adjoining property.

10. Proposal will result in loss of views for units within 146-152 Parramatta Road

Assessing officer's comments: The proposed building is setback to generally align with the front setback of the shop-top housing development at 146-152 Parramatta Road. The proposal will not unreasonably restrict any views from this neighbouring property.

The submission of support encouraged competition for pubs in the surrounding area and requested that the Social Impact Statement be amended to include details of Homebush Hotel to adequately assess the cumulative impacts of both hotels (the proposed, and Homebush Hotel) operating. This has been addressed by the applicant.

4.15 (1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

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Provision of Community Facilities	\$120,536.71
Provision of Major Open Space	\$535,634.34
Provision of Local Open Space	\$348,974.28
Provision Roads and traffic Management	\$0.00
Administration	\$12,382.87
TOTAL	\$1,017,528.19

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 of consent.

PEER REVIEW

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

RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 (Building 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. DA2019/057 for the Demolition of existing structures and construction of mixed used development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking at 136 & 144 Parramatta Road, Homebush be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. PEDESTRIAN FOOTPATH

Prior to the issue of an Occupation Certificate, a footpath with a minimum width of 1.2m must be constructed within the boundaries of the site for the full length of the western side boundary which adjoins Loftus Lane.

In addition to the construction of the footpath, prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that an unconditional right of way has been registered on the land that:

- allows for unconditional public access and use of this pedestrian pathway at all times for the lifetime of the development; and
- the pedestrian pathway is to be provided and perpetually maintained at no cost (including construction, legal, ongoing maintenance, upkeep, liability and the like that may burden financially or otherwise) to the Council.

Reason: To provide safe pedestrian access to and from the site, and to improve and retain accessibility in the surrounding area.

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2. RESIDENTIAL ENTRIES

The proposal is to be redesigned to make the residential entries more prominent and legible within the surrounding area. This could be through the use of colours, varying materials, or the like. Revised plans complying with this condition shall be submitted to, and approved by the Council, prior to the issue of a Construction Certificate.

(Reason: To improve legibility, wayfinding and sense of ownership for the apartments).

3. EASTERN FACADE

The eastern façade fronting Loftus Lane of the 10-storey front component of the building is to be redesigned to give greater visual interest. This may be through the use of varying materials, colours, incorporation of a green wall, or the like. Amended plans are to be submitted to, and approved by the Council prior to the issue of a Construction Certificate.

(Reason: To improve the visual interest on a portion of the building which is highly visible in the streetscene).

4. ACID SULFATE SOILS

Prior to discharge of any water from the site, water must be sampled and analysed in accordance with the Acid Sulfate Soils Manual.

If results of the sample indicate presence of actual acid sulfate soils or potential acid sulfate soils as defined in the Acid Sulfate Soils Manual, a detailed acid soil sulfate assessment is required. This is to be carried out by a suitably qualified person and in accordance with the acid sulfate soils assessment guidelines (ASSMAC August 1998). The detailed assessment is to demonstrate that the site is suitable for the approved development or that an Acid Sulfate Soil Management Plan is required. The detailed assessment or Acid Sulfate Soil Management Plan shall be submitted to the Principal Certifying Authority, and implemented prior discharge of any water.

(Reason: Compliance and Environmental Protection.)

5. AFFORDABLE HOUSING

Three (3) of the residential apartments (equating to 5% of the total 44 residential apartments – not including the serviced apartments) are to be provided as affordable housing. Affordable housing is housing for very low income households, low income households or moderate income households. A household is taken to be a very low income household, low income household or moderate income household if the household:

- a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

The affordable housing is to be retained for the lifetime of the development. Evidence of compliance with this condition must be provided to the Council every five (5) years from the date of the first occupation of affordable housing.

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(Reason: To provide affordable housing and to comply with the Parramatta Road Urban Transformation Strategy 2016).

6. SERVICED APARTMENTS

The serviced apartments, including units no. 106, 107, 108, 109, 206, 207, 208, 209, 210, 306, 307, 308, 309, 310, 406, 407, 408, 409 and 410 as shown on the approved architectural plans (Drawing No. DA-101, DA-102, DA-103 and DA-104, Prepared by Squillace, Issue B and dated 06.09.2019) are to be retained as serviced apartments for the lifetime of the development.

(Reason: To ensure good quality accommodation and compliance with State Environmental Planning Policy No. 65 – Design quality of Residential Apartment Development and the Apartment Design Guide.)

7. ACOUSTIC REPORT

The applicant must submit to Council for its approval an acoustic report prepared by a suitably qualified and experienced acoustic consultant. The acoustic report must:

- i. Contain background readings taken in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” long-term measurement. The background readings must include full details on how meteorological conditions were monitored.
- ii. Background readings must be reported in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” for long-term measurement.
- iii. Identify all noise producing aspects of the proposed development.
- iv. Identify all external noise sources that may impact on the amenity of the residential properties of the development
- v. Demonstrate the suitability of any assumptions used in the acoustic report, via the provision of references or validating data.
- vi. Recognise and provide variation for the impact of alcohol on any crowd noise.
- vii. Identifying which areas of the development are indoor areas and outdoor areas.
- viii. Propose effective and quantifiable noise control measures to control noise emitted from the premises to a levels required in condition 98 – Noise Use (Licenced Premises)
- ix. Propose effective noise intrusion attenuation measures to maintain noise within residential areas of the development. The noise intrusion attenuation measures must comply with:
 - Strathfield Consolidated DCP 2005
 - NSW Department of Planning ‘Development near Rail Corridors and Busy Roads (Interim Guide) 2008
 - State Environmental Planning Policy (Infrastructure) 2007

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- Australian and New Zealand AS/NZS 3671:1989 'Acoustics – Road traffic noise intrusion – Building siting and construction'
- Australian and New Zealand AS/NZS 2107:2016 'Recommended design sound levels and reverberation times for building interiors'

A construction certificate is not to be issued till Council has written to the applicant indicating acceptance of the acoustic report and its recommendations.

The applicant must comply with all requirements of the acoustic report as accepted by Council.

(Reason: To comply with statutory requirements).

INTEGRATED DEVELOPMENT – WATER NSW**8. GENERAL TERMS OF APPROVAL – WATERNSW**

The development is to be undertaken in accordance with the General Terms of Approval provided by WaterNSW for the proposed development at the subject site. This includes the following:

A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site.

Water NSW prefers "tanking" (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. drainage blanket behind the water-proof membrane)

If the basement is not "tanked", the proponent will require a Water Access License (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater.

(Reason: To comply with WaterNSW's General Terms of Approval.)

RMS**9. WITHIN BOUNDARIES OF THE SITE**

All buildings and structures (other than pedestrian awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.

(Reason: To comply with RMS requirements).

10. RIGHT- HAND MOVEMENTS

Right turn movements from Loftus Lane into Parramatta Road will not be permitted. As such, 'No Right Turn' signage should be installed. All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

(Reason: To comply with RMS requirements).

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11. STORMWATER DESIGN

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. Please send all documentation to development.sydney@rms.gov.au. A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

(Reason: To comply with RMS requirements).

12 .DEMOLITION AND CONSTRUCTION

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 Parramatta Road.

(Reason: To comply with RMS requirements).

13. ROAD OCCUPANCY LICENCE

A Road Occupancy License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.

(Reason: To comply with RMS requirements).

GENERAL CONDITIONS (GC)

14. APPROVED PLANS

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. 2019/057:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
DA-001 Cover Sheet, Drawing List, Site Location Plan	Squillace	B 06.09.2019	27 September 2019
DA-012 Site Plan	Squillace	B 06.09.2019	27 September 2019
DA-030 Demolition Plan	Squillace	A 10.04.2019	27 September 2019
DA-097 Basement Level Three	Squillace	B 06.09.2019	27 September 2019
DA-098 Basement Level Two	Squillace	B 06.09.2019	27 September 2019
DA-099 Basement Level One	Squillace	B 06.09.2019	27 September 2019

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DA-100 Floor Plan Ground Level	Squillace	B 06.09.2019	27 September 2019
DA-101 Floor Plan Level 1	Squillace	B 06.09.2019	27 September 2019
DA-102 Floor Plan Level 2	Squillace	B 06.09.2019	27 September 2019
DA-103 Floor Plan Level 3	Squillace	B 06.09.2019	27 September 2019
DA-104 Floor Plan Level 4	Squillace	B 06.09.2019	27 September 2019
DA-105 Floor Plan Level 5	Squillace	B 06.09.2019	27 September 2019
DA-106 Floor Plan Level 6	Squillace	B 06.09.2019	27 September 2019
DA-107 Floor Plan Level 7	Squillace	B 06.09.2019	27 September 2019
DA-108 Floor Plan Level 8	Squillace	B 06.09.2019	27 September 2019
DA-109 Floor Plan Level 9	Squillace	B 06.09.2019	27 September 2019
DA-110 Roof Plan	Squillace	B 06.09.2019	27 September 2019
DA-201 North and East Elevations	Squillace	B 06.09.2019	27 September 2019
DA-202 South and West Elevations	Squillace	B 06.09.2019	27 September 2019
DA-300 Sections A and B	Squillace	B 06.09.2019	27 September 2019
DA-301 Sections C and D	Squillace	B 06.09.2019	27 September 2019
DA-302 Section E	Squillace	B 06.09.2019	27 September 2019
DA-450 Storage Plan	Squillace	B 06.09.2019	27 September 2019
LA00 Cover Sheet	Taylor Brammer	B 16.09.2019	27 September 2019
LA01 Tree Removal Plan	Taylor Brammer	B 16.09.2019	27 September 2019
LA02 Landscape Plan Ground Level	Taylor Brammer	B 16.09.2019	27 September 2019
LA03 Landscape Plan Level 1	Taylor Brammer	B 16.09.2019	27 September 2019
LA04 Landscape Plan Level 2	Taylor Brammer	B 16.09.2019	27 September 2019
LA05 Landscape Plan Level 3	Taylor Brammer	B 16.09.2019	27 September 2019
LA06 Landscape Plan Level	Taylor Brammer	B 16.09.2019	27 September 2019

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LA07 Landscape Plan Level 5-6	Taylor Brammer	B 16.09.2019	27 September 2019
LA08 Landscape Plan Level 7-8	Taylor Brammer	B 16.09.2019	27 September 2019
LA09 Landscape Plan Level 9	Taylor Brammer	B 16.09.2019	27 September 2019
LA10 Planting Character	Taylor Brammer	B 16.09.2019	27 September 2019
LD01 Landscape Section and Details	Taylor Brammer	A 13.12.2018	27 September 2019
Sheet 1 of 20 Notes	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 2 of 20 Ground Floor	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 3 of 20 Basement Level 1	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 4 of 20 Basement Level 2	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 5 of 20 Basement Level 3	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 6 of 20 Level 1	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 7 of 20 Level 3	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 8 of 20 Level 5	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 9 of 20 Level 7	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 10 of 20 Level 9	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 11 of 20 Level 2	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 12 of 20 Level 4	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 13 of 20 Level 6	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 14 of 20 Level 8	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 15 of 20 Top Floor Roof Plan	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 16 of 20 OSD and Drainage Section View	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 17 of 20 On-site Stormwater Detention Tank Details	Thomas Lau and Associates	D 09/19	27 September 2019
Sheet 18 of 20 Basement Holding Tank with Mechanical Pump-out System	Thomas Lau and Associates	D 09/19	27 September 2019

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Details			
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Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/057:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Outsource Ideas P/L	1004649M_02 17 September 2019	27 September 2019
Traffic and Parking Assessment Report Ref 19072	Varga	10 September 2019	27 September 2019
Waste Management Plan	Waste Tech Services Pty Ltd	16 September 2019	27 September 2019
Natural Ventilation Statement WE922-01F02(REV0) –NVS Report	Windtech	2 August 2019	27 September 2019
Apartment Ventilation Strategy 20181399.1/0708A/R0/TT	Acoustic Logic	7 August 2019	27 September 2019
Detailed Acid Sulfate Soil Assessment Ref E1898-5	Benviron group	September 2019	27 September 2019
Accessibility Assessment Report BCA 2016 No. 183724	City Plan	Rev. 03 10 April 2019	15 April 2019
Arboricultural Impact Assessment and Management Plan	George Palmer	February 2019	15 April 2019
Construction Management Plan	Iris	March 2019	15 April 2019
Design Verification Statement	Squillace	10 April 2019	15 April 2019
Overland Flow Assessment Preliminary Report	Thomas Lau and Associates	-	15 April 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.)

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15. CONSTRUCTION HOURS

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

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

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

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

16. CONSTRUCTION WITHIN BOUNDARIES

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

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

17. DEMOLITION – GENERALLY

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

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

18. DEMOLITION - SITE SAFETY FENCING

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/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.)

19. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS

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

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with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

20. LANDSCAPING - TREES PERMITTED TO BE REMOVED

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

Tree No. in Arborist Report	Tree	Location
1	<i>Cinnamomum camphora</i> <i>Camphor laurel</i>	Centrally between the lots
2	<i>Ligustrum lucidum</i> Privet	Centrally between the lots
3	<i>Chamaecyparis lawsoniana</i> Lawsons Cypress	On the eastern side boundary fronting Loftus Lane

(Reason: To clarify tree removal.)

21. TREES IN FRONT SETBACK

The three (3) *Hymenosporum flavum* trees located within the front setback Drawing No. LA02 of the landscape plans prepared by Taylor Brammer and dated 16/09/2019 is to be planted from 300 litre containers. The landscape plans are to be amended to comply

*The landscape plan is generally supported however the proposed feature tree species is not suitable. The site frontage deserves 2 significant feature trees. The Landscape design is to be amended to provide the species *Corymbia maculata* (Spotted Gum) from 300 litre containers. This information is required prior to the issue of the development consent."*

22. ENVIRONMENTAL PROTECTION – TREE

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.

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- 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.
- 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.)

23. LIGHTING

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

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

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

24. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE

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.)

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25. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN

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

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

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

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

(Reason: Statutory requirement.)

26. 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 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

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- 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.)

27. WASTE – TRACKABLE

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

(Reason: To ensure compliance with legislation.)

28. CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the

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Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

29. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT

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

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

30. SYDNEY WATER - TAP IN™

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

(Reason: Compliance with Sydney Water requirements.)

31. UTILITIES AND SERVICES - PROTECTION OF

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

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

If permanent excavation is proposed beneath the 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.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of

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compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

32. TRADING HOURS - PUB

The maximum trading hours of the pub component of the development shall be as follows:

- 10am to 12am (midnight), seven days a week

The use of the front courtyard for patrons is restricted after 10pm.

(Reason: Residential amenity.)

33. CLOSED CIRCUIT TELEVISION

The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:

- a) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- b) Recordings must be in digital format and at a minimum of 15 frames per second,
- c) Any recorded image must specify the time and date of the recorded image,
- d) The system's cameras must cover the following area:
 - i) All entry and exit points on the premises,
 - ii) The footpath immediately adjacent to the premises,
 - iii) All publicly accessible area (other than toilets) on the premises.

The licensee must also:

- e) Keep all recordings made by the CCTV system for at least 30 days, and
- f) Ensure that at least one member of staff is on the premises at all times the system is operating who is able to access the fully operate the system, including downloading and producing recordings of CCTV footage, and
- g) Provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

(Reason: Safety and security)

34. SIGNAGE

Warning signs are to be located strategically around the basement, particularly near the access cores and vehicle entry to warn intruders of security measures. Directional signage is also to be located at decision making points (e.g. entry/ egress points) to provide guidance to patrons whilst driving their vehicles.

(Reason: Safety and security)

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

35. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES

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

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

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

36. BASIX COMMITMENTS

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

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

37. BICYCLE STORAGE PROVISION

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

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

38. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH

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

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

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

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

39. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

40. CAR PARKING - DISABLED CAR PARKING SPACES

Eleven (11) of the car parking spaces, including one (1) for the pub component and ten (10) for the residential component, 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.)

41. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS

The following car parking and service vehicle requirements apply:-

- i) 93 car spaces shall be provided on the development site. This shall consist of:
 - 77 residential spaces, whereby these include:
 - 47 car parking spaces allocated to the residents (residential SEPP 65 apartments);
 - 9 car parking spaces allocated to the visitors of the residents (visitors of the residential SEPP 65 apartments)
 - 21 car parking spaces allocated to the serviced apartments.
 - A minimum of ten (10) of the 77 residential car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1
 - 16 car parking spaces in association with the pub (including a minimum one car parking space for people with mobility impairment, in accordance with AS

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2890.1);

- ii) All car spaces shall be allocated and marked according to this requirement.
- iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- vi) The parking bays shall be delineated by line marking.
- vii) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- viii) The following traffic control measures shall be implemented on site:-
 - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
 - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
 - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: To ensure car parking provision in accordance with this consent.)

42. CAR PARKING - VEHICULAR ACCESS RAMPS

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

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

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal

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Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

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

43. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004

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.)

44. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and 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.)

45. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY

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

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

(Reason: Compliance with SCDCP 2005.)

46. 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.)

47. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:

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- ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
- the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
- details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
- measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - 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 10m² 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

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

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

48. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LANDWorks 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

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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.)

49. DILAPIDATION REPORT - PRE-COMMENCEMENT

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

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50. DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

51. DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

52. EROSION AND SEDIMENTATION CONTROL PLAN

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

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

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

(Reason: Environmental protection.)

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53. EXCAVATION - AFFECTING ADJOINING LAND

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

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

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

(Reason: Structural safety.)

54. EXCAVATION – DEWATERING

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

- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.
- ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

55. EXCAVATION – SHORING

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

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56. FIRE SAFETY SCHEDULE

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.)

57. GEOTECHNICAL REPORT

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

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

(Reason: Structural safety.)

58. LANDSCAPING - MAINTENANCE STRATEGY

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

59. LANDSCAPING ON SLAB

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

(Reason: Ensure landscape survival.)

60. NOISE – VIBRATION

The construction of the development and preparation of the site, including operation of

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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.

(Reason: Noise attenuation.)

61. NOISE – PLANT

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.)

62. NOISE – CONSTRUCTION

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.)

63. NOISE AND VIBRATION MANAGEMENT PLAN

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a. Construction noise management levels established using the *Interim Construction Noise*

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Guideline (DECC, 2009);

- b. Vibration criteria established using the assessing vibration: *Technical guideline (DEC, 2006)* (for human exposure); and
- c. The vibration limits set out in the German Standard DIN 4150-3: *Structural Vibration-effects of vibration on structures* (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

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

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

64. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN

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	\$120,536.71
Provision of Major Open Space	\$535,634.34
Provision of Local Open Space	\$348,974.28
Provision Roads and Traffic Management	\$0.00
Administration	\$12,382.87
TOTAL	\$1,017,528.19

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan

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may be downloaded from Council's website.

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

65. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE

A security (damage deposit) of **\$33,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

66. STORMWATER - RAINWATER RE-USE

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

(Reason: Compliance and amenity.)

67. STORMWATER DRAINAGE

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

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- 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.)

68. STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS

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

(Reason: Environmental protection.)

69. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- 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

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- 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.)

70. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION

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

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

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

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

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

(Reason: Environmental amenity.)

71. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 4.55 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

72. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION

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

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

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73. VENTILATION SYSTEMS – MECHANICAL

The mechanical ventilation system is to comply with the following:

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

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

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

74. WASTE MANAGEMENT PLAN

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

NOTE: Multi Dwelling Housing Developments requiring communal bin storage and the residential component of shop top housing developments must be inspected by a Councils Waste Officer prior to the issue of an occupation certificate so as to ensure that the correct number of general waste and recycling bins are present, signage is installed and servicing arrangements can be determined.

(Reason: To ensure appropriate management of waste.)

75. SPECIALISED WASTE EQUIPMENT

Details of any specialised waste disposal equipment to be used in the development i.e. compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

76. BIN ALLOCATION

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

- i. Residential component:
 - Domestic Waste – 5 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity).
 - Domestic Recycling – 8 x 1100L mobile bins (or the equivalent bin number and

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- sizes to achieve the same or greater capacity).
- ii. Commercial component:
 - Commercial Waste - 6 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity)
 - Commercial commingled – 3 x 1100L mobile bins (or the equivalent bin number and sizes to achieve the same or greater capacity)

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

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

77. WASTE AND RECYCLING STORAGE ROOMS

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 1.1m² of space per bin
 - 660L bin must have 2.03m² 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.)

78. WASTE SERVICE ROOMS OR COMPARTMENTS

- i) Each service room/compartment must be located for convenient access by users and must be well ventilated and well lit.
- ii) Each service room/compartment must include a chute for recycling or space for

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bins/crates for the reception of recyclable materials within 2m of garbage chute, recycling bins or crates must be in place prior to OC.

- iii) The floors, walls and ceilings of the service rooms/compartments must be finished with smooth impervious materials that are capable of being easily cleaned
- iv) The service rooms/compartments must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates

(Reason: To keep waste service rooms or compartments in a clean and sanitary condition to protect public health.)

79. BULKY WASTE STORAGE

A store room for storage of bulky household waste such as lounges is to be provided which meets the following conditions:

- i) Bulky waste rooms/areas must be a minimum of 4m² per 10 dwellings.
- ii) Bulky waste (Clean Up) rooms/areas should be located adjacent to waste and recycling storage rooms.
- iii) Bulky waste rooms/areas must contain a sign, minimum size 600mm x 600mm, directing residents the types of waste which can be deposited and the collection process. Sample artwork and signs available from Council.

(Reason: To ensure hard waste is separated and collected efficiently.)

80. AUTOMATIC WASTE COLLECTION SYSTEM (AWCS)

The residential developments within the allocated area see Part H of the DCP appendix E shall provide a conventional waste collection system that is adaptable to an Automatic Waste Collection System capable of:

- i) Collecting general waste, recyclables and food and organic waste (incl. garden waste) fractions separately; and
- ii) Complies with the requirements set out in Part H – 'Waste Minimisation and Management' of the Strathfield Consolidated Development Control Plan 2005.

(Reason: To ensure waste collection systems are future proof.)

81. WASTEWATER CONTROL

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water.)

82. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN

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

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engineer.

(Reason: To promote Water Sensitive Urban Design.)

83. WATER HEATING SYSTEMS - LOCATION OF

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

84. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE

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

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

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

(Reason: Council requirement.)

85. DUST CONTROL

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of 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.)

86. PREVENTION OF NUISANCE

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity.)

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

87. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)

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

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

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

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

(Reason: Statutory requirement.)

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88. HOME BUILDING COMPENSATION FUND

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

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

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

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

(Reason: Statutory requirement.)

89. NOTICE OF COMMENCEMENT

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

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

(Reason: Statutory requirement.)

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

90. CONTAMINATED LAND UNEXPECTED FINDS

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably

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qualified environmental scientist appointed to further assess the site.

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

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

(Reason: To ensure compliance with statutory requirements.)

91. FILL MATERIAL

The only waste derived material which may be received at the development site is:

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

92. FOOD PREMISES - CONSTRUCTION AND FIT-OUT

The construction and fit-out of the food premises must comply with the following:

- iii) The Food Act 2003;
- iv) Food Regulation 2015;
- v) Australia and New Zealand Food Standards Code;
- vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- vii) The Building Code of Australia.

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

(Reason: Compliance with food premises legislation and standards.)

93. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS

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.)

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94. PUBLIC INFRASTRUCTURE AND SERVICES

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

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

95. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION

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

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete 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.)

96. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)

The construction and fit-out of the food premises must comply with the following:

- i. The Food Act 2003;
- ii. Food Regulation 2015;
- iii. Australia and New Zealand Food Standards Code;
- iv. Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- v. The Building Code of Australia.

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

(Reason: Compliance with food premises legislation and standards.)

97. FOOD PREMISES - ONGOING USE OF (OU)

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.

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

98. NOISE - ACOUSTIC ASSESSMENT OF LICENSED PREMISES (OU)

Appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants must be appointed before the and details of that appointment submitted to Council.

During the first 60 days of the implementation of extended hours of operation at the premises, attended acoustic monitoring must be undertaken in accordance following:

- i) The acoustic consultant must:
 - measure and verify that the noise emanating from the premises complies with the noise criteria in the 'Noise Use (Licensed Premises)' condition; and
 - if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in 'Noise Use (Licensed Premises)' condition.
- ii) The noise measurements must be:
 - undertaken without the knowledge of the applicant, manager or operator of the premises;
 - taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the close of business; and
 - submitted to Council's Health Compliance unit within 7 days of the testing.
- iii) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (i) above, those recommendations must be:
 - submitted to Council with the noise measurements as required in (ii) above; and
 - implemented to the acoustic consultant's and the Council's satisfaction within one (1) month from the date of acoustical consultant's report .
- iv) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must operate with the extended hours of operation until such time as the recommendations are implemented and verified.

(Reason: Noise attenuation.)

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

99. CAR PARKING - SURPLUS VEHICULAR CROSSINGS

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

(Reason: Maintenance of public infrastructure.)

100. CAR PARKING - VISITOR CAR PARKING SIGNAGE

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the

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Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

101. 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.)

102. FIRE SAFETY CERTIFICATION

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

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:

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- 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.)

103. FOOD PREMISES - REGISTRATION REQUIREMENTS

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 at **Error! Hyperlink reference not valid.** 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.)

104. OCCUPATION OF BUILDING

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

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

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

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

(Reason: Statutory requirement.)

105. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

106. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc).

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

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

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

107. SUBDIVISION - EVIDENCE OF CONSOLIDATION

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

(Reason: Proper management of land.)

108. VENTILATION SYSTEMS – MECHANICAL

The mechanical ventilation system is to comply with the following:

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

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

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

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

109. VENTILATION SYSTEMS – NATURAL

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- i) The Building Code of Australia; and
- ii) Protection of the Environment Operations Act 1997.

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

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards.)

110. POSITIVE COVENANT

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property as follows:

- (a) Full and free right must be provided to Strathfield Council employees or its

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LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)**

authorised contractors to:

- (i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;
- (b) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority.

(Reason: To ensure appropriate collection of waste.)

111. FOOD PREMISES – CAFES, RESTAURANTS, BARS (NOT INCLUDING TEMPORARY AND MOBILE VENDORS)

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.

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.

A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water).

A cleaner's 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.

The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read without opening the appliance.

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.

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.

Adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively sanitised.

All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.

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.

The following requirements apply to clearances and supports of equipment:

- All stoves, refrigerators, cupboards and similar fittings must have metal legs made of

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LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)

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 75mm high.

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

(Reason: Compliance legislation and standards.)

112. NOISE – AIR CONDITIONERS IN RESIDENTIAL BUILDINGS

The air conditioner(s) must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- 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:
 - before 8am or after 10pm on any Saturday, Sunday or public holiday; or
 - before 7am or after 10pm on any other day; and
- 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
- 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.)

113. POLLUTION CONTROL

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
 - retained for recycling; or
 - disposed of in accordance with the requirements of Sydney Water;
- all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- no spray painting of vehicles shall take place outside the spray booth; and
- appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection.)

114. 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

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online at www.strathfield.nsw.gov.au. 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.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)

115. SEPARATE APPLICATION FOR STRATA SUBDIVISION

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

(Reason: To ensure compliance with the consent.)

116. RIGHT-OF-WAY - REGISTRATION OF

The right-of-way must be registered under Section 88B of the Conveyancing Act 1919 to ensure reciprocal right-of-way access arrangements.

(Reason: Council's subdivision standards and the Statutory requirements of the Conveyancing Act 1919.)

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

117. COMMERCIAL PREMISES - NO SIGNAGE OR GOODS ON PUBLIC FOOTWAY

At no time may any signs including sandwich boards and the like or goods for sale or display, be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways outside the premises or in the immediate vicinity without the prior approval of Council.

(Reason: Safety and amenity.)

118. DELIVERIES

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 8.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

119. FIRE SAFETY ANNUAL STATEMENT

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

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

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and

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- ii) Prominently displayed in the building.

(Reason: Fire safety.)

120. FOOD PREMISES - ONGOING USE OF

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.)

121. FOOD AND DRINK PREMISES - OPERATIONAL PLAN OF MANAGEMENT

A final 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 shall be displayed in prominent locations within the premises. The Manager/Publican shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security and amenity of surrounding residential properties including but not limited to matters relating to hours of operation, security staff and their responsibilities, training of staff in responsible service of alcohol procedures, control of amplified music and live band performances etc.
- ii) All the responsibilities of the Manager/Publican particularly with respect to co-ordination of security measures, training and management of staff, and co-ordination of any matters involving the NSW Police Service.
- iii) An Incident Register shall be maintained by the Manager and shall 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 use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Manager/Publican so that any surrounding property owner/occupier wishing to raise issues regarding the operation of the premises etc. can access the management of the premises 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.
- v) 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 premises shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (3) 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.)

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LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)

122. LICENSED PREMISES - NOISE REQUIREMENTS

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz - 8 Hz inclusive) by more than 5dB (A) between 7am and 12 midnight at the boundary of any affected residence

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

(Reason: Environmental health.)

123. LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

124. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

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.)

125. NOISE - NO AMPLIFIED MUSIC

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.)

126. NOISE – SIGNAGE TO PATRONS EXITING THE PREMISES

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

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 LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)

(Reason: Public interest.)

127. NOISE USE - LICENSED PREMISES

The use and operation of the premises and any associated machinery, equipment or the like must not emit a sound pressure level when measured at the boundary of any other residential property between 7:00am and 12:00 midnight that exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Office of Liquor Gaming & Racing Requirements

- i. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5dB between 7:00 AM and 12:00 midnight at the boundary of any affected residence.
- ii. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz- 8 kHz inclusive) between 12:00 midnight and 7:00 AM at the boundary of any affected residence.
- iii. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 AM.

(Reason: Environmental amenity)

128. OFFENSIVE NOISE

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, 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)

129. OFFICE / COMMERCIAL USE - PERMITTED ONLY AS ANCILLARY USE

No part of the premises may be used as offices or for any other commercial activity, including a showroom or display area, except where such facility is ancillary and sub-ordinate to the principal use of the premises. The proportion of floor space of the building used for offices or showrooms and the like, must not be increased above that shown on the approved plan(s).

(Reason: To ensure development undertaken on the site is consistent with the approval.)

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LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)

130. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY

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.)

131. PATRON CAPACITY - MAXIMUM PERMITTED

The premises may accommodate a maximum number of 350 patrons at any one time and this is to be reduced to a maximum number of 280 patrons after 10pm. The use of the front courtyard adjoining Parramatta Road is restricted after 10pm each day.

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved pub.

(Reason: To ensure development in accordance with the approval and BCA requirements.)

132. SECURITY MANAGEMENT PLAN

Management must ensure the implementation of the Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

(Reason: Amenity, health and safety.)

133. VISITOR PARKING RESTRICTION

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

134. WASTE AND RECYCLING COLLECTION

- i) The collection of waste and recycling must only occur between 5:00am and 7:00pm weekdays, weekends and public holidays, to avoid noise disruption to the surrounding area (modifications may be made to this condition at Councils discretion).
- ii) Garbage, Garden Waste and Recycling must not be placed on the kerbside for collection more than 12 hours prior to collection day.
- iii) Garbage, Garden Waste and Recycling must not be left kerbside for longer than 12 hours after collection (unless advised by Council).
- iv) The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the premises, all garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- v) Each dwelling shall be provided with an area to be used to store Council's standard garbage, garden waste and recycling containers with such area not visible from the street and easily accessible to all dwelling occupiers (Multi Dwelling Housing Developments may utilise communal bin storage).
- vi) Council's standard garbage, garden waste and recycling containers must be present on the property prior to OC

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

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LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)

135. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL)

- i) The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii) Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).
- iv) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- v) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi) Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals, chemicals etc.

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

136. CONTROL OF LITTER

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

- i) All steps being taken to prevent, reduce and collect any litter produced by the site
- ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

137. AMPLIFIED MUSIC

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under 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 boundary of the premises. 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).

138. OFFENSIVE NOISE

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:

**DA2019/057 - 136 & 144 Parramatta Road, Homebush
LOTS 5 & 6 DP 9154 & LOT 4 DP 9154 (Cont'd)**

- (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) 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.)

139. LICENSED PREMISES NOISE

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency (31.5 Hz – 8 Hz inclusive) by more than 5 dB(A) between 7am and 12 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

(Reason: Noise attenuation.)

ATTACHMENTS

1. [↓](#) DA2019/057 - Architectural Plans - 136 & 144 Parramatta Road, Homebush

PUB, RESIDENTIAL & SERVICED APARTMENTS

136-144 PARRAMATTA ROAD, HOMEBUSH

DA DRAWING SET

DRAWING LIST		
NUMBER	NAME	CURRENT REVISION
DA-001	COVER SHEET, DRAWING LIST, SITE LOCATION PLAN	B
DA-010	PHOTOMONTAGE	A
DA-011	SITE ANALYSIS PLAN	A
DA-012	SITE PLAN	B
DA-030	DEMOLITION PLAN	A
DA-037	BASEMENT LEVEL THREE	B
DA-038	BASEMENT LEVEL TWO	B
DA-039	BASEMENT LEVEL ONE	B
DA-100	FLOOR PLAN GROUND LEVEL	B
DA-101	FLOOR PLAN LEVEL 1	B
DA-102	FLOOR PLAN LEVEL 2	B
DA-103	FLOOR PLAN LEVEL 3	B
DA-104	FLOOR PLAN LEVEL 4	B
DA-105	FLOOR PLAN LEVEL 5	B
DA-106	FLOOR PLAN LEVEL 6	B
DA-107	FLOOR PLAN LEVEL 7	B
DA-108	FLOOR PLAN LEVEL 8	B
DA-109	FLOOR PLAN LEVEL 9	B

DRAWING LIST		
NUMBER	NAME	CURRENT REVISION
DA-110	ROOF PLAN	B
DA-201	NORTH AND EAST ELEVATIONS	B
DA-202	SOUTH AND WEST ELEVATIONS	B
DA-300	SECTIONS A AND B	B
DA-301	SECTIONS C AND D	B
DA-302	SECTION E	B
DA-401	SHADOW STUDY PLAN WINTER SOLSTICE	B
DA-402	SHADOW STUDY PLAN WINTER SOLSTICE	B
DA-403	SUN'S EYE VIEWS	B
DA-404	STORAGE PLAN	B
DA-501	GROSS FLOOR AREA CALCULATIONS	B
DA-502	GROSS FLOOR AREA CALCULATIONS	B
DA-503	ADAPTABLE UNIT LAYOUT 1	A
DA-504	ADAPTABLE UNIT LAYOUT 2	A
DA-601	SOLAR ACCESS	B
DA-602	CROSS VENTILATION DIAGRAMS	B

AREA SCHEDULE	
TOTAL SITE AREA	1316 SQM
TOTAL ALLOWABLE FSR	3.75:1
TOTAL GFA (ALLOWABLE)	4775 SQM
TOTAL PROPOSED FMR	3.15:1
HOTEL GFA	489 SQM
RESIDENTIAL GFA	4006 SQM
TOTAL GFA	4775 SQM

PARKING SCHEDULE	
PUB PARKING (BASEMENT 1)	
GENERAL SPACES	15
ACCESSIBLE SPACES	1
TOTAL CAR SPACES	16
RESIDENTIAL & SERVICED APARTMENT PARKING (BASEMENT 1, 2 & 3)	
GENERAL SPACES	67
ACCESSIBLE SPACES	10
TOTAL CAR SPACES	77
TOTAL CAR PARKING	93

UNIT SCHEDULE				
	1 BED	2 BED	3 BED	TOTAL
LEVEL 1	4	5	0	9
LEVEL 2	3	7	0	10
LEVEL 3	4	6	0	10
LEVEL 4	6	4	0	10
LEVEL 5	3	1	1	5
LEVEL 6	3	1	1	5
LEVEL 7	3	1	1	5
LEVEL 8	3	1	1	5
LEVEL 9	0	3	1	4
TOTAL UNITS	27	31	5	63



LOCATION PLAN



PHOTOMONTAGE

STRATHFIELD COUNCIL
RECEIVED
AMENDED PLANS
DA2019/057
27 September 2019

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STATUS
DEVELOPMENT APPLICATION
Do not start drawing, nor do other work on site until you have received written approval from the Council. This drawing is for the purpose of Council approval and is not suitable for construction.

19/09/2019 REVISED DA
19/09/2019 DA ISSUE
05/11/2019 FINAL ISSUE

19/09/2019

NOTES

PROJECT
Pub \ Serviced Apts \ Residential
136-144 Parramatta Road,
Homebush

CLIENT
IRIS CAPITAL

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DRAWING NO: **DA-001** ISSUE: **B** JOB NO: **IR1807**
DRAWN BY: _____ CHECKED BY: _____ SCALE: _____ DATE: **06.09.19**
DRAWING TITLE: **COVER SHEET, DRAWING LIST, SITE LOCATION PLAN**





PHOTOMONTAGE - PROPOSED DEVELOPMENT

STRATHFIELD COUNCIL
RECEIVED
AMENDED PLANS
DA2019/057
27 September 2019

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DEVELOPMENT APPLICATION

SECTION 72(1)(b) of the Environmental Planning and Assessment Act 1979 (NSW) requires a Development Application to be submitted to the Council for approval of the proposed development.

A 22/9/19 10:59:59

10/ 10/19

PLAN002-10 10/19

NOTES

PROJECT
Pub \ Serviced Apts \ Residential
136-144 Parramatta Road,
Homebush

CLIENT
IRIS CAPITAL

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FAX: +61 3 9629 1000

NOMINATED ARCHITECT
1111 Sturt Street, Melbourne VIC 3001
PH: +61 3 9629 1011 (over +61 3 9629 3666)
FAX: +61 3 9629 1000

DRAWING NO:
DA-010

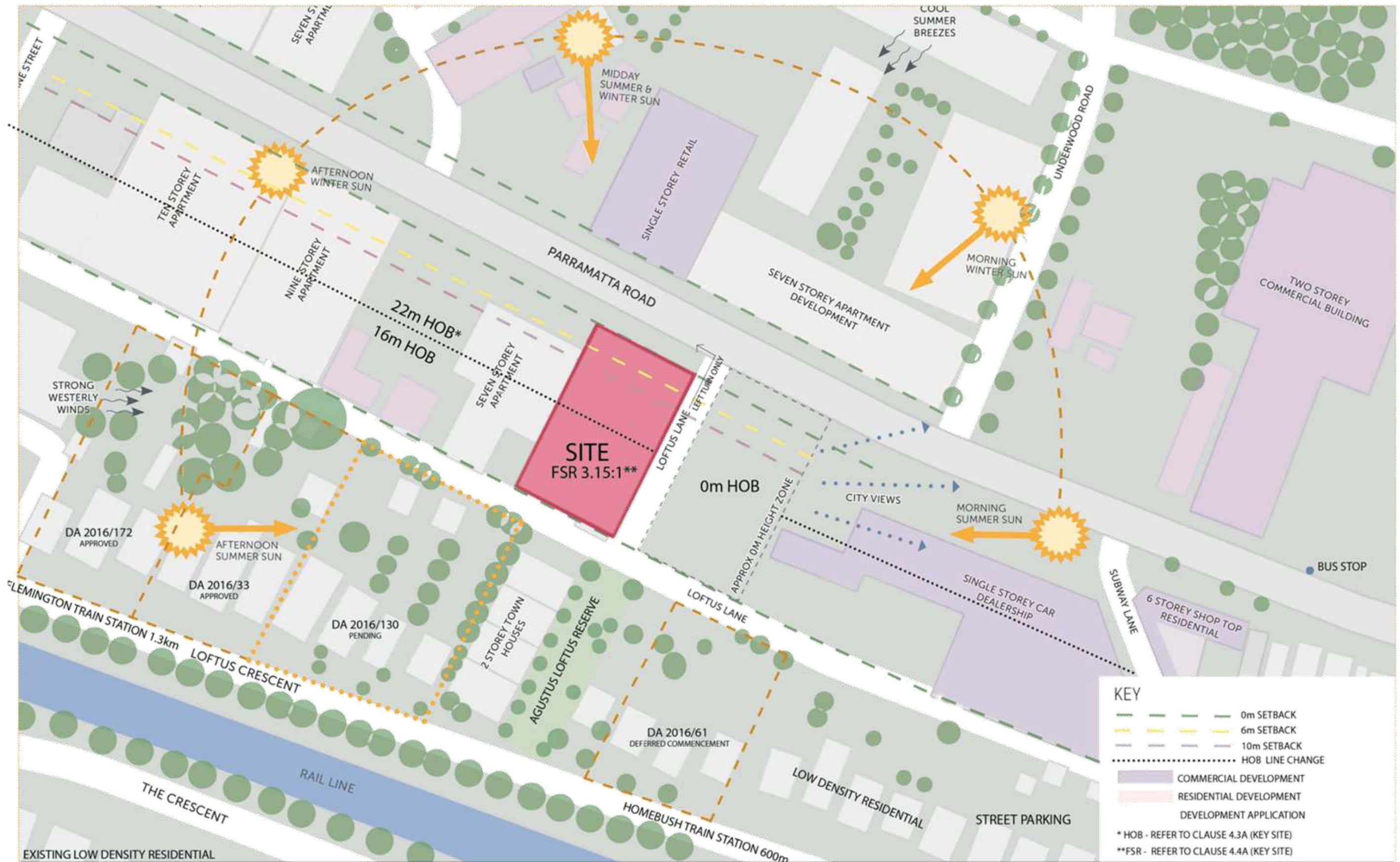
CHECKED BY:
@ A1

DRAWING TITLE:
PHOTOMONTAGE

ISSUE:
A

SCALE:
@ A1

DATE:
10.04.19



KEY

- 0m SETBACK
- 6m SETBACK
- 10m SETBACK
- HOB LINE CHANGE
- COMMERCIAL DEVELOPMENT
- RESIDENTIAL DEVELOPMENT
- DEVELOPMENT APPLICATION

* HOB - REFER TO CLAUSE 4.3A (KEY SITE)
 **FSR - REFER TO CLAUSE 4.4A (KEY SITE)

DEVELOPMENT APPLICATION

STATUS: DA 2019/057
 DATE: 27 September 2019

NOTES: NOT TO SCALE

PROJECT: Pub \ Serviced Apts \ Residential
 136-144 Parramatta Road, Homebush

CLIENT: IRIS CAPITAL

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DA2019/057
 27 September 2019

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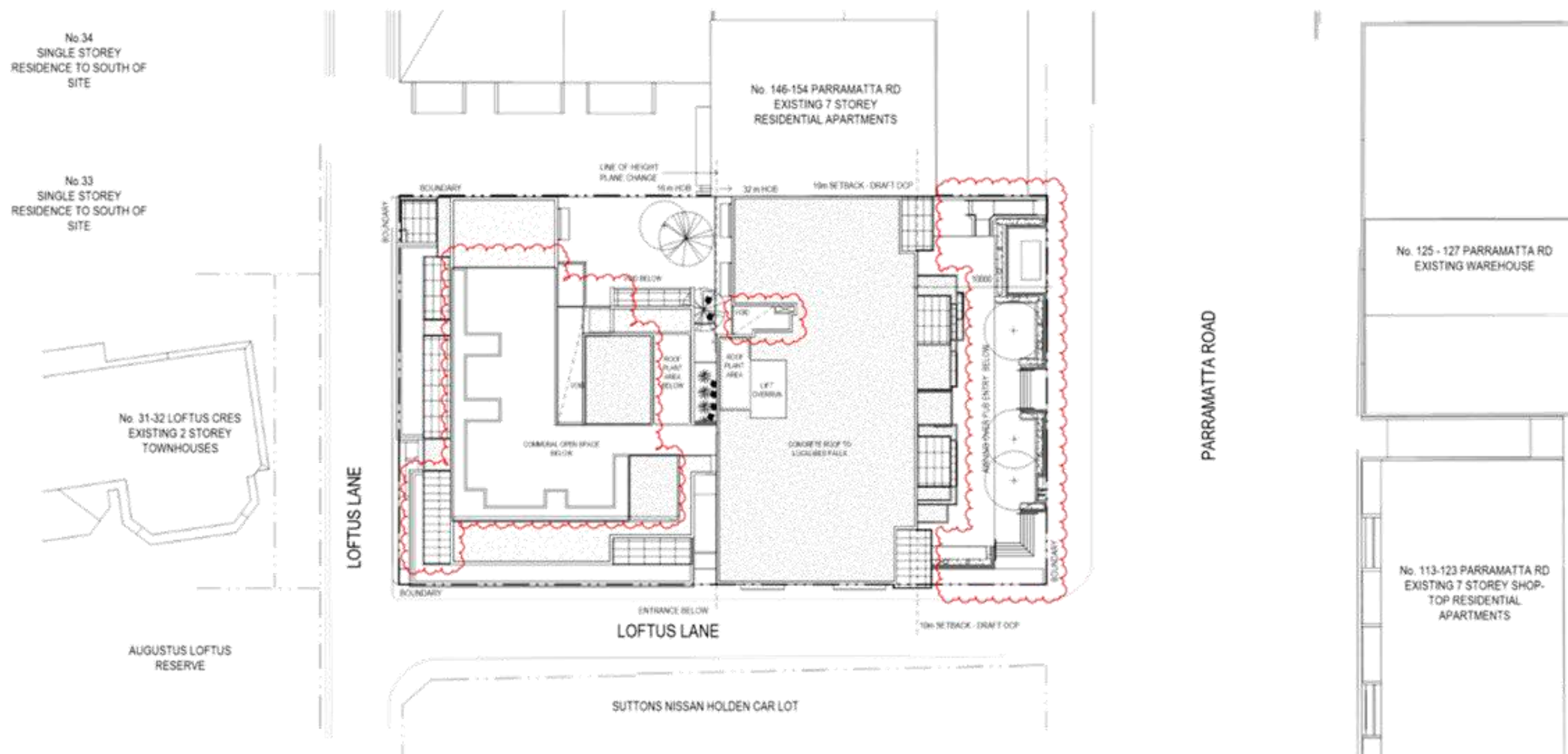
DA-011

SCALE: @ A1

DATE: 10.04.19

IR1807

SITE ANALYSIS PLAN



1 SITE PLAN
1:200 @ A1

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DA2019/057
27 September 2019

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ASSOCIATION OF ARCHITECTS
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Institute of
Architects

STATUS
DEVELOPMENT APPLICATION
Squillace Superdrafting, 10/101 Pitt Street, Sydney NSW 2000
Tel: +61 2 9550 1000 Fax: +61 2 9550 1300
www.squillace.com.au

A: 06/09/19 REVISION 04
X: 20/04/20 04-10/19
05: DWG APPROVED BY: [Signature]

NOTES
1:400 @ A1
1:200 @ A1

PROJECT
Pub \ Serviced Apts \ Residential
136-144 Parramatta Road,
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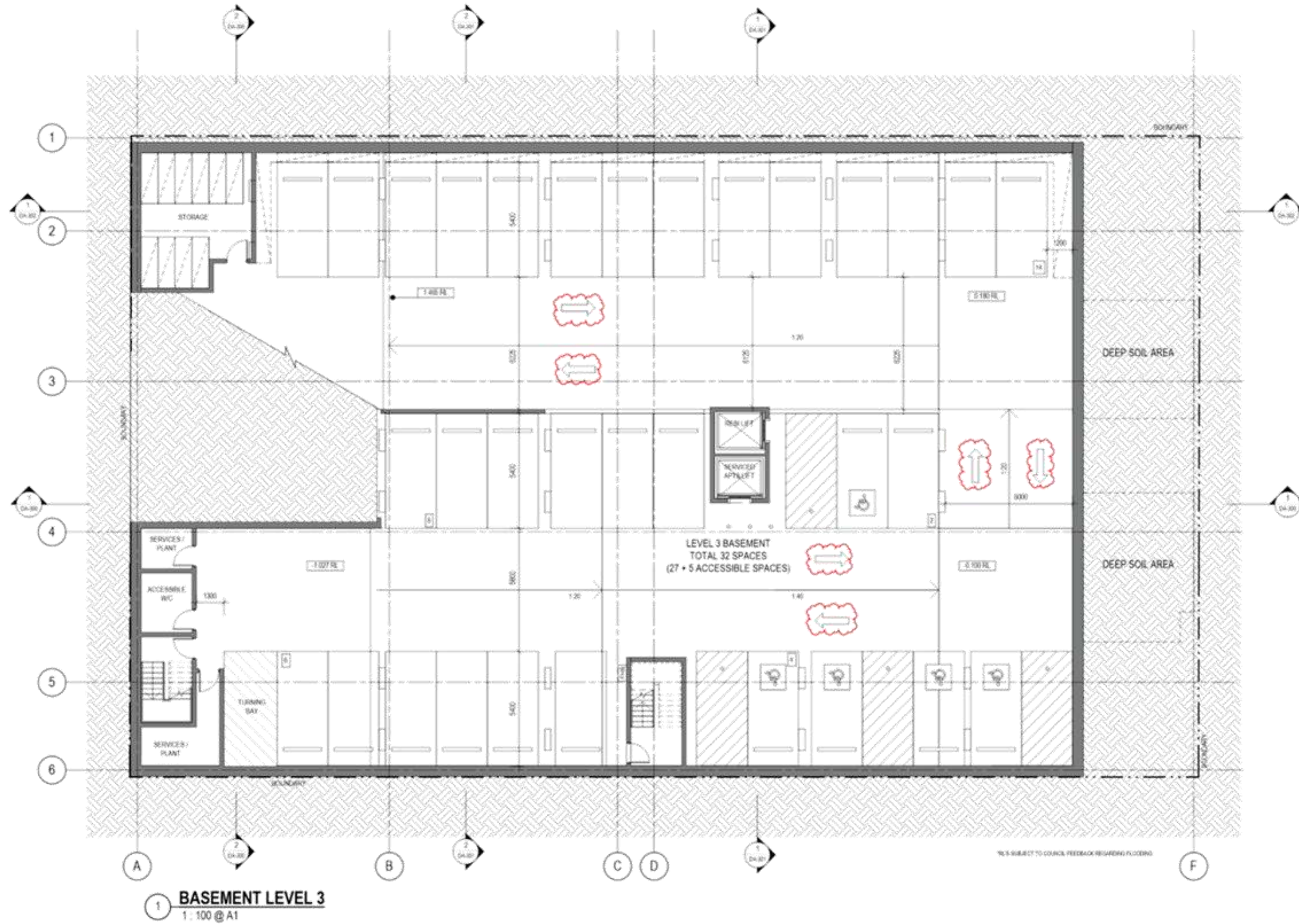
DRAWING NO.
DA-012

ISSUE
B

DATE
06.09.19

SCALE
1:200 @ A1

DRAWING TITLE
SITE PLAN



STRATHFIELD COUNCIL RECEIVED
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DA2019/057
27 September 2019

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DEVELOPMENT APPLICATION
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NO.	DATE	BY	REVISION / PURPOSE OF ISSUE
01	04.09.19	WARRIS/CK	ISSUE FOR PERMIT
02	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
03	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
04	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
05	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
06	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
07	26.09.19	WARRIS/CK	ISSUE FOR PERMIT
08	26.09.19	WARRIS/CK	ISSUE FOR PERMIT

NOTES
 1. ALL DIMENSIONS IN METERS UNLESS OTHERWISE SPECIFIED
 2. REFER TO DRAWING DA-097-01 FOR FLOORING

PROJECT
 Pub 1 Serviced Apts 1 Residential
 136-144 Parramatta Road,
 Homebush

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 IRIS CAPITAL

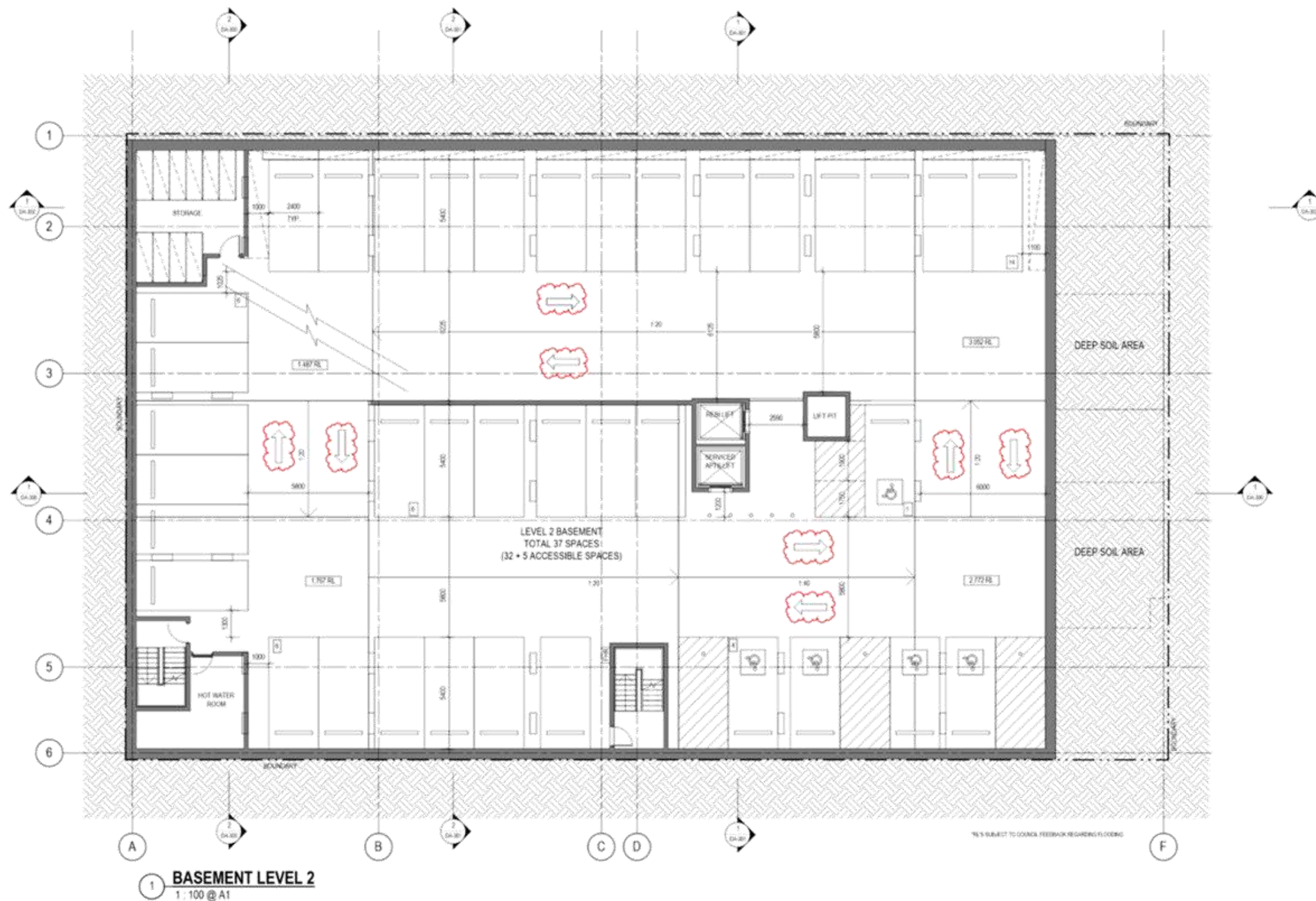
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 13/15 Market Lane, Tel: 9559 1000

DA-097 B
 IR1807
 1:100 @ A1
 06.09.19
 BASEMENT LEVEL THREE



STRATHFIELD COUNCIL
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DA2019/057
27 September 2019



DEVELOPMENT APPLICATION

STATUS: DEVELOPMENT APPLICATION

NOTES: This drawing is for the purpose of Council approval and is not to be used for any other purpose without the written consent of the architect.

NO.	DATE	DESCRIPTION
1	04.08.19	WORKSHEET
2	10.04.19	REVISED
3	02.04.19	FINAL ARCHITECTURAL
4	04.03.19	FINAL ARCHITECTURAL
5	02.03.19	FINAL ARCHITECTURAL
6	02.03.19	FINAL ARCHITECTURAL
7	13.12.18	PRELIMINARY



PROJECT
Pub 1 Serviced Apts 1 Residential
136-144 Parramatta Road,
Homebush

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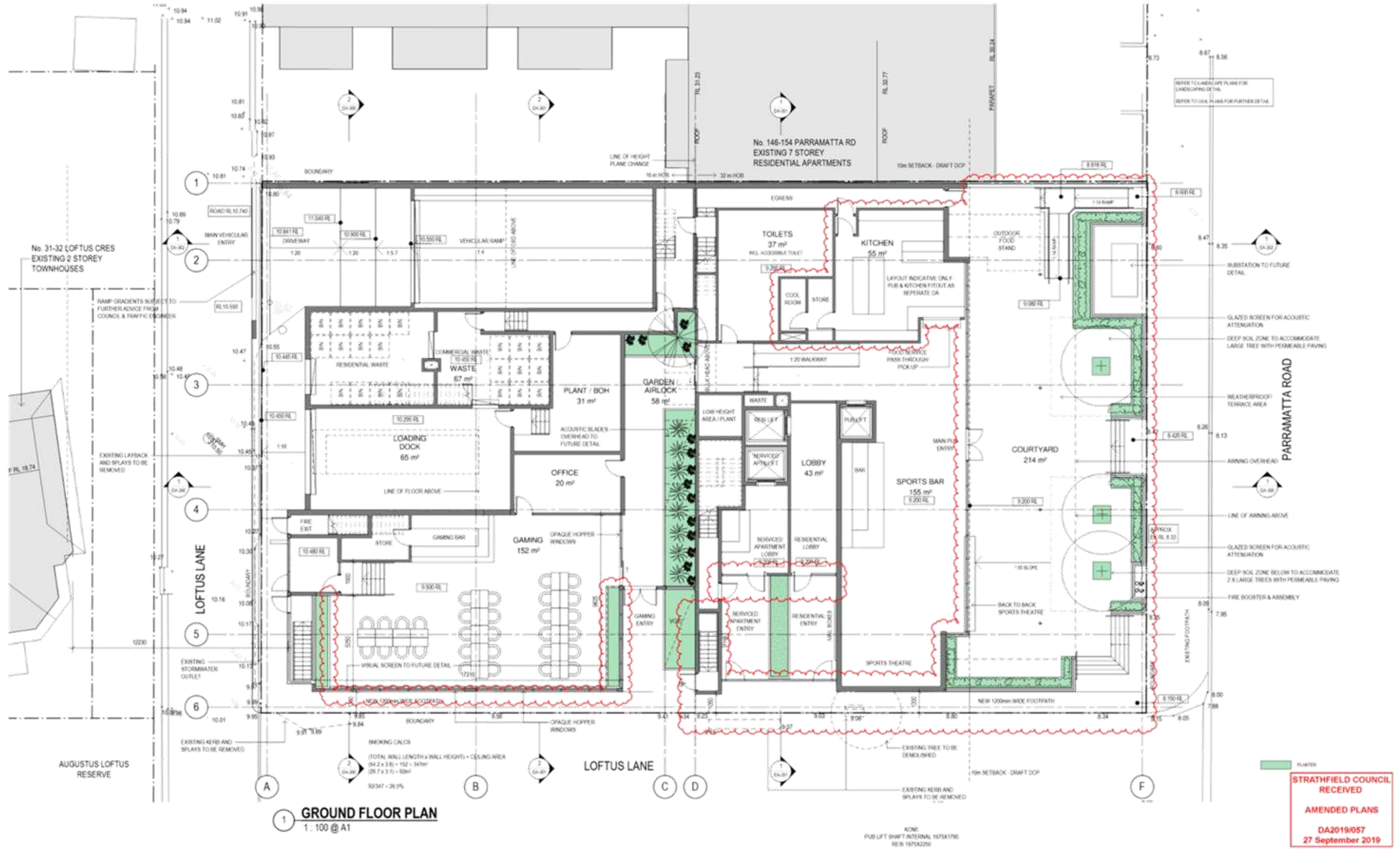
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10/11-13/14/15/16/17/18/19

NOMINATED ARCHITECT
110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

DRAWING NO: DA-098
SCALE: 1:100 @ A1
DATE: 06.09.19
DRAWING TITLE: BASEMENT LEVEL TWO



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DEVELOPMENT APPLICATION

Application for development consent for the proposed development at 136-144 Parramatta Road, Homebush. The development is for the purpose of residential and commercial use.

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NO.	DATE	DESCRIPTION
1	10/09/19	REVISED DA
2	10/09/19	REVISED DA
3	10/09/19	REVISED DA
4	10/09/19	REVISED DA
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99	10/09/19	REVISED DA
100	10/09/19	REVISED DA

NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

2. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR MATERIALS AND FINISHES.

3. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR STRUCTURAL REQUIREMENTS.

4. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR MECHANICAL AND ELECTRICAL REQUIREMENTS.

5. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR LANDSCAPE REQUIREMENTS.

6. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR SAFETY REQUIREMENTS.

7. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR ACCESSIBILITY REQUIREMENTS.

8. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR ENVIRONMENTAL REQUIREMENTS.

9. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR ENERGY EFFICIENCY REQUIREMENTS.

10. REFER TO THE ARCHITECT'S SPECIFICATIONS FOR SUSTAINABILITY REQUIREMENTS.

PROJECT
Pub \ Serviced Apts \ Residential
136-144 Parramatta Road,
Homebush

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NOMINATED ARCHITECT
1100 South Road, St Leonards NSW
1522 1522 1522

DRAWING NO.
DA-100

REVISION
B

SCALE
1:100 @ A1

DATE
06.09.19

DRAWING TITLE
FLOOR PLAN GROUND LEVEL

STATUS
DEVELOPMENT APPLICATION

NOTES
1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.



STRATHFIELD COUNCIL
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DA2019/057
27 September 2019

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DEVELOPMENT APPLICATION

STATUS: **DA-101 B**

DATE: 06.09.19

NO.	DATE	DESCRIPTION
1	04.09.19	REVISED PLAN
2	04.09.19	REVISED PLAN
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50	04.09.19	REVISED PLAN



PROJECT: Pub 1 Serviced Apts \ Residential 136-144 Parramatta Road, Homebush

CLIENT: IRIS CAPITAL

ARCHITECTS: squillace ARCHITECTS INTERIOR DESIGNERS www.squillace.com.au

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248 Bourke Street, Melbourne VIC 3001
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WWW: www.squillace.com.au

NOMINATED ARCHITECT
11111 Market St, Melbourne VIC 3000
11111 Market St, Melbourne VIC 3000

DRAWING NO: **DA-101 B**

DATE: **06.09.19**

SCALE: **1:100 @ A1**

DRAWING TITLE: **FLOOR PLAN LEVEL 1**

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2 LEVEL 2 FLOOR PLAN
1:100 @ A1

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DA2019/057
27 September 2019

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STATUS
DEVELOPMENT APPLICATION
Architectural drawings were prepared in accordance with the Building Act 1993 and the Building Regulation 2006. This drawing is for the purpose of Council approval and is not to be used for construction.

NO.	DATE	REVISION	PURPOSE OF ISSUE
1	04.09.19	REVISED PLAN	
2	04.09.19	REVISED PLAN	
3	04.09.19	REVISED PLAN	
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Drawing No. **DA-102** TITLE **B** DRAWING NO. **IR1807**

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DRAWING TITLE: **FLOOR PLAN LEVEL 2**



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2	04/09/19	REVISED PLAN	IRIS CAPITAL
3	04/09/19	REVISED PLAN	IRIS CAPITAL
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9	04/09/19	REVISED PLAN	IRIS CAPITAL
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DA-106 B
DRAWN BY: [] CHECKED BY: []
SCALE: 1:100 @ A1 DATE: 06.09.19
DRAWING TITLE: FLOOR PLAN LEVEL 6



1 LEVEL 7 FLOOR PLAN
1:100 @ A1

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DRAWING NO.
DA-107

DATE
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SCALE
1:100 @ A1

DATE
06.09.19

DRAWING TITLE
FLOOR PLAN LEVEL 7



1 LEVEL 8 FLOOR PLAN
1 : 100 @ A1

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04/09/19	1st DCP
02/04/19	FOR INFORMATION ONLY
06/02/19	FOR INFORMATION ONLY
05/05/19	FOR INFORMATION ONLY
26/01/19	FOR INFORMATION ONLY
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05/02/19	FOR INFORMATION ONLY
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10101 WGL 3871 5200

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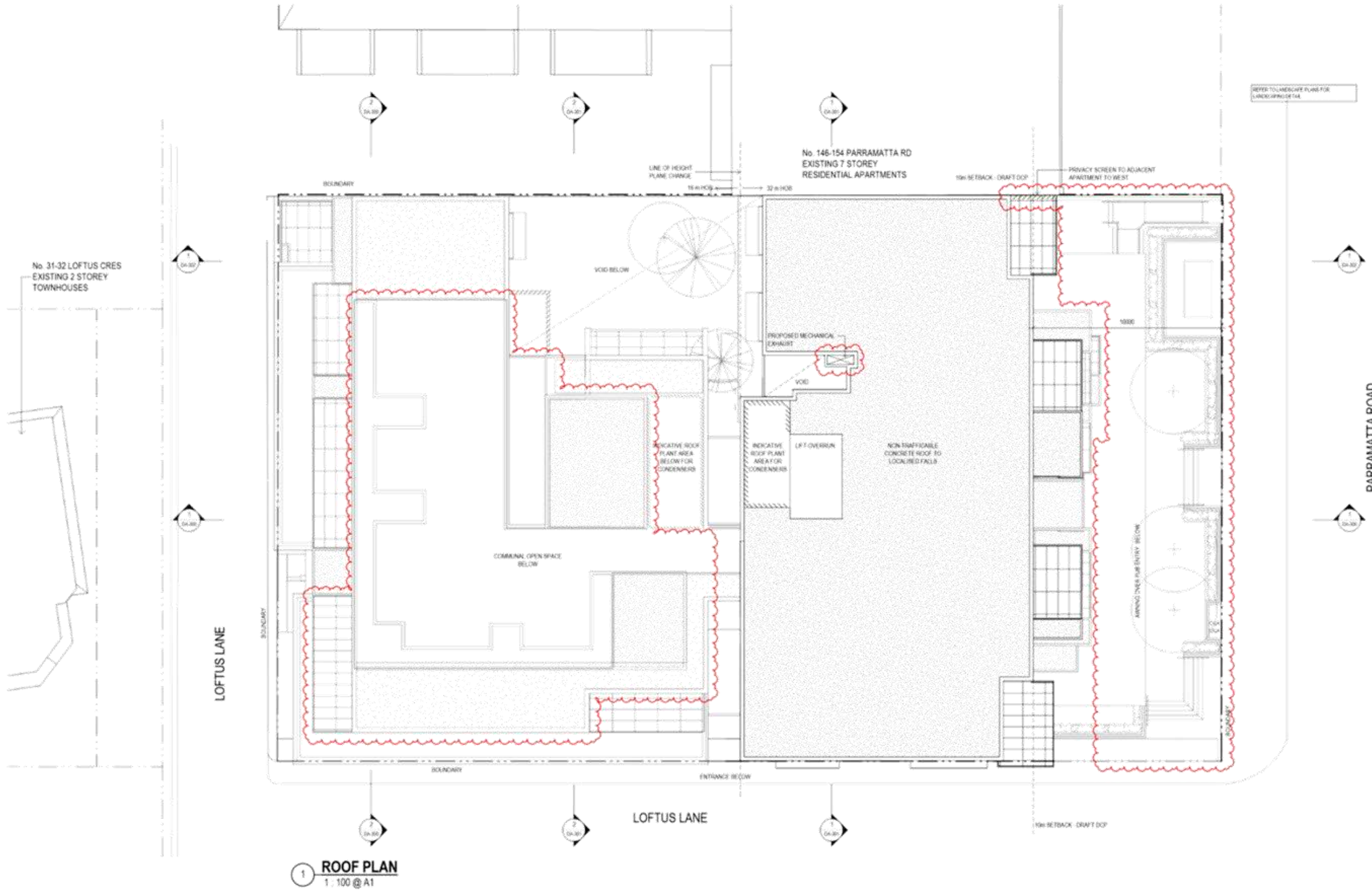
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DATE
06.09.19

DRAWING TITLE
FLOOR PLAN LEVEL 8





1 ROOF PLAN
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3	05.10.19	CON. MODIFICATION	DA	
4	25.10.19	CON. MODIFICATION	DA	
5	18.11.19	FINAL DA	DA	
6	19.09.19	DA SUB	DA	



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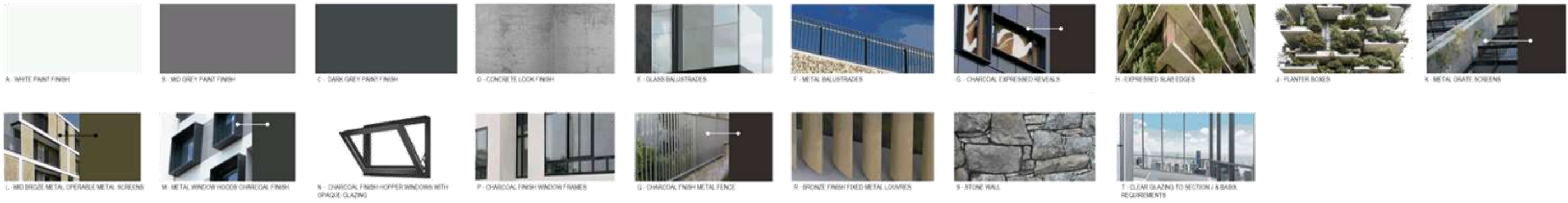
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Drawings No. **DA-110** SHEET **B** JOB NO. **IR1807**

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DRAWING TITLE: **ROOF PLAN**



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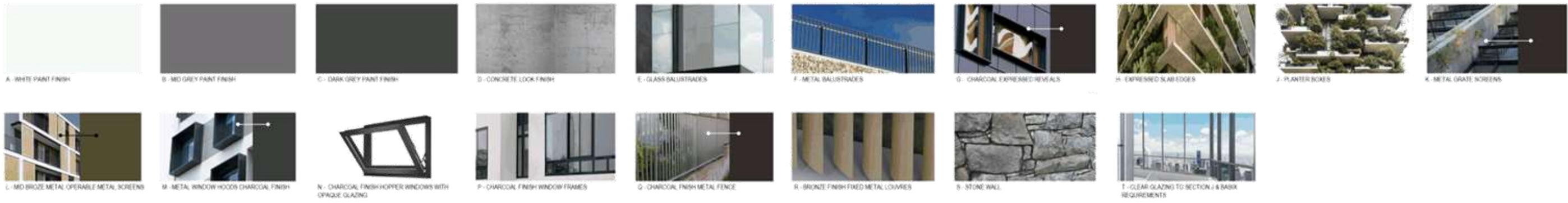
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DRAWING TYPE
 NORTH AND EAST ELEVATIONS



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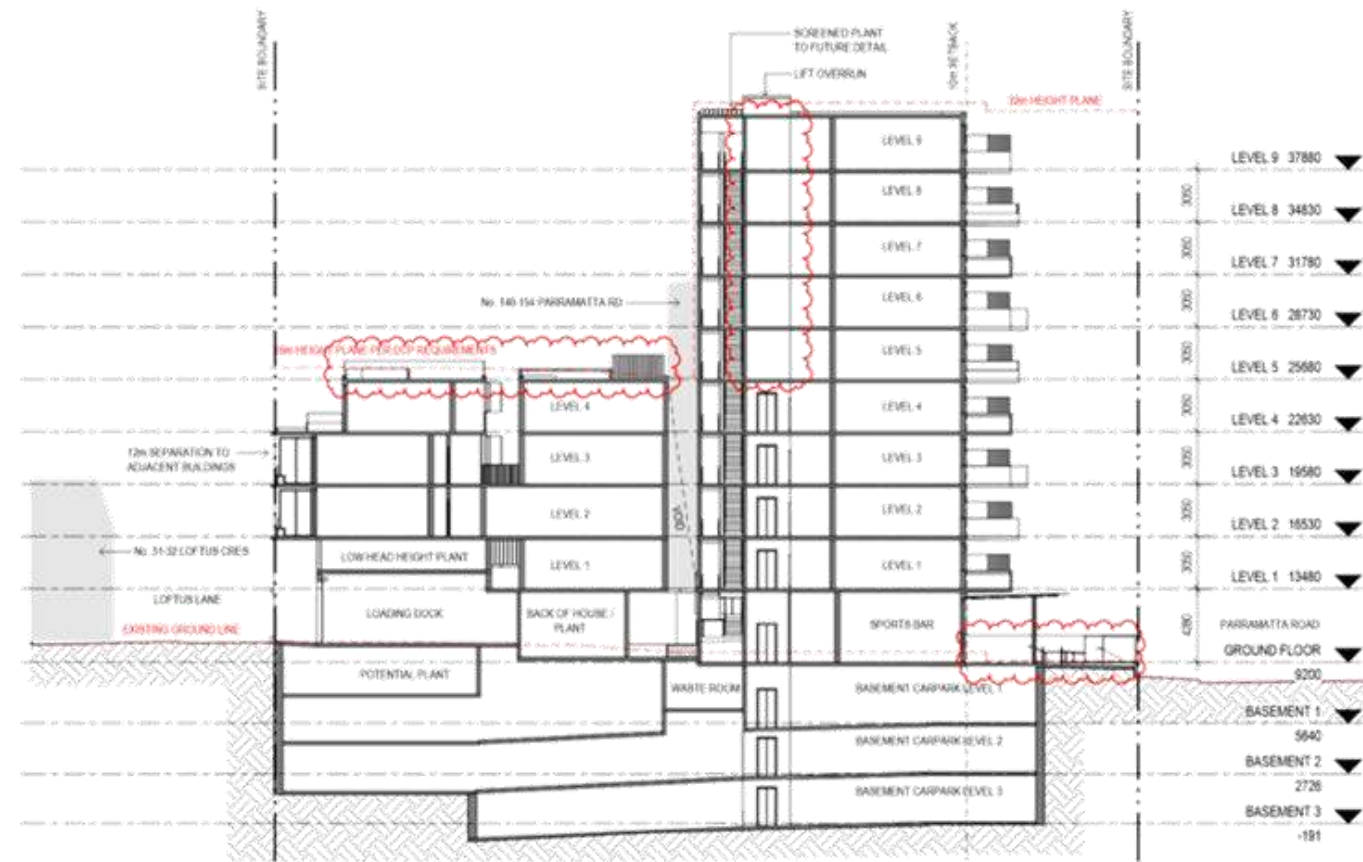
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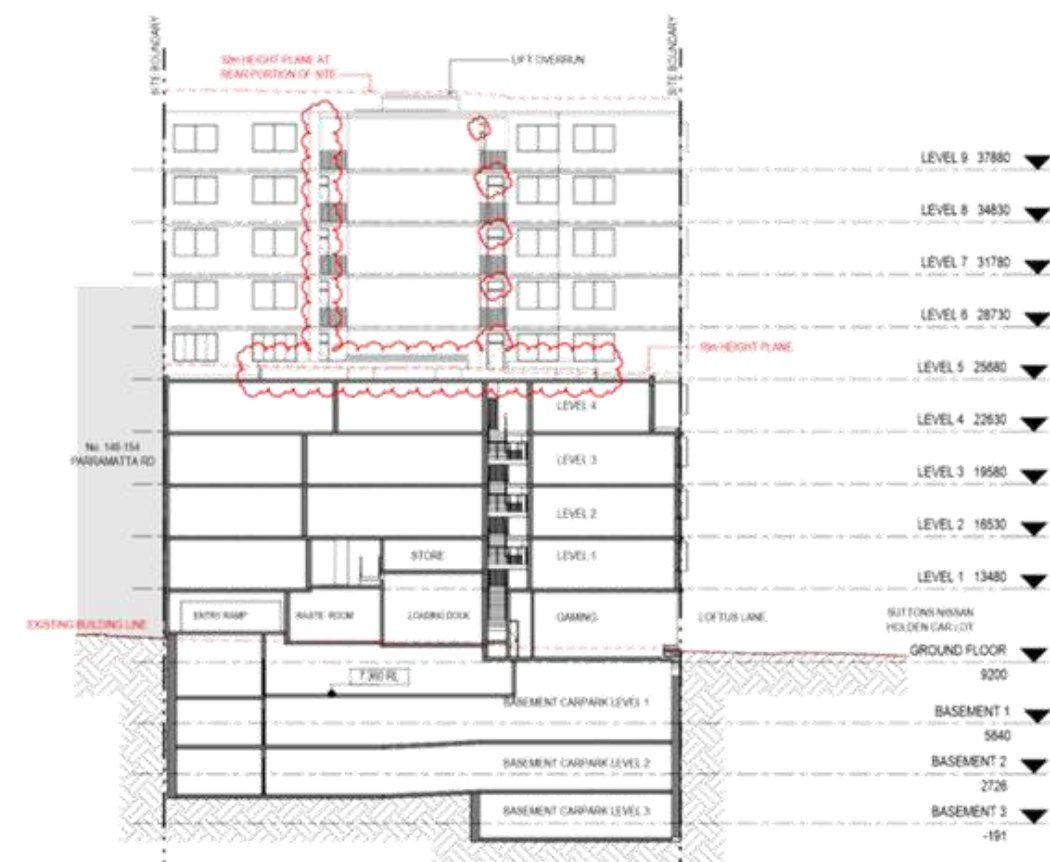
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 17/18 Sturt Street, Sydney NSW
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DRAWING NO: DA-202
ISSUE: B
SCALE: @ A1
DATE: 06.09.19
PROJECT TITLE: SOUTH AND WEST ELEVATIONS

REFER TO LANDSCAPE PLAN FOR LANDSCAPING DETAIL.
REFER TO CIVIL PLAN FOR FURTHER DETAIL.



1 SECTION A
1:200 @ A1



2 SECTION B
1:200 @ A1

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Project Code: 136-144 Parramatta Road, Homebush
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- 3. 05/04/19 136-144 Parramatta Road
- 4. 05/04/19 136-144 Parramatta Road
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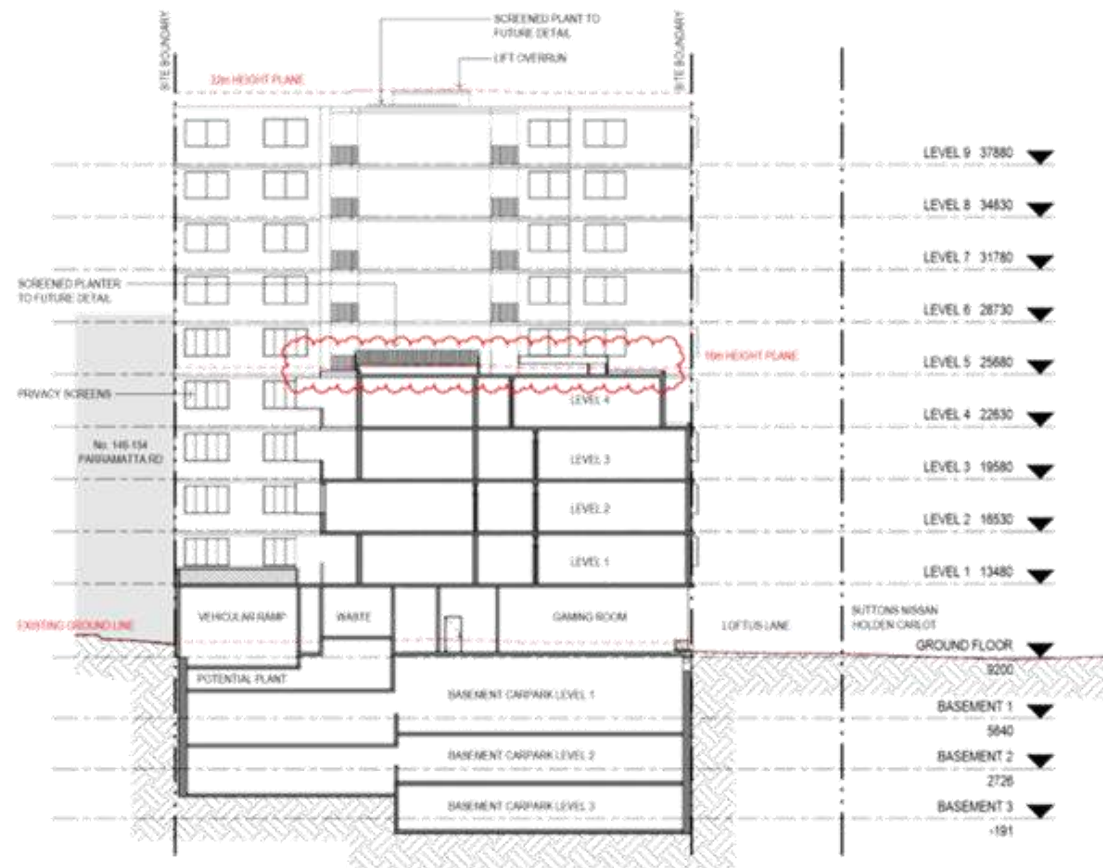
ISSUE NO. B
ISSUE NO. IR1807

TITLE: SECTIONS A AND B

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1 SECTION C
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2 SECTION D
1:200 @ A1

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2	15/04/19	DA SUBMIT
3	02/04/19	SCHEMATIC DEVELOPMENT
4	02/04/19	SCHEMATIC DEVELOPMENT
5	02/04/19	SCHEMATIC DEVELOPMENT
6	18/11/19	FINAL SUBMIT

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DRAWING NO.
DA-301

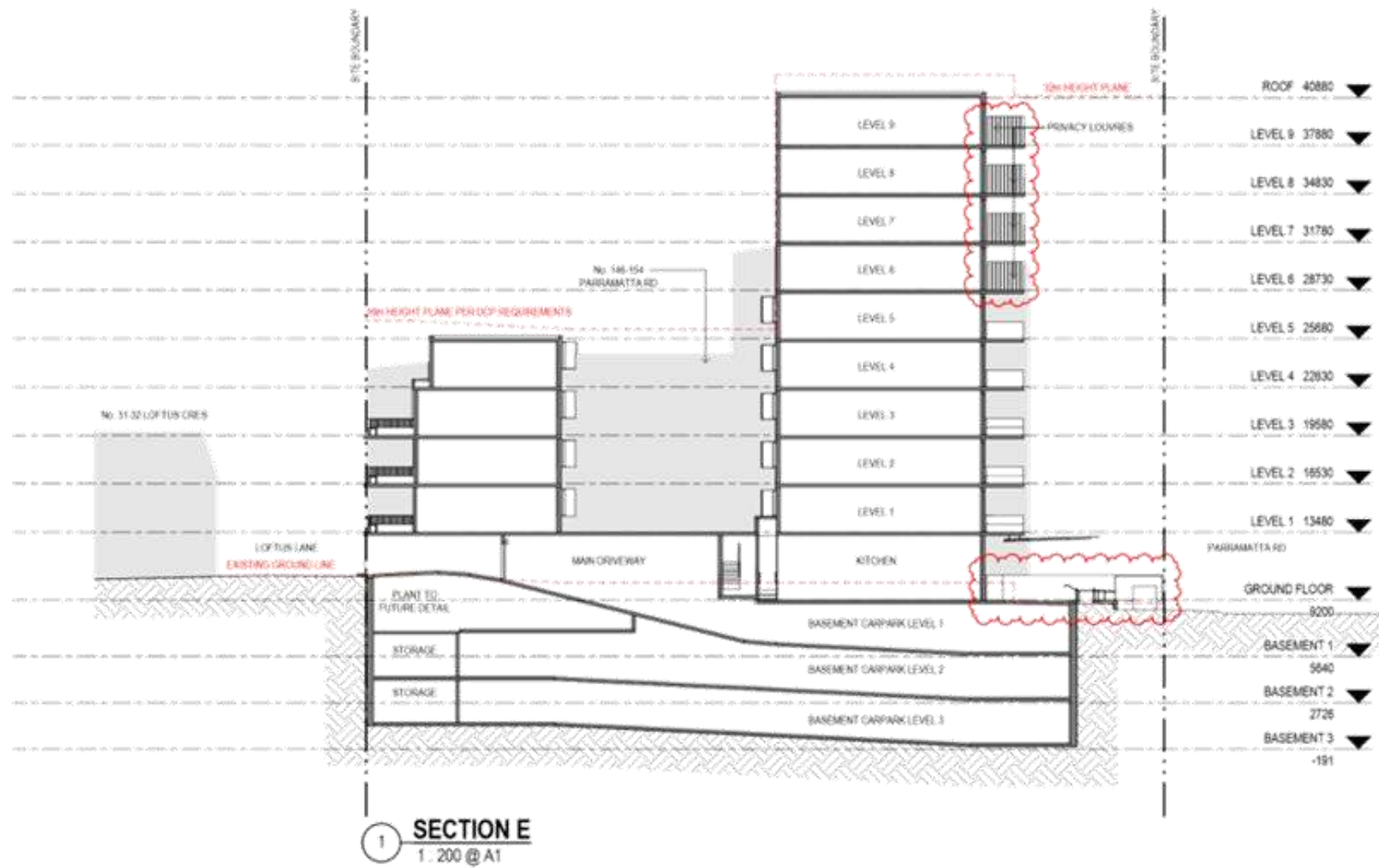
REV.
B

DATE
06.09.19

SCALE
1:200 @ A1

TITLE
SECTIONS C AND D

REFER TO LANDSCAPE PLANS FOR LANDSCAPING DETAIL
REFER TO CIVIL PLANS FOR FURTHER DETAIL



SECTION E
1:200 @ A1

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27 September 2019

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NOTES
1. 06/09/19 2019/057/01/01
2. 10/09/19 2019/057/01/02
3. 10/09/19 2019/057/01/03
4. 10/09/19 2019/057/01/04

NO SCALE PURPOSE OF ISSUE



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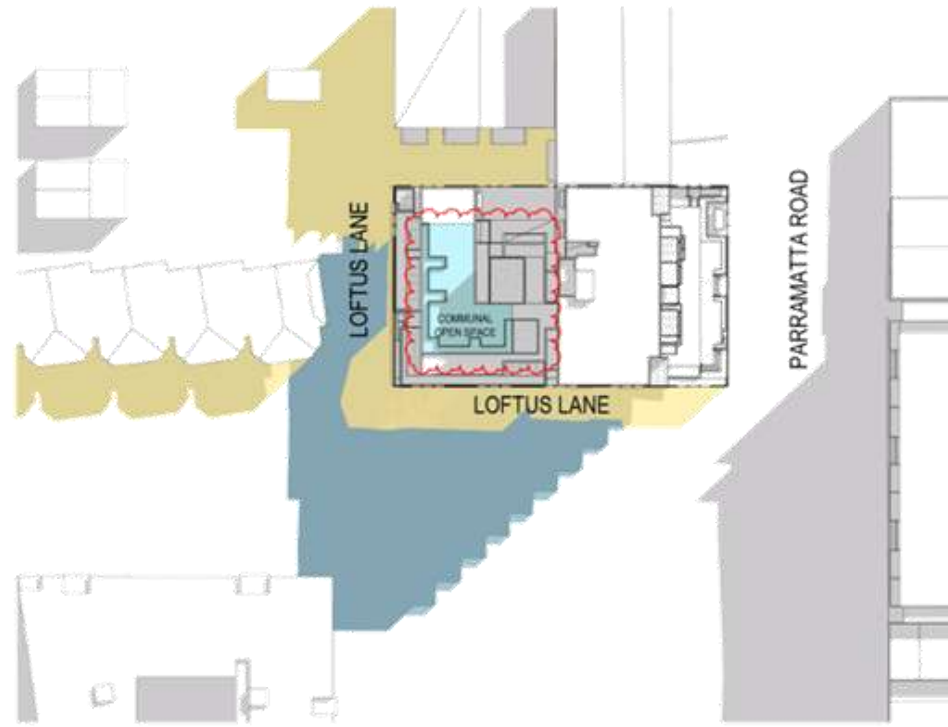
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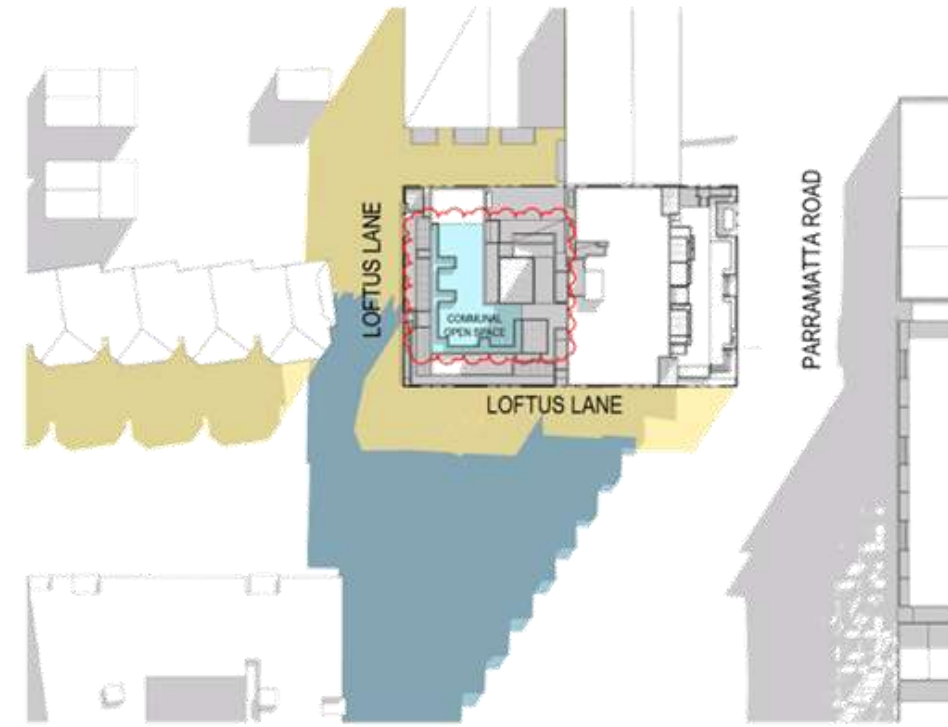
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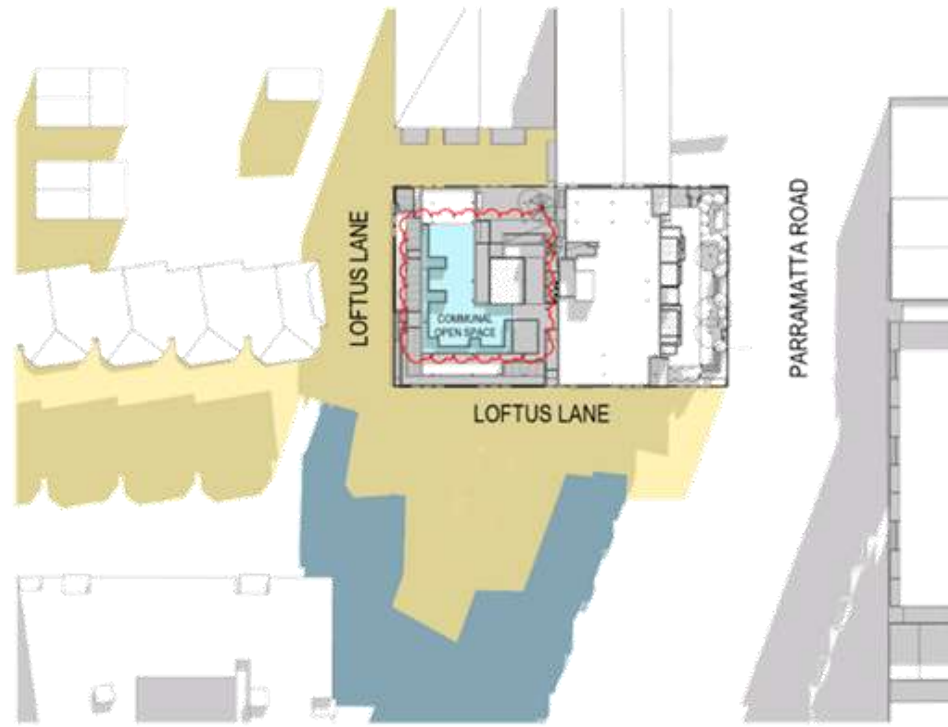
Drawing No: **DA-302** Title: **B** Job No: **IR1807**
Drawn By: _____ Checked By: _____ Scale: **1:200 @ A1** Date: **06.09.19**
Drawing Title: **SECTION E**



1 SHADOW STUDY PLAN - WINTER SOLSTICE - 1PM
1:500 @ A1



2 SHADOW STUDY PLAN - WINTER SOLSTICE - 2PM
1:500 @ A1



3 SHADOW STUDY PLAN - WINTER SOLSTICE - 3PM
1:500 @ A1

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SHADOWS CAST BY EXISTING STRUCTURE
ADDITIONAL SHADOW CAST BY NEW DEVELOPMENT APPLICATION

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STATUS
DEVELOPMENT APPLICATION
This application is for a Development Application (DA) for the proposed development. It is subject to the provisions of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2007 (NSW). The DA is subject to the provisions of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2007 (NSW).

R. 06/09/19 REVISED DA
A. 20/04/19 DA-1001
10/19 DA/19 PURPOSE OF STUDY

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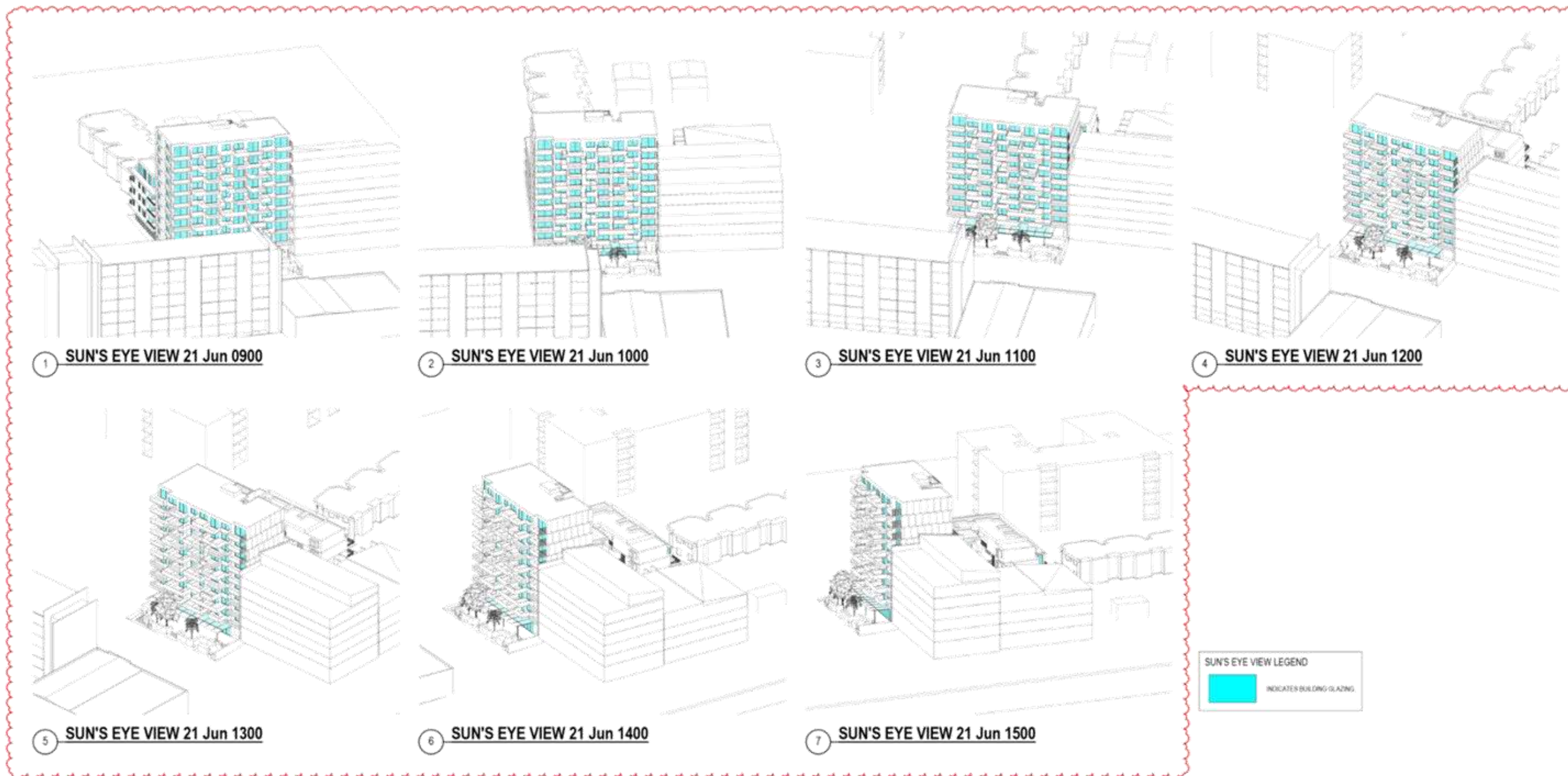
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1/100 Market Lane, NSW 2000 (140/142)

DRAWING NO. DA-402
ISSUE B
DRAWN BY CHECKED BY SCALE @ A1
DATE 06.09.19
DRAWING TITLE SHADOW STUDY PLAN WINTER SOLSTICE



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 2019/09/06
 DATE PURPOSE OF REV

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DRAWING NO: **DA-403** ISSUE: **B** JOB NO: **IR1807**
 DRAWN BY: CHECKED BY: SCALE: DATE: **06.09.19**
 DRAWING TITLE: **SUN'S EYE VIEWS**



1 STORAGE PLAN - BASEMENT LEVEL 3
1: 200 @ A1



2 STORAGE PLAN - BASMENT LEVEL 2
1: 200 @ A1

LEGEND

- IN APARTMENT AREA STORAGE
- COMMON AREA STORAGE
- EXCLUDED (NON-RESIDENTIAL)

APARTMENT STORAGE COMPLIANCE STATEMENT

MINIMUM VOLUME OF APARTMENT STORAGE EXCLUDING KITCHEN, BATHROOM AND ROBES:

1 BED = 6m³
2 BED = 8m³
3 BED = 10m³

MINIMUM 5% OF REQUIRED STORAGE IS TO BE LOCATED WITHIN THE APARTMENT

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DA2019/057
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3 STORAGE PLAN - LEVEL 1-4
1: 200 @ A1



4 STORAGE PLAN - TYPICAL LEVEL 5-8
1: 200 @ A1



5 STORAGE PLAN - LEVEL 9
1: 200 @ A1

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REVISED: 04/09/2019
REVISED: 04/09/2019

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DRAWING NO: DA-450
ISSUE: B
SCALE: As indicated @ A1
DATE: 06.09.19

DRAWING TITLE: STORAGE PLAN



1 GROUND LEVEL GFA
1:200 @ A1



2 LEVEL 1 GFA
1:200 @ A1



3 LEVEL 2 GFA
1:200 @ A1



4 LEVEL 3 GFA
1:200 @ A1



5 LEVEL 4 GFA
1:200 @ A1



METAL BALUSTRADE TO VOIDS / CORRIDORS



PERMEABLE SCREEN TO LOBBIES

	GFA
GROUND FLOOR	469 m ²
LEVEL 1	607 m ²
LEVEL 2	735 m ²
LEVEL 3	691 m ²
LEVEL 4	638 m ²
LEVEL 5	327 m ²
LEVEL 6	327 m ²
LEVEL 7	327 m ²
LEVEL 8	327 m ²
LEVEL 9	327 m ²
TOTAL	4775 m²

FSR = GFA : SITE AREA

ALLOWABLE FSR = 3.15 : 1
ALLOWABLE GFA = 4775 m²

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REVISED DATE
A 20/04/19 (A1) (SQA)
B 02/08/19 (A1) (SQA) (SQA) (SQA) (SQA)
C 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
D 25/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
E 25/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
F 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
G 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
H 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
I 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
J 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
K 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
L 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
M 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
N 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
O 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
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V 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
W 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
X 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
Y 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)
Z 18/02/20 (SQA) (SQA) (SQA) (SQA) (SQA)

NOTES
1:200 @ A1
0 5m 10m

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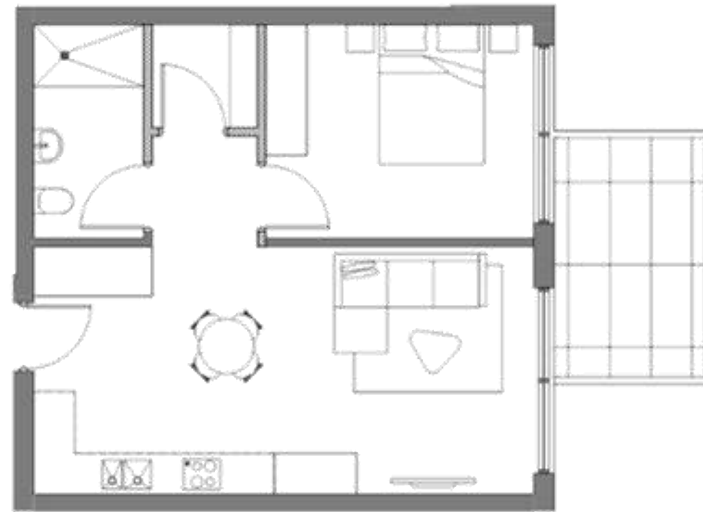
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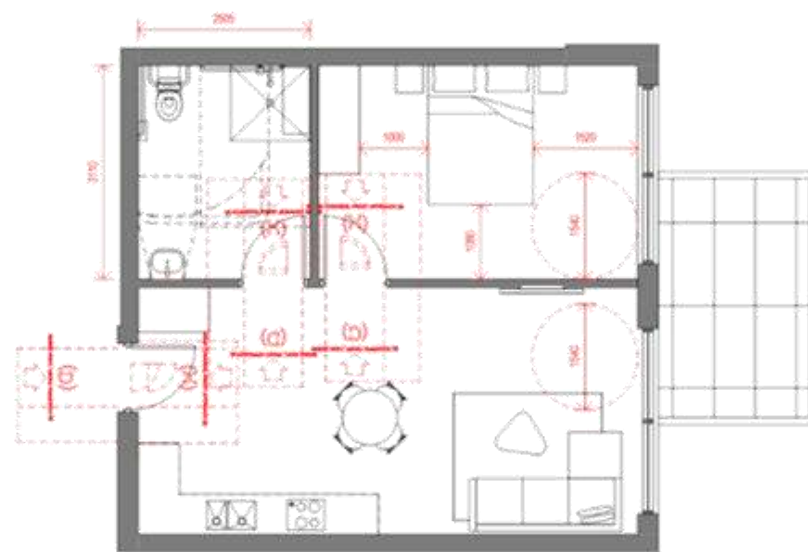
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Drawing No. **DA-501** B
DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1:200 @ A1 DATE: 06.09.19

GROSS FLOOR AREA CALCULATIONS



1 PRE-ADAPTABLE UNIT 2
1:50 @ A1



2 ADAPTABLE UNIT 2
1:50 @ A1

ADAPTABLE UNIT TYPE 1

- WALLS TO BE DEMOLISHED POST-ADAPTION
- NORTH-EASTERN 2 BEDROOM UNITS LEVELS 1-5 (SUBTOTAL 5)
- NORTH-EASTERN 1 BEDROOM UNIT LEVEL 1-5 (SUBTOTAL 5)

TOTAL = 10 ADAPTABLE UNITS TOTAL

POST ADAPTATION UNIT LAYOUT TO INCLUDE

- ACCESSIBLE ENTRY**
 -ACCESSIBLE ENTRY DOOR TO HAVE 850mm MIN CLEARANCE
 -DOOR LEVER HANDLES AND HARDWARE TO AS1428.1
 -INTERNAL DOORS TO HAVE 820mm MIN CLEARANCE
- LIVING ROOM**
 -PROVISION FOR CIRCULATION SPACE OF MIN 2250mm DIAMETER
 -TELEPHONE ADJACENT TO GPO
 -POTENTIAL ILLUMINATION LEVEL MIN 300 LUX
- KITCHEN**
 -PROVISION FOR BENCHES PLANNED TO INCLUDE AT LEAST ONE WORK SURFACE OF 800mm, ADJUSTABLE IN HEIGHT FROM 750mm TO 850mm OR REPLACEABLE
 -REFRIGERATOR ADJACENT TO WORK SURFACE
 -KITCHEN SINK ADJUSTABLE HEIGHTS FROM 750mm TO 850mm OR REPLACEABLE
 -KITCHEN SINK BOWL MAX 150mm DEEP
 -TAP SET CAPSTAN OR LEVER HANDLES OR LEVER MIXER
 -TAP SET LOCATED WITHIN 300mm OF FRONT SINK
 -COOKTOPS TO EITHER INCLUDE FRONT OR SIDE CONTROLS WITH RAISED CROSS BARS
 -COOKTOPS TO INCLUDE ISOLATING SWITCH
 -WORK SURFACE MIN 800mm LENGTH ADJACENT TO COOKTOP AT SAME HEIGHT
 -OVEN LOCATED ADJACENT TO AN ADJUSTABLE HEIGHT OR REPLACEABLE WORK SURFACE
 -GPO'S TO COMPLY WITH AS 1428.1 AT LEAST ONE DOUBLE GPO WITHIN 300mm OF FRONT WORK SURFACE
 -GPO FOR REFRIGERATOR TO BE EASILY REACHABLE WHEN THE REFRIGERATOR IS IN OPERATING POSITION
 -SLIP RESISTANT FLOOR SURFACE
- BEDROOM**
 -AT LEAST ONE BEDROOM OF AREA SUFFICIENT TO ACCOMMODATE QUEEN SIZE BED AND WARDROBE AND CIRCULATION SPACE REQUIREMENTS OF AS 1428.2
- BATHROOM**
 -PROVISION FOR BATHROOM AREA TO COMPLY WITH AS1428.1
 -SLIP RESISTANT FLOOR SURFACE
 -SHOWER RECESS - NO HOB, MINIMUM SIZE 1160x1100 TO COMPLY WITH AS 1428.1
 -SHOWER AREA WATERPROOFED TO A3740 WITH FLOOR TO FALL TO WASTE
 -RECESSED SOAP HOLDER
 -SHOWER TAPS POSITIONED FOR EASY REACH TO ACCESS SIDE OF SHOWER SLIDING TRACK
 -PROVISION FOR ADJUSTABLE, DETACHABLE HAND HELD SHOWER HOSE MOUNTED ON A SLIDER GRABRAIL OR FIXED HOOK (PLUMBING WALL AND STRENGTHENING PROVISION)
 -PROVISION FOR GRABRAIL IN SHOWER TO COMPLY WITH AS1428.1
 -TAPSETS TO BE CAPSTAN OR LEVER HANDLES WITH SINGLE OUTLET
 -FUTURE PLUMBING FOR POST ADAPTABLE LAYOUTS TO BE PROVIDED AND CAPPED AT INITIAL CONSTRUCTION STAGE
- TOILET**
 -PROVISION FOR WASHBASIN WITH CLEARANCES TO COMPLY WITH AS 1428.1
 -DOUBLE GPO BESIDE MIRROR
 -PROVISION OF EITHER 'VISIBLE TOILET' OR ACCESSIBLE TOILET
 -PROVISION TO COMPLY WITH AS1428.1
 -LOCATION OF WC PAN AT CORRECT DISTANCE FROM FIXED WALLS
 -PROVISION FOR GRAB RAIL ZONE
 -SLIP RESISTANT FLOOR SURFACE
- LAUNDRY**
 -DOUBLE GPO
 -SLIP-RESISTANT FLOOR SURFACE
- DOOR LOCKS**
 -DOOR HARDWARE OPERABLE WITH ONE HAND, LOCATED 900-1100mm ABOVE FLOOR

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1	08/04/18	DA-1056	
2	08/04/18	DA-1056 (REVISED)	
3	08/04/18	DA-1056 (REVISED)	
4	08/04/18	DA-1056 (REVISED)	
5	08/04/18	DA-1056 (REVISED)	
6	08/04/18	DA-1056 (REVISED)	
7	08/04/18	DA-1056 (REVISED)	
8	08/04/18	DA-1056 (REVISED)	
9	08/04/18	DA-1056 (REVISED)	
10	08/04/18	DA-1056 (REVISED)	
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49	08/04/18	DA-1056 (REVISED)	
50	08/04/18	DA-1056 (REVISED)	



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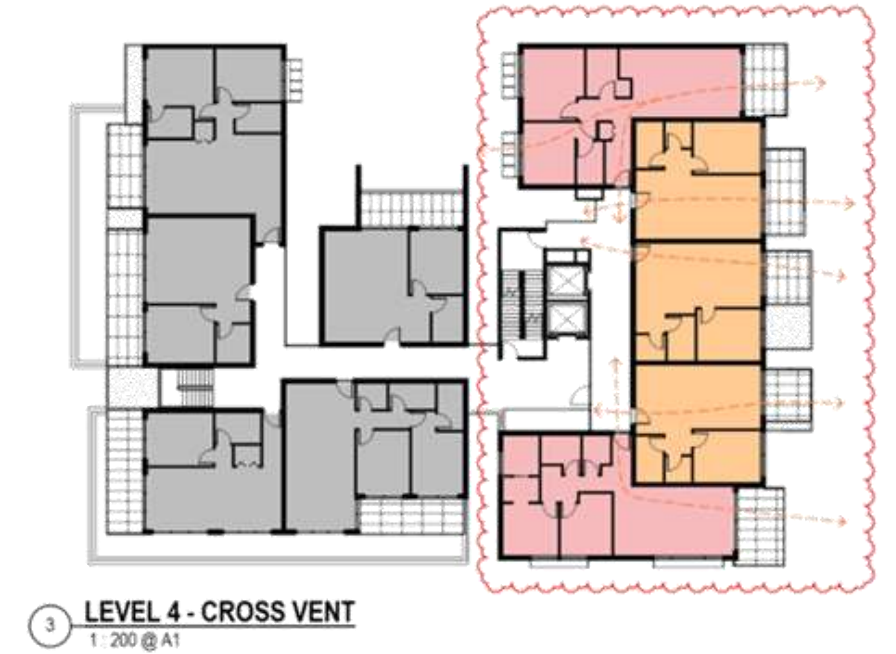
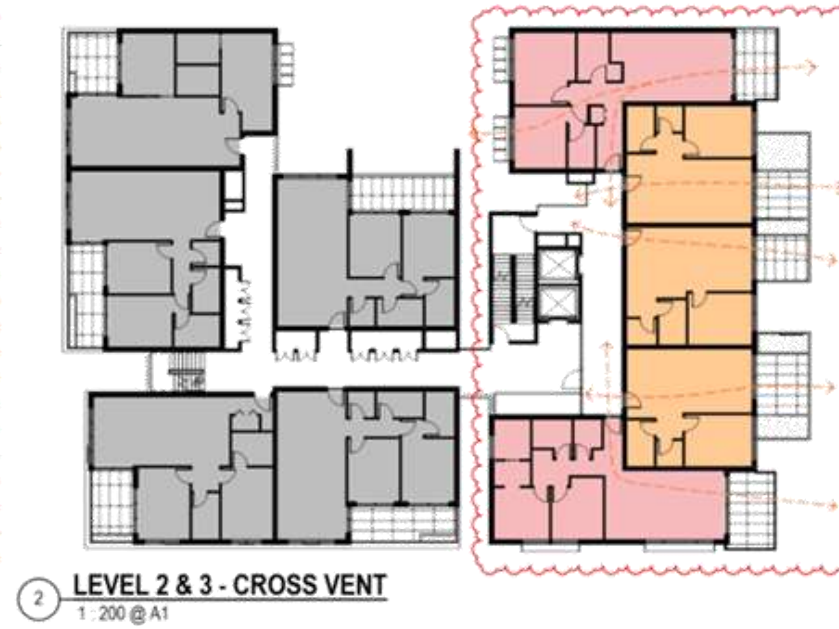
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DRAWING NO.	ISSUE	JOB NO.
DA-551	A	IR1807
DRAWN BY	CHECKED BY	SCALE
		1:50 @ A1
DATE		10.04.19
DRAWING TITLE	ADAPTABLE UNIT LAYOUT 2	



CROSS VENTILATION COMPLIANCE JUSTIFICATION

COLOUR FILL INDICATES UNITS NATURALLY CROSS VENTILATED:

CALCULATIONS
SEPP-10 APARTMENT DESIGN GUIDE REQUIREMENT - SECTION 4B, NATURAL VENTILATION
MINIMUM NUMBER OF APARTMENTS CROSS VENTILATED ON FIRST 9 STOREYS - 90%

CROSS VENTILATION COMPLIANCE STATEMENT

90% OF APARTMENTS CROSS VENTILATED ON FIRST 9 STOREYS

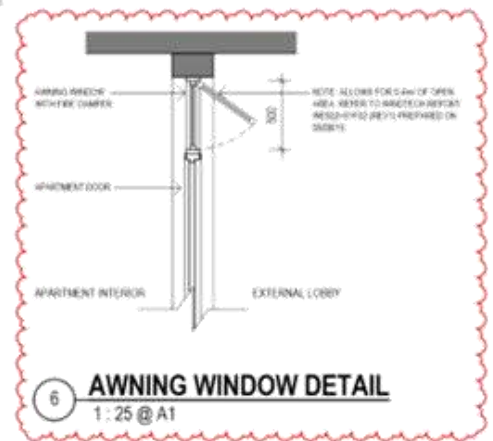
CROSS VENTILATION COMPLIANCE BY LEVEL

LEVEL	COMPLIES
LEVEL 1	5
LEVEL 2	5
LEVEL 4	5
LEVEL 5	5
LEVEL 7	5
LEVEL 8	5
YES	5
COMPLIES: 90	

RESIDENTIAL UNITS ACHIEVE 100% CROSS VENTILATION

LEGEND

- COMPLIES
- DOES NOT COMPLY
- EXCLUDED (NON-RESIDENTIAL / ABOVE 9 STOREYS)
- ADDITIONAL UNITS RECEIVING CROSS VENTILATION AS PER WINDTECH NATURAL VENTILATION STATEMENT (0.4m² OPENING)
- AWNING WINDOW WITH FIRE DAMPER ABOVE ENTRY DOOR (0.4m² OPENING)



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27 September 2019

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DEVELOPMENT APPLICATION

STATUS: APPROVED

DATE: 27/09/2019

PROJECT: 136-144 PARRAMATTA ROAD, HOMEBUSH

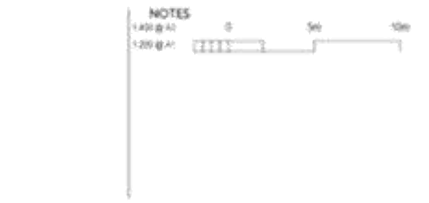
NOTES

1. ALL WORK TO BE COMPLETED BY 30/09/2019.

2. ALL WORK TO BE COMPLETED BY 30/09/2019.

3. ALL WORK TO BE COMPLETED BY 30/09/2019.

4. ALL WORK TO BE COMPLETED BY 30/09/2019.



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DA-602 B

As indicated @ A1

CROSS VENTILATION DIAGRAMS

TO: Strathfield Local Planning Panel Meeting - 7 November 2019
REPORT: SLPP – Report No. 4
SUBJECT: DA2019/093 - 12 BELLFROG STREET GREENACRE
LOT 12 DP 1133214
DA NO. DA2019/093

SUMMARY

Proposal: Erection of a mobile telecommunications facility, including pole, antennas and ground based equipment.

Applicant: Avisford Consulting

Owner: Tinnok Pty Ltd

Date of lodgement: 12 June 2019

Notification period: 17 June 2019 to 1 July 2019

Submissions received: Four (4) submissions

Assessment officer: MR

Estimated cost of works: \$130,000

Zoning: IN1 General Industrial - SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? Yes – Building Height

Extent of the variation supported? 150% or 18m

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

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The proposal involves the erection of a mobile telecommunications facility, including pole, antennas and ground based equipment.

The plans and documentation submitted with the application were publicly notified from 17 June 2019 to 1 July 2019 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. Four (4) written submissions were received as a result. The key issues raised in the submissions included:

- Possible health effects;
- Height;
- Visual appearance;
- Location near an existing telecommunication tower;

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- Service requirements; and
- Non-compliance with NSW Telecommunications Facilities Guideline Including Broadband 2010.

On 9 July 2019, Council issued a deferral letter to the applicant, raising concerns relating to visual impacts on surrounding properties, height variation, co-location options, potential health effects from the proposed facility, and inconsistencies between the tower design and the Statement of Environmental Effects regarding communication equipment.

On 9 and 13 August 2019, additional information (including amended plans) were submitted to Council to address the matters raised in the deferral letter.

On 18 October 2019, a revised Clause 4.6 written request was provided to Council. This request is considered to be well founded.

The proposed facility is considered acceptable within the IN1 – General Industrial zone and in context of the industrial and warehouse setting of the site. The proposal can be appropriately conditioned to minimise potential impacts including health risks associated with telecommunications structures.

The subject application is referred to the Strathfield Local Planning Panel on 7 November 2019 due to the proposed variation (greater than 10%) to the maximum building height development standard under Clause 4.3 of the SLEP 2012.

The application is recommended for **APPROVAL**.

BACKGROUND

6 November 2018: A Pre-Development Application Meeting occurred at Council. The applicant (Avisford Consulting) was advised of what documents were required to support the application when lodging with Council.

8 November 2018: DA2018/045 was approved for the construction of a new warehouse with ancillary office space and an at grade car parking (refer to **Figure 1**).

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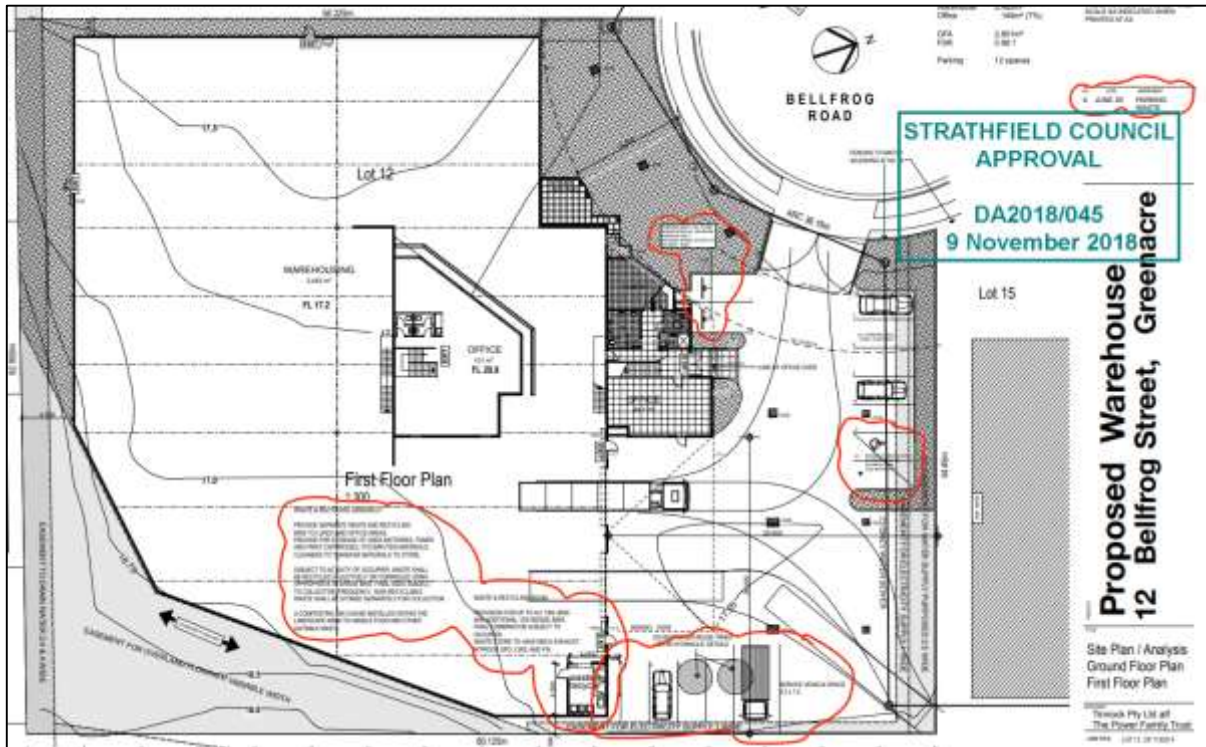


Figure 1: Approved Plans for DA2018/045

- 12 June 2019: DA2019/093 was lodged for the construction of a telecommunications tower.
- 17 June 2019: The application was notified for two (2) weeks in accordance with Council’s extended notification until the 1 July 2019. Four (4) objections were received as a result.
- 9 August 2019: A site inspection was completed and the following matters of interest were noted including the proposed height, visual impact, location near residential properties and on a construction site.
- 17 July 2019: A letter requesting further information was sent to the applicant requesting:
 - Height variation;
 - Visual impact Assessment;
 - Coverage map;
 - Co-location options;
 - Possible health effects from the telecommunications tower.
- 9 August 2019: Amended plans and additional information was submitted to Council, which generally responded to the matter of the height variation, visual impact, co-location details and tower design changes.
- 18 October 2019: The applicant submitted a revised Clause 4.6 written request.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 12 DP 1133214 and is known as No. 12 Bellfrog Street, Greenacre (refer to **Figure 2**). The site is an irregular shaped allotment that is located on the south-eastern side of Bellfrog Street and has a total area of 4,675m². The subject site is currently vacant and the existing approval for the new warehouse is under construction. The site is predominantly modified and has no significant vegetation or trees. Vehicular access to the property is via a driveway crossing located at the end of the cul-de-sac.

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The subject site is situated within a recent industrial subdivision and adjoins newly constructed industrial buildings including some warehouses (refer to **Figures 2 to 7**). In general, the site is set in a primarily monotone industrial landscape; however, its southern boundary adjoins a low density residential area that is characterised by single detached dwellings comprising 1-2 storeys with exposed face brick and pitched, tiled roof forms. These residences occur along Juno Parade.



Figure 2: The subject site (as highlighted in yellow) and the surrounding context.



Figure 3: Easterly view from Bellfrog Street of the subject site.

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Figure 4: Southerly view from Bellfrog Street of the subject site.



Figure 5: North-Easterly view from Bellfrog Street of a warehouse at No. 13 Bellfrog Street.



Figure 6: Northerly view from Bellfrog Street of No. 13-14 Bellfrog Street.

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Figure 7: South-Westerly view from Bellfrog Street of the warehouse at No. 11 Bellfrog Street.

PROPERTY BURDENS AND CONSTRAINTS

The subject site contains the following easements:

- A 1m wide easement for electricity supply along the eastern and northern boundary;
- A 2.5m wide easement for water supply located along the northern boundary;
- A drainage easement (2.4 to 4m in width), along the southern boundary;
- An easement for overland flow paths in the south-eastern corner.

No easements will impact or be affected by the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for a mobile telecommunications facility that comprises a monopole with antennas and ground based equipment (refer to **Figure 8**).

The specific elements of the proposal are:

- The construction of a 30m high monopole within a lease area that is 8.5m long by 6.5m wide;
- The installation of three (3) panel antennas on a headframe;
- The installation of twelve (12) remote radio units (RRU's) behind the proposed antennas;
- The installation of two (2) microwave radio communications dishes;
- The installation of an equipment shelter/equipment units to house electrical equipment; and
- The installation of power to the proposed site compound.

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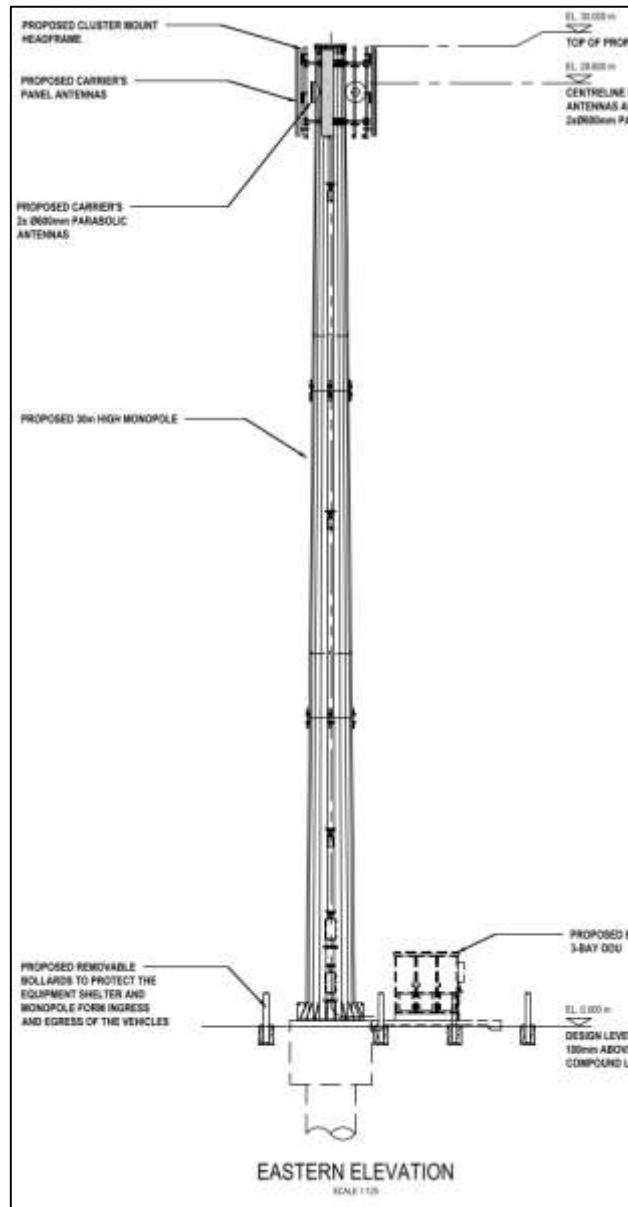


Figure 8: Eastern elevation of the proposed telecommunications tower.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council’s Engineer provided no objections to the proposal, subject to the imposition of 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.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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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* (EP&A Act 1979) as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

Telecommunications Act 1997

Schedule 3 of the *Telecommunication Act 1997* (Telco Act) empowers licensed carriers to install certain facilities without consent when they are classified as a 'low impact facility' under the *Telecommunications (Low-Impact Facilities) Determination 1997*. The proposed development involves a new telecommunications facility and is therefore not classified as a 'low impact facility'. On that basis, approval is required under the EP&A Act 1979 for the proposed development.

Telecommunications Code of Practice 1997

Section 2.11 of the *Telecommunications Code of Practice 1997* requires licensed carriers to ensure that the design, planning and installation of new facilities, such as the proposed development, is undertaken in accordance with 'best practice'. 'Best practice' refers to the conduct of the carrier that complies with an industry code registered by the Australian Communications Authority under Part 6 of the Telco Act. The relevant industry code is the Communications Alliance Ltd Industry Code C564:2011 Mobile Phone Base Station Deployment (the Code).

Communications Alliance Ltd Industry Code C564:2011 Mobile Phone Base Station Deployment

The Code provides requirements for the application of the precautionary approach to site selection and design for telecommunications facilities. The requirements within the Code are consistent with those under the NSW Telecommunications Facilities Guideline Including Broadband.

State Environmental Planning Policy (Infrastructure) 2007

Division 21 of State Environmental Planning Policy (Infrastructure) 2007 provides the requirements for telecommunications facilities development permitted without consent, exempt development, complying development and development permitted with consent. Clause 115 of SEPP (Infrastructure) 2007 states:

- a) *Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.*
- b) *(Repealed)*
- c) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

The proposed development does not meet the requirements for development permitted without consent (exempt development). Therefore, the proposed telecommunications facility is defined as development permitted with consent under Clause 115(1). This clause allows for this type of development to occur within all zones under the Strathfield Local Environmental Plan 2012 (SLEP 2012).

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In accordance with Clause 115(3), consideration must be given to the NSW Telecommunications Facilities Guideline including Broadband (the Guideline), which is addressed below.

NSW Telecommunications Facilities Guideline including Broadband

The Guideline provides four (4) principles for the site selection, design, construction and operation of telecommunications facilities. The relevant provisions under each principle are reproduced and addressed below:

Principle 1: A telecommunications facility should be sited to minimise visual impact

- (d) *Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.*

The proposed facility will be located adjacent to an approved warehouse (DA2018/045). This warehouse has a height of 11.74m and will screen a portion of the proposal from the residential properties along Juno Parade. Due to the current approval for the warehouse as well as the site being mostly modified with existing structures and hardstand areas, any opportunities to screen the proposal with deep soil landscaping treatments are limited.

The cumulative visual impacts arising from the proposal and a nearby existing 35m high tower has also been considered. In context of the predominantly industrial character of the immediate area and due to the slender design of these structures, any visual impacts are considered acceptable.

Principle 2: Telecommunications facilities should be co-located wherever practical.

- (b) *Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.*
- (d) *The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.*
- (e) *If a facility is proposed not to be co-located the proponent must demonstrate that colocation is not practicable.*

The purpose of the proposed development is to assist with improving building coverage with new 5G technologies (depth of coverage indoors) to houses and buildings currently experiencing reduced coverage and to provide coverage to those without any, within the cell area of the proposed telecommunication facility. The applicant provided information that confirmed that the following parameters were considered in selecting an optimum site for the proposal:

- Compliance with planning instruments.
- Minimal impact on the environment during construction and operation.
- Avoidance of environmentally significant and heritage areas.
- Meeting the radio frequency objectives so that the required coverage can be provided to Greenacre and the surrounding areas.
- Opportunities for co-location where possible.

The following existing facilities within the local government area were identified and considered for co-location:

- RFNSA No: 2190006 – 35m tower owned by Axicom at No. 113-115 Punchbowl Road, Greenacre.
- RFNSA No: 2190018 – 30m high Optus monopole, located at No. 2-4 Norfolk Road, Greenacre.

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The applicant identified that the above existing facilities were not structurally adequate to support the antennas and radio microwave dishes required for the proposed telecommunications facility. The alternative tower was discounted because this was outside the Greenacre search area and therefore is unable to meet the necessary coverage objectives. Given the above, collocating was not practicable option.

Principle 3: Health standards for exposure to radio emissions will be met.

- (a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.*
- (b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.*

A radiofrequency electromagnetic energy (EME) Environmental Report was submitted with the application. This document demonstrated that the proposed development achieves compliance with the Radiation Protection Standard. A condition will be imposed to ensure the operations of the facility demonstrates full compliance with any relevant legislative requirements and standards associated with telecommunications facilities (refer to **Condition 1**).

Principle 4: Minimise disturbance and risk, and maximize compliance

Suitable conditions of consent will be imposed to ensure that the proposal achieves compliance with the above principle and the relevant provisions in relation to the construction and operation of the proposed telecommunications facility.

State Environmental Planning Policy No 55 – Remediation of Land

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site. The proposal involves no clearing of any existing vegetation. Therefore, further consideration of this SEPP is not required.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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Cl. 1.2(2)	Aims	Complies
(a)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	N/A
(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	N/A
(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Comments: The proposal is unable to achieve a high quality urban form as the proposed telecommunications facility is not of a scale and design that is generally consistent with the surrounding area and the streetscape of Greenacre. The proposed facility comprises structures that are generally uncommon throughout the Strathfield LGA. However, in light of the site being an appropriate location for such facilities and the prevailing streetscape character of the vicinity being mostly industrial, this matter is appropriately justified and acceptable. Further, the proposal is able to meet other relevant aims of the SLEP 2012 as it:

- Provides essential infrastructure that allows for additional amenity and improved telecommunications services for the broader community; thereby promoting land uses that rely on these services and providing opportunities for economic growth and social, cultural and community activities; and
- Involves no impacts to any existing natural areas, vegetation, heritage areas and heritage items as it is located on industrial land that is devoid of these constraints.

Permissibility

The site is within the IN1 – General Industrial zone under the provisions of the SLEP 2012.

The current use of the site is defined as development for the purpose of a warehouse as defined by SLEP 2012. **“Warehouse means ‘a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.’**

The proposed development is defined as a telecommunications facility under the SLEP 2012 and is not considered an ancillary structure to the approved warehouse use.

“Telecommunications facility means:

- any part of the infrastructure of a telecommunications network, or
- any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- any other thing used in or in connection with a telecommunications network.”

A telecommunications facility use is prohibited under the IN1 – General Industrial zone; however, Clause 115 of State Environmental Planning Policy (Infrastructure) 2007 prescribes that

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development for the purposes of telecommunication facilities may be carried out by any person with consent on any land. Given that the State Environmental Planning Policy (Infrastructure) 2007 prevails to the extent of this inconsistency, the proposed development may be considered on its merits and ultimately granted consent if considered acceptable.

Zone Objectives

An assessment of the proposal against the objectives of the IN1 – General Industrial zone is included below:

Objectives	Complies
➤ <i>To provide a wide range of industrial and warehouse land uses</i>	Yes
➤ <i>To encourage employment opportunities</i>	Yes
➤ <i>To minimize any adverse effect of industry on other land uses</i>	Yes
➤ <i>To support and protect industrial land for industrial uses</i>	Yes
➤ <i>To minimize fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities</i>	Yes

Comments: The proposed development involves the installation of a telecommunications facility for the purpose of providing additional amenity and improved telecommunications services for the broader community. As such, the proposed development is able to support greater opportunities for local businesses and residents in terms of coverage. The proposed facility has been designed to minimise any potential impacts or conflicts with surrounding land uses.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	12m	30m – Equipment headframe (150%)	Yes

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

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

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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 has lodged a written request in accordance with the requirements of Clause 4.6. A fully copy of this request is attached to this report and the most relevant section is reproduced below:

"It can be reasonably assumed that the Height of Buildings development standard has not been formulated with the intention of limiting the provision of mobile telecommunications services. Rather, its intent is outlined in the standards objectives, which relate primarily to building development. In this instance, the contravening of the Height of buildings development standard is necessary to ensure the provision of vital, and often considered essential, services to the surrounding community.

The proposed telecommunications facility at 12 Bellfrog Street, Greenacre, will form an integral part of the mobile telecommunications network in the greater Strathfield Council area. As part of Vodafone's network reconfiguration and expansion into the future 5G Network, the new facility is required to ensure the community surrounding the site locality continue to receive high quality and reliable mobile telecommunications services. This includes serving the busy road network intersection of Juno Parade and Punchbowl Road, the commercial and industrial areas of Greenacre, Belfield and Lakemba, and the sprawling residential areas surrounding this, while enabling connection into the surrounding existing and proposed Network.

The proposed facility is considered appropriate for the subject site in regards to environmental planning grounds for the following reasons:

- *The facility is located specifically to provide reliable mobile phone service to the area surrounding the site, including the residential and industrial areas and adjoining road links;*
- *The use of a monopole with minimal bulk ensures that visual impact is significantly mitigated;*
- *The proposal is consistent with the relevant provisions of the Strathfield Local Environmental Plan and Development Control Plan 2005, by siting the facility within an industrial use area;*
- *The facility will ensure the provision of improved mobile phone coverage and competition in the area;*
- *The site location is able to ensure that Vodafone's network reconfiguration, which will assist in the implementation of future network growth, including 5G, can proceed efficiently; and*

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- Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.
- When viewed from surrounding roadways, including Juno Parade and Punchbowl Road, and many of the residential streets, it is not expected that the proposed facility will be seen as a negative visual addition in the locality due primarily to the industrial uses nearby. Any visual impact of the proposed facility is further mitigated by the use of a monopole structure, providing a slimline structure that is far less visually obtrusive than the bulk of a lattice tower. The proposed facility will also be viewed against other vertical elements in the environment, including the existing tower, vegetation, lighting poles, and industrial operations, cranes, concrete plants etc. The nearby Enfield Intermodal Logistics Centre also provides a significant industrial background to the area.

The proposed development, which provides a significant benefit to the public, could not proceed in any area due to the building height limits as noted by the Strathfield LEP 2012. The proposal is considered to be consistent with the broad intent of the Strathfield LEP 2012 and the Strathfield Consolidated DCP 2005, as the proposed facility is sited in a location that is considered the most appropriate by Council's DCP.

It is therefore necessary to apply for this variation to the Height of buildings limit for the proposed mobile telecommunications facility."

The applicant's written request to vary the maximum building height development standard is assessed below against the accepted "5 Part Test" for the assessment of an objection to a development standard established by the NSW Land and Environment Court in *Wehbe v Pittwater Council* [2007] NSWLEC 827. Under *Wehbe*, the applicant must demonstrate that compliance is unreasonable or unnecessary in one or more of the following ways:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

Clause 4.3 Height of buildings (1) The objectives of this clause are as follows:	Comments	Complies
(a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area.	The resultant built form will sit higher than surrounding buildings; however, this protrusion is necessary considering the use of the proposed facility. The applicant has demonstrated that a thorough investigation was conducted with regard to alternative sites and co-location with similar facilities. It was concluded that in context of the site being within an industrial area and mostly away from residential properties, the subject site was the most optimum and appropriate site. Given this, the protrusion and high variation of the proposed development is considered compatible with the surrounding locality.	Yes
(b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area.	The proposed development is not considered a building as it comprises no gross floor area and is not utilised for commercial, residential or industrial purposes. The intent of the proposal is to establish infrastructure that provides essential telecommunication services. In terms of sheer volume and mass, the actual presentation of the proposed development when viewed from properties and public space is considered minimal and of low-scale. The structure is relatively slender and open-form and does not result in any adverse overshadowing and view loss impacts.	Yes
(c) to achieve a diversity of	The proposed development involves a	Yes

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<p><i>small and large development options.</i></p>	<p>telecommunications facility that is uncommon to the general vicinity. Therefore, it adds to the diverse range of development currently encountered within Greenacre. In context of the subject site being on the edge of an industrial and residential area means that this form of development is exposed to a wide scope of land uses, which therefore adds interest of the overall landscape setting of the surrounding area.</p>	
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The Clause 4.6 written request does rely on this consideration.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The Clause 4.6 written request does not rely on this consideration.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

Compliance with the *maximum building height* development standard would not defeat the objective of the standard.

The Clause 4.6 written request does not rely on this consideration.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

The applicant's written request does not rely on this consideration to justify contravention of the standard.

5. The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The Clause 4.6 written request does not rely on this consideration.

The applicant relies on *Test 1* of the five-part test to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case by seeking to show that the objectives of the standard are achieved. As shown above, the proposal does achieve objectives (a), (b) and (c) of the standard. As such, the applicant has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (*Clause 4.6[3][a]*).

The proposed variation meets the objectives of the maximum building height development standard (Clause 4.3) and the IN1 – General Industrial zone. The proposed telecommunications facility, whilst not a common built form within the surrounding locality, is considered compatible with the existing area given that it is within a predominantly industrial area that is characterised by industrial buildings and warehouses including an approved warehouse within the subject land. Whilst the proposed facility will be taller than these structures, the proposed variation does not result in an excessively large and bulky building. The slender and predominantly open form design of the facility is such that it is not considered an actual building with floor space and is generally minimal in terms of mass and volume (compared to typical industrial and residential buildings) and is therefore, compatible with general streetscape character of Bellfrog Street.

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The purpose of the proposed telecommunications facility is for providing improved telecommunications services for the broader community, resulting in greater opportunities for local businesses and residents. The proposed facility has been carefully located and designed to minimise any potential impacts or conflicts with surrounding land uses. The predominantly industrial character of the site combined with positioning of the proposed facility being more than 60m away from the nearest residential properties, ensures that the proposed variation does not adversely impact the amenity of surrounding properties, including any residences along Juno Parade. The protrusion of the proposed development will result in a noticeable element within the vicinity; however, this is considered acceptable given that the intent of this additional height is to provide improved services to the community. Enforcing compliance in this regard will restrict the ability for the proposal to provide the above services and therefore, results in an ineffective telecommunications facility with a superfluous purpose. Given the above considerations, the proposed development is consistent with the objectives of Clause 4.3 and the IN1 – General Industrial zone. Therefore, the applicant's written request adequately demonstrates that there are sufficient environmental planning grounds to justify contravening Clause 4.3. The breach of the maximum building height development standard is considered necessary and reasonable in allowing for the proposed facility to provide essential telecommunication services and be designed to be fit for this purpose.

With regard to Clause 4.6(3)(b), the applicant is considered to have satisfactorily demonstrated that there are sufficient environmental grounds to justify contravening the development standard. The proposed variation of 18m or 150% is considered essential for enabling the proposed telecommunications facility to provide improvements to current telecommunications coverage.

As such, the written request has satisfactorily demonstrated the matters required by demonstrated by subclause (3), and is therefore acceptable with regard to Clause (4)(a)(i).

Clause 4.6(4)(a)(ii) provides that development consent must not be granted for development that contravenes a development standard unless 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.

The proposal meets the relevant objectives of the zone, as discussed above.

The proposed development meets the objectives of the standard as addressed above. In this regard, the proposal is considered to be in the public interest, and is therefore acceptable with regard to Clause 4.6(4)(a)(ii).

In relation to Clause (4)(b), the Strathfield Local Planning Panel (exercising the Council's functions as a consent authority) may assume the Secretary's concurrence for exceptions to development standards made under Clause 4.6 of the Standard Instrument (*Planning Circular PS 18-003, dated 21/02/2018*).

Therefore, the variation sought to the maximum building height development standard is considered to be in the public interest as the objectives of the standard have been satisfied. The written request is considered reasonable and has sufficient environmental grounds have been able to justify the contravening maximum building height.

Conclusion:

Therefore, the Strathfield Local Planning Panel, exercising the functions of Council as the consent authority, can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) and that the proposal would be in the public interest, as required by Clause 4.6(4)(a) in order to grant development consent for development that contravenes a development standard.

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In conclusion, the variation to the maximum building height development standard satisfies the relevant provisions under Clause 4.6 and is considered to be well founded.

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 within Acid Sulfate Soils (ASS) – Class 5 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. Within Class 5, the trigger under SLEP 2012 is works within 500m of adjacent Class 1,2,3 or 4 land that is below 5m AHD and by which the watertable is likely to lower the water table below 1m AHD on adjacent Class 1,2,3 or 4 ASS land. Given the nature of the proposed works, being a telecommunications facility requiring minimal excavation, there is unlikely to be an impact on the water table on adjacent Class 1, 2, 3, or 4.

The proposal is therefore acceptable with regard to Clause 6.1.

6.2 Earthworks

Part 6.2(1) requires Council to ensure that any earthworks would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposal involves minor excavation to accommodate the footings of the proposed monopole. No objections are raised to the proposed excavation by Council's Engineer.

As such, the proposal is acceptable with regard to Clause 6.2 of the SLEP 2012.

6.4 Essential services

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

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

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

4.151(a)(iii) any development control plan**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

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

PART D – INDUSTRIAL DEVELOPMENT

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

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1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	To improve the quality of industrial development within the Strathfield Municipality	Yes
B.	To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential	Yes
C.	To ensure development is consistent with the principles of Ecologically Sustainable Development	Yes
D.	To encourage high quality building design and industrial streetscape aesthetics	Yes
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	Yes
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;	Yes
H.	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements	Yes
I.	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles	N/A
J.	To encourage employee amenity within industrial developments.	N/A

Comments: The proposed development involves the construction of a telecommunications facility that comprises a 30m high monopole that is largely less than 2m wide. In general, these structures are unique within any setting, including industrial land. As such, the proposal is considered an unusual and uncommon built form that sits higher than the buildings that occur within and surround the subject site. However, given its predominantly open form, slender design, the proposed development is not considered excessively bulky in terms of mass and volume and is compatible with the streetscape characteristics of the surrounding area. Given it is more than 60m away from the closest residential properties, the proposal will have minimal adverse impacts on these properties. Conditions will be imposed to ensure the operations of the facility achieve compliance with the relevant legislative requirements and standards for telecommunications facilities (refer to **Condition 1**).

2.4: Development Adjoining Residential Zones

2.4	Objectives	Satisfactory
A.	To ensure industrial development does not unreasonably impact or intrude upon any adjoining residential area(s).	Yes

2.4	Guidelines	Complies
1	The proposed building is sympathetic to the height, scale, siting and character of existing adjoining and/or nearby residential development.	Yes

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2	Solar access to the windows of habitable rooms and to the majority of private open space of adjoining residential properties are substantially maintained or achieved for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 22).	Yes
3	Windows facing residential areas shall be treated to avoid overlooking of private open space or private windows.	N/A
4	Goods, plant equipment and other materials are to be stored within the proposed industrial building or suitably screened from residential development.	N/A
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.	N/A

Comments: The proposed development is situated more than 60m away from the closest residential properties. An assessment of potential visual amenity and health impacts confirms that the location of the proposed development is appropriate and any impacts associated will be minimal.

PART H - WASTE MANAGEMENT (SCDCP 2005)

Section 2.1 of Part H of the SCDCP 2005 requires that all development applications be accompanied by a Waste Management Plan. The subject application was not accompanied by a Waste Management Plan; however, the Statement of Environmental Effects (SEE) contained relevant information on waste management. The only waste resulting from the proposal will be during construction works. It is anticipated that this will comprise of spoil (soil material) resulting from footing works, and of packaging materials and internal electrical equipment. A condition will be imposed to ensure that any waste materials are disposed of and managed appropriately, in accordance with the waste management outlined in the SEE (refer to **Condition 13**).

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 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

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Green and Golden Bell Frog

The Green and Golden Bell Frog (*Litoria aurea*), is a threatened amphibian species that is protected under NSW and Commonwealth legislation. This species has been recorded within the Juno Frog Ponds, which are located over 100m away from the subject site. The adjoining property on the south-eastern side (No. 5-7 Juno Parade) comprises a 3m wide drainage easement that forms part of a vegetated swale that drains water and caters for surface flow and provides habitat for fauna including the Green and Golden Bell Frog. Whilst it is unlikely that the proposal will affect the swale, any potential impacts on the Green and Golden Bell Frog must be considered in the assessment of the proposal. Given that the subject site is vacant, predominantly modified and disturbed and does not contain any habitat that is typically favoured by this species, any potential impacts on the Green and Golden Bell Frog and respective habitats are considered minimal. A condition will be imposed to ensure that any unexpected sightings of Green and Golden Bell Frogs during construction works result in the following actions:

- All construction works within the site are immediately stopped;
- Sightings are reported to Council as soon as possible; and
- All construction works do not commence until any necessary and appropriate actions (such as the capturing and relocating of any frogs) are undertaken as directed by Council and Council confirms that works can recommence (refer to **Condition 3**).

Visual Amenity Impacts

The height of the proposed telecommunications facility is such that it will protrude above several existing buildings. This protrusion however, is not considered excessive as the monopole design of the structure significantly minimises the building mass and scale of the proposal. The slender, open form design of the facility ensures that whilst it will be visible from certain vantage points within private properties or public space, the visual amenity impacts resulting from the proposal are considered reasonable and acceptable. Further, there are no significant or important views and vistas that are impacted by the proposed development. Therefore, the proposed development is considered acceptable and supportable.

Health Impacts and Electromagnetic Energy

Council's Environmental Health Officer reviewed the proposed development with regard to potential health impacts associated with radiofrequency electromagnetic energy (EME). The information provided confirms that the proposed facility will operate below the mandated Australian Standards for safe operation of a mobile telecommunications facility. To ensure that the facility operates in compliance with requirements of the Australian Communications and Media Authority (ACMA) and the Australian Radiation and Nuclear Protection Authority (ARPANSA), a condition will be imposed in the consent (refer to **Condition 1**).

With regard to the cumulative impact of operating several facilities in a given location, it was considered that any existing Vodafone equipment on the existing telecommunications facility on Punchbowl Road will be removed upon approval of the proposed development. This will result in minimal changes to the current cumulative impacts of current EME emissions. Accordingly, a condition will be imposed to ensure any existing Vodafone equipment on the telecommunications facility at No. 113-115 Punchbowl Road, Greenacre will be decommissioned and removed prior to the construction of the proposal (refer to **Condition 2**).

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

The site is located within the IN1 – General Industrial zone and is set within a predominantly industrial area, surrounded by warehouse facilities and over 60m away from the nearest residential properties. Given this context, the site is considered suitable for the proposed telecommunications facility. It is evident that the site is appropriate for the intended use of the facility as well as

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ensuring that any potential environmental and social impacts, and land use conflicts will be minimal. Additionally, the approved warehouse use for the site will not be adversely affected by the proposal and will assist in minimising the visual presence of the facility.

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 SDCDP 2005 from 17 June 2019 to 1 July 2019, with four (4) submissions received from the following properties:

1. No. 27 Juno Parade, Greenacre (southern neighbour, rear-adjoining);
2. No. 29 Juno Parade, Greenacre (not adjoining);
3. No. 31 Juno Parade, Greenacre (not adjoining);
4. No. 113-115 Punchbowl Road, Greenacre (not adjoining).

The following issues were raised in the above submissions:

1. *Impacts to Human Health*

Assessing officer's comments: A review of the provided documentation, including the EME report, indicated that the any potential impacts to human health resulting from the proposed tower is considered minimal. The cumulative impact of EME from various sources has also been considered. The net effect of an additional tower does not pose a significant and adverse risk to human health. The provided EME report indicated that the proposed facility will operate significant below the mandated Australian standards for safe operation of such facilities. Council's Environmental Health officer confirmed that any impacts to human health will be minimal and specific conditions will be imposed to reinforce this.

2. *Inappropriate Location*

Assessing officer's comments: The applicant has provided sufficient information that:

- Indicated an investigation into co-locating with existing facilities within the surrounding area was undertaken;
- Indicated a review of alternative sites was undertaken; and
- An assessment of the site, including a process and methodology for selecting an appropriate location was undertaken.

On balance, this information was considered adequate in ensuring the site is appropriate for the purpose of proposed facility and co-location with other facilities was not a practical or reasonable option.

3. *Non-compliance with NSW Telecommunications Facilities Guideline*

Assessing officer's comments: The relevant matters under this guideline have been considered and an assessment of the proposal against these matters is contained in this report (see previous sections).

4. *Non-compliance with SLEP 2012*

Assessing officer's comments: The relevant matters under the SLEP 2012 have been considered and an assessment of the proposal against these matters is contained in this report (see previous sections).

5. *Non-compliance with the maximum building height development standard (Clause 4.3 of the SLEP 2012)*

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Assessing officer's comments: An assessment of the proposal against Clause 4.3 is contained in this report (see previous sections). Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) and that the proposal would be in the public interest, as required by Clause 4.6(4)(a) in order to grant development consent for development that contravenes a development standard. In conclusion, the variation to the maximum building height development standard satisfies the relevant provisions under Clause 4.6 and is considered to be well founded.

4.15 (1)(e) the public interest

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

SECTION 7.11 CONTRIBUTIONS

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 94A Indirect Contributions in accordance with the Strathfield Indirect Contributions Plan 2010. This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$130,000 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is \$1,300.

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 of consent

Signed: Miguel Rivera
Development Planner

PEER REVIEW

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

Signed: Kandace Lindeberg
Executive Manager, Statutory Planning and Development

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RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 (Maximum Building 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. DA2019/093 for erection of a mobile telecommunications facility, including pole, antennas and ground based equipment at 12 Bellfrog Street, Greenacre, be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. RADIOFREQUENCY ELECTROMAGNETIC ENERGY EMISSIONS (SC)

The facility shall at all times operate in compliance with requirements of the Australian Communications and Media Authority (ACMA) and the Australian Radiation and Nuclear Protection Authority (ARPANSA). In particular, the maximum cumulative electromagnetic energy emissions (EME) not exceed the requirements of the Radiation Protection Series No3 Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz (2002) as published by Australian Radiation Protection and Nuclear Safety Agency.

Within 90 days of operation

The carrier or operator of the proposed development must engage an independent NATA assessor. The NATA assessor must test, measure and prepare an EME Site Compliance Report and EME Guide certifying that the development is operating in accordance with ACMA and ARPANSA requirements. The following information/documentation must be submitted to Council within 90 days of operation:

- A description of their radiofrequency infrastructure on the site;
- The radio frequency bands as per the ARPANSA EM) Report format;
- A Radiofrequency Electromagnetic Energy EME Site Compliance Report or an EME Guide prepared by an independent NATA assessor;
- Details of any radiofrequency (RF) hazard areas associated with their infrastructure and management practices to restrict access to RF hazard areas; and
- The levels of exposure to EME emissions in accordance with the ARPANSA report; and
- Coverage information of the area.

At any other time during operation, the applicant or person having benefit of this consent must provide upon request the following information in relation to the operation of the site to Council:

- The radio frequency bands as per the ARPANSA EME Report format;
- An EME Site Compliance Report or an EME Guide prepared by an independent NATA assessor;
- Details of any RF hazard areas associated with their infrastructure and management practices to restrict access to RF hazard areas; and
- The levels of exposure to EME emissions in accordance with the ARPANSA Environmental EME Report.

Note: ACMA requires compliance with the exposure limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) RF Standard. The ARPANSA Standard is designed to protect people of all ages and health status against all known adverse health effects from exposure to RF EME. The ARPANSA Standard is based on scientific research

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that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels.

Health authorities around the world, including ARPANSA and the World Health Organization, have examined the scientific evidence regarding possible health effects from base stations. Current research indicates that there are no established health effects from the low exposure to the RF EME from mobile phone base station antennas.

(Reason: To ensure compliance with the relevant legislative requirements and codes for telecommunications infrastructure.)(Reason:)

2. EXISTING VODAFONE STRUCTURES (SC)

Prior to any construction works for the proposed development, any Vodafone equipment on the existing telecommunications facility at No. 113-115 Punchbowl Road, Greenacre, must be decommissioned and removed completely.

(Reason: To ensure any cumulative EME emissions are minimised.)

3. GREEN AND GOLDEN BELL FROG (SC)

Any sightings of the Green and Golden Bell Frog (*Litoria aurea*) within the site during any construction works must result in the following:

- Immediate stopping of all works;
- Reporting to Council as soon as possible;
- No recommencement of works until necessary and appropriate actions as directed by Council, are undertaken, and commencement of works can occur as confirmed by Council.

(Reason: To minimise impacts on this threatened species).(Reason:)

GENERAL CONDITIONS (GC)

4. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/093:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
AN2190-001-P1	Site Plan	Avisford Consulting	Issue B 07.08.19	08.08.19
AN2190-001-P2	Site Setout Plan	Avisford Consulting	Issue B 07.08.19	08.08.19
AN2190-001-P3	Draft Site Elevation	Avisford Consulting	Issue B 07.08.19	08.08.19

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.)

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5. **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.)

6. **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.)

7. **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.)

8. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

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

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to the local area.)

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

10. 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.)

11. 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.

(Reason: Noise attenuation.)

12. 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.)

13. 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.

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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.)

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

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

Local Amenity Improvement Levy	\$1,300
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

15. WASTE MANAGEMENT (CC)

Any waste generated by during construction works and following completion of all works relating to the approved development must be managed as follows:

- All spoil (soil material) generated following construction works will be re-used as back-fill within the site, as appropriate, and the remainder removed off-site to an appropriately licensed facility; and
- All waste materials including packaging materials will be recycled (as appropriate) and the remainder to be removed off-site to an appropriately licensed waste disposal facility.

(Reason: Waste management.)

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

16. 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

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- 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 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.)

17. 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)

18. 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)

**DA2019/093 - 12 Bellfrog Street Greenacre
LOT 12 DP 1133214 (Cont'd)**

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 PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (PSC)**19. NOISE - REQUIREMENTS FOR INDUSTRIAL PREMISES (OU)**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority 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.)

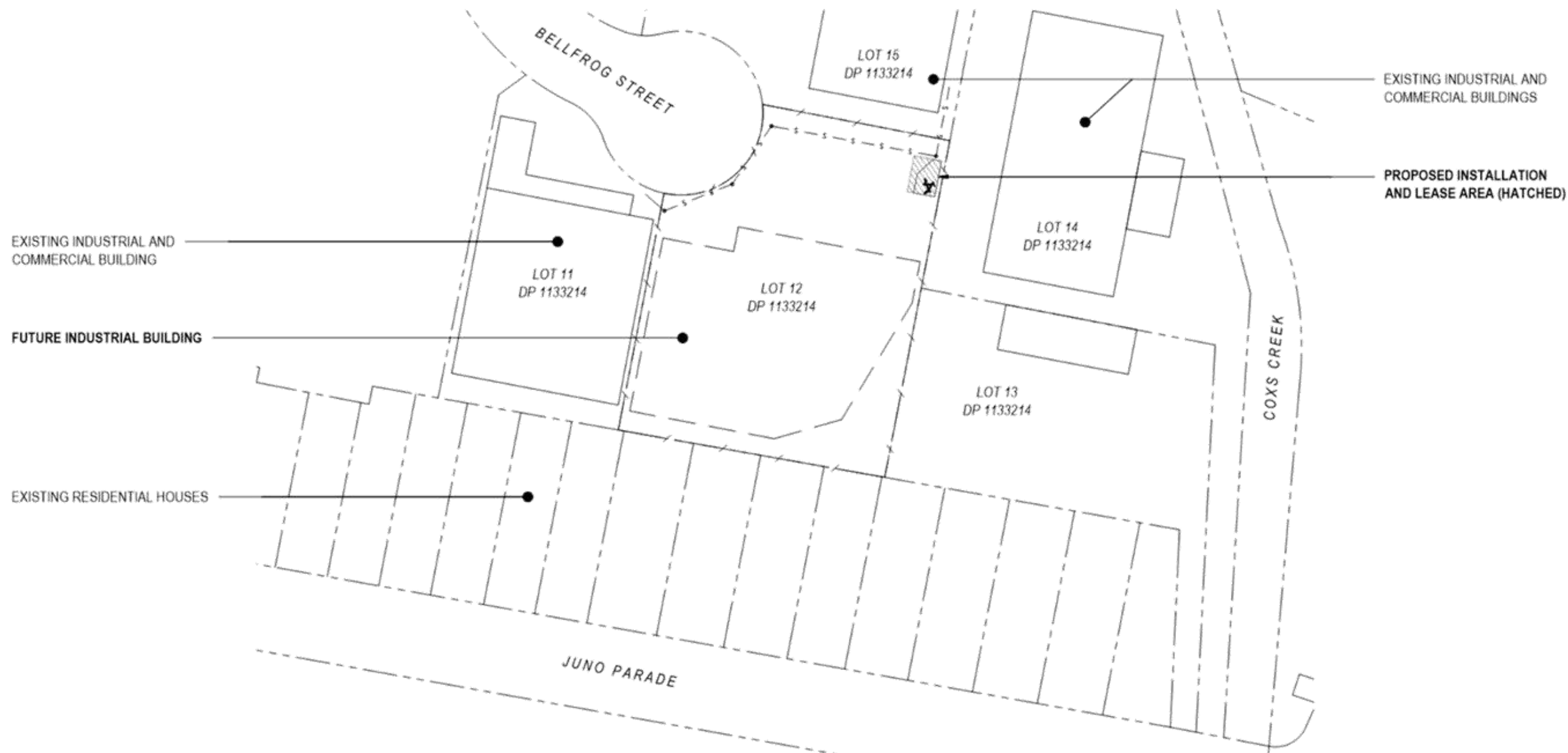
ATTACHMENTS

1. [↓](#) Architectural Plans
2. [↓](#) Clause 4.6 Variation Request

**STRATHFIELD COUNCIL
RECEIVED**

(AMENDED PLANS)

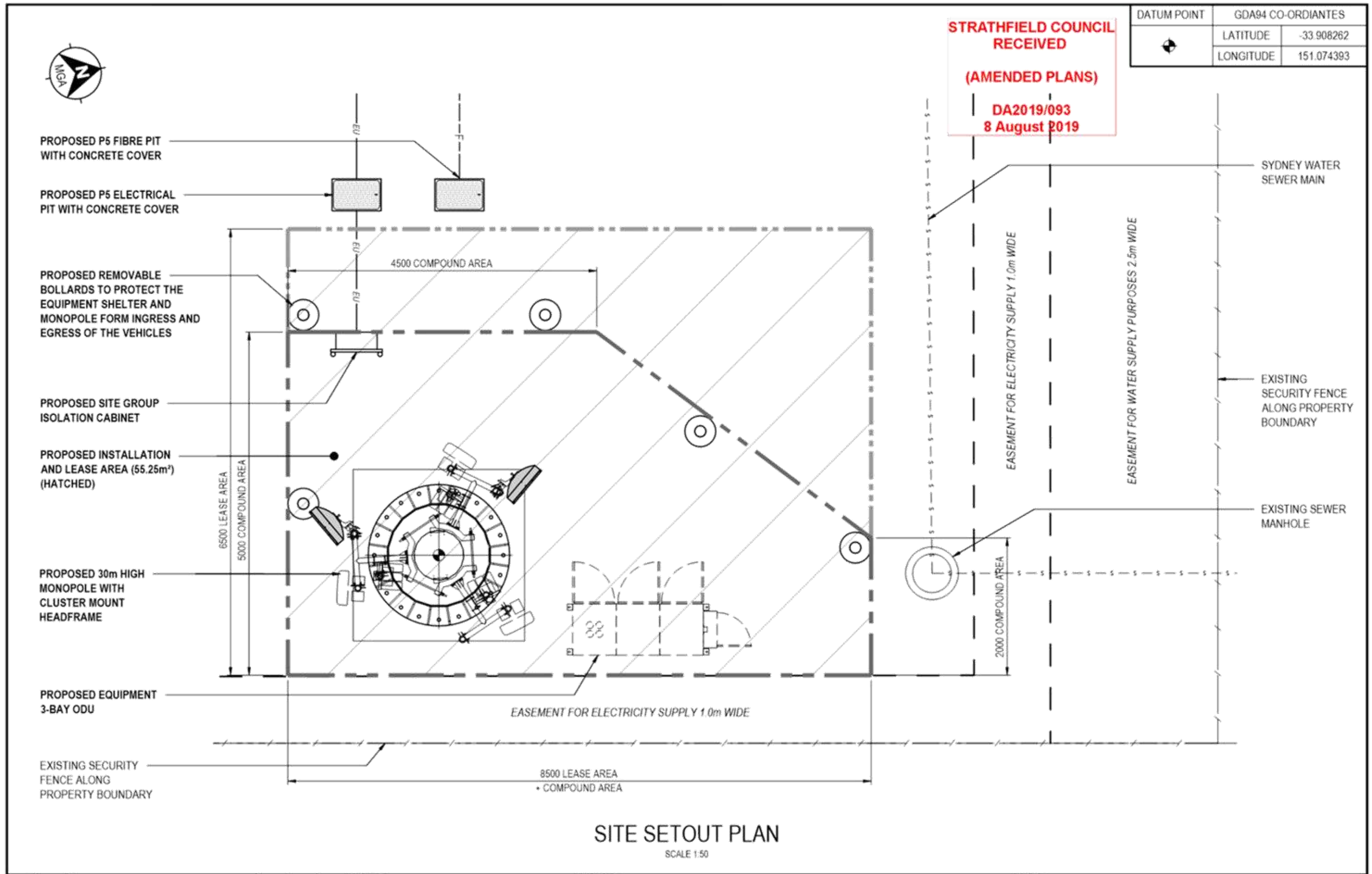
**DA2019/093
8 August 2019**



SITE PLAN
SCALE 1:1000

REVISION: B A DATE: 07/08/2019 REVISION DESCRIPTION: ISSUED FOR APPROVAL DRAWN: EW JPY DESIGNED: DHL DHL APPROVED:			DESIGNER: focus+ FocusPLUS Services Pty Ltd Level 1, 4 Bridge St, Torrance QLD 4060 ph: +61 412 235 445 w: www.focusplus.com.au		DEVELOPER: Avisford Consulting PO BOX 20484, World Square NSW 2190 ph: (02) 9433 7814 e: a4m@avisfordconsulting.com		TITLE: DRAFT SITE PLAN DRAWING STATUS: FOR APPROVAL DRAWING No: AN2190-001 - P1 REVISION: B	
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**STRATHFIELD COUNCIL
RECEIVED
(AMENDED PLANS)
DA2019/093
8 August 2019**

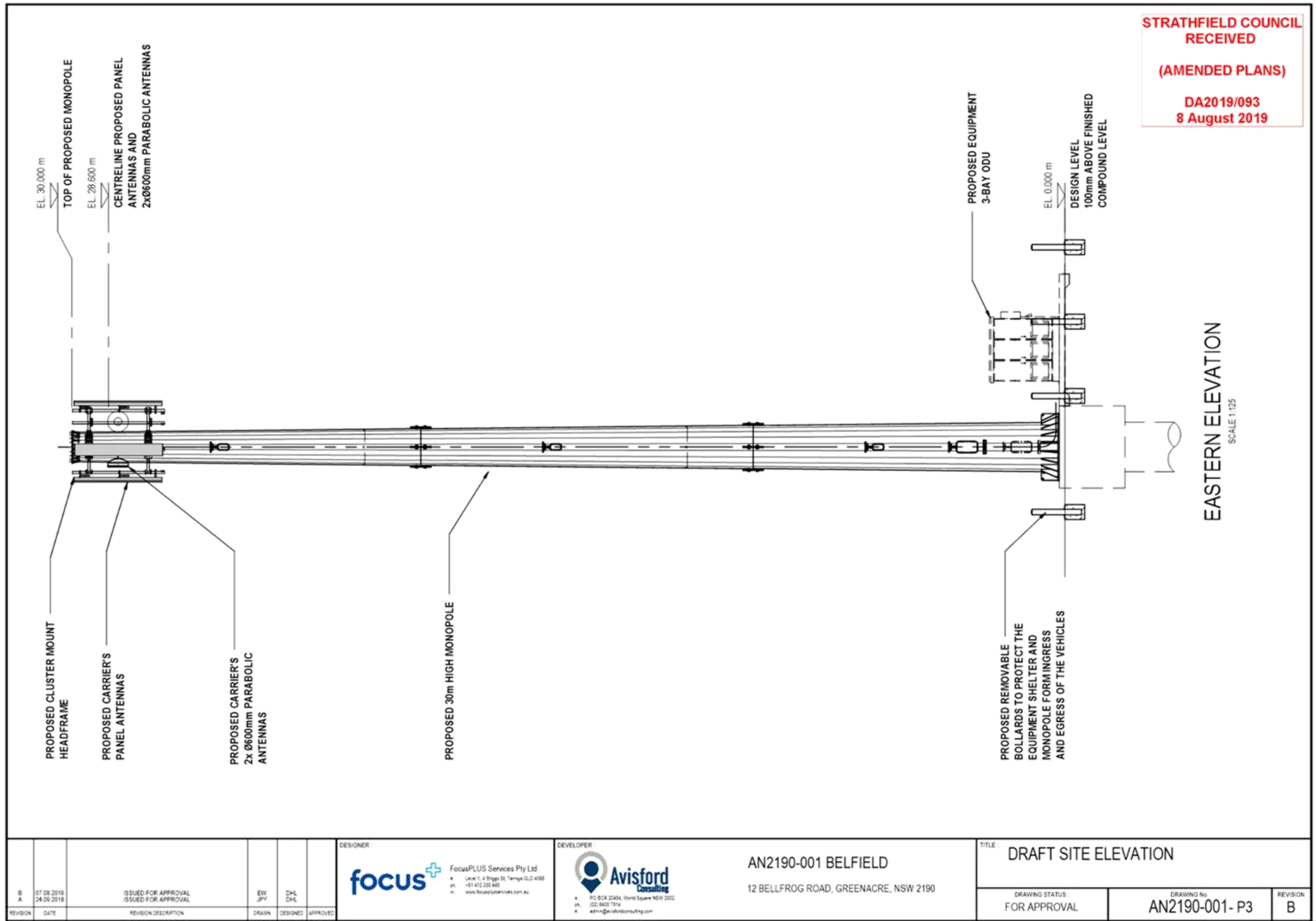
DATUM POINT	GDA94 CO-ORDINATES	
	LATITUDE	-33.908262
	LONGITUDE	151.074393

SITE SETOUT PLAN

SCALE 1:50

REVISION DATE REVISION DESCRIPTION DRAWN DESIGNED APPROVED	DESIGNER focus+ FocusPLUS Services Pty Ltd Level 1, 4 Bridge St, Tempe QLD 4056 ph: +61 412 231 448 w: www.focusplus.com.au	DEVELOPER Avisford Consulting PO BOX 20484, World Square NSW 2022 ph: (02) 9433 7814 e: afo@avisfordconsulting.com	TITLE: DRAFT SITE SETOUT PLAN	
			DRAWING STATUS: FOR APPROVAL	DRAWING No: AN2190-001- P2





STRATHFIELD COUNCIL
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(AMENDED PLANS)

DA2019/093
8 August 2019

EASTERN ELEVATION
SCALE 1:125

REVISION: B A DATE: 07/08/2019 24/09/2018 REVISION DESCRIPTION: ISSUED FOR APPROVAL ISSUED FOR APPROVAL DRAWN: EW JPY DESIGNED: DHL APPROVED: DHL		DESIGNER: focus+ FocusPLUS Services Pty Ltd Level 1, 4 Bridge St, Torrance QLD 4068 ph: +61 412 235 448 w: www.focusplus.com.au	DEVELOPER: Avisford Consulting PO BOX 20484, World Square NSW 2022 ph: (02) 9433 7814 e: afo@avisfordconsulting.com	TITLE: AN2190-001 BELFIELD 12 BELLFROG ROAD, GREENACRE, NSW 2190	DRAFT SITE ELEVATION DRAWING STATUS: FOR APPROVAL DRAWING No: AN2190-001- P3 REVISION: B
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Clause 4.6 Variation – 12 Bellfrog Street, Greancre**DA 2019-093: Proposed mobile telecommunications facility (monopole and associated antennas)****1. What is the name of the environmental planning instrument that applies to the land?**

Strathfield Local Environmental Plan 2012.

2. What is the zoning of the land and what are the objectives of the zone?**IN1 General Industrial****Objectives:**

- 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.

**STRATHFIELD COUNCIL
RECEIVED**

**DA2019/093
18 October 2019**

3. Identify the Development Standard to which this Clause 4.6 Variation applies?

- Clause 4.3 Height of buildings

4. What are the objectives of the development standard?

- Height of buildings objectives:
 - (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,
 - (b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,
 - (c) to achieve a diversity of small and large development options.

5. What is the numeric value of the development standard in the environmental planning instrument?

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown for the land at 12 Bellfrog Street, Greancre, is 12m.

6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?

Height of Building			
Current Height of Building (m)	Maximum Height of Building under SLEP2012 (m)	Proposed Height of Building (m)	Percentage Variation
n/a	12m	30m	250%

Comments:

It is the inherent nature of a telecommunications facility that it be of a height that is above the area which it intends to service. As such, it is almost never the case that a telecommunications facility can adhere to Council building height limits.

It is often considered that a telecommunications facility is not specifically a 'building', rather a utility or provision of a service to the community. With this in mind, the percentage variation as noted above appears inappropriately skewed – when referenced against a standard building height. Notwithstanding, it is accepted that a non-compliance variation is to be submitted to Council.

7. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The court provided five tests that can be used as prompts to answer the above question. A number of these tests are highlighted below in regards to this specific proposal at 12 Bellfrog Street:

Test a: The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary

Commonly, the building height limit of an area is in place to ensure the scale and bulk of development is kept in line with the locality in which it is being proposed. This applies specifically to residential buildings, apartments, industrial warehouses etc. As an uncommon development type, mobile telecommunications facilities fall foul of height limits within almost every CBD, suburban and urban environment. In this instance, the zoning of the subject land parcel is Industrial, and while the building height restriction would usually apply to any industrial developments, it is difficult to define a telecommunications facility as an industrial use. As such, it is considered that the height of buildings development standard is not relevant and is unnecessary.

Test b: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

It is the inherent nature of a telecommunications facility that they be of a height that is above the area which it intends to service. As such, it is almost never the case that a telecommunications facility can adhere to Council building height limits.

For a telecommunications facility to operate, it is necessary to have a height that allows the antennas to provide coverage services above and over the existing landforms and developments. As a single telecommunications facility is intended to service as wide an area as is possible, height is necessary to achieve this. Should a facility be only slightly higher than surrounding elements in the environment, it will not provide service to a wide area, and numerous facilities will be required to service the area. Essentially, it is not feasible or practical to have a telecommunications facility that would adhere to the height limit as described in the Strathfield LEP 2012. The limit of 12m in the proposed site location would provide no services to the surrounding area. The additional height provided by this proposed structure on Bellfrog Street ensures that Vodafone's Network objectives can be met in the surrounding area, both now and into the future.

8. Are there sufficient environmental planning grounds to justify contravening the development standard?

It can be reasonably assumed that the Height of buildings development standard has not been formulated with the intention of limiting the provision of mobile telecommunications services. Rather, its intent is outlined in the standards objectives, which relate primarily to building development. In this instance, the contravening of the Height of buildings development standard is necessary to ensure the provision of vital, and often considered essential, services to the surrounding community.

The proposed telecommunications facility at 12 Bellfrog Street, Greenacre, will form an integral part of the mobile telecommunications network in the greater Strathfield Council area. As part of Vodafone's network reconfiguration and expansion into the future 5G Network, the new facility is required to ensure the community surrounding the site locality continue to receive high quality and reliable mobile telecommunications services. This includes serving the busy road network intersection of Juno Parade and Punchbowl Road, the commercial and industrial areas of Greenacre, Belfield and Lakemba, and the sprawling residential areas surrounding this, while enabling connection into the surrounding existing and proposed Network.

The proposed facility is considered appropriate for the subject site in regards to environmental planning grounds for the following reasons:

- The facility is located specifically to provide reliable mobile phone service to the area surrounding the site, including the residential and industrial areas and adjoining road links;
- The use of a monopole with minimal bulk ensures that visual impact is significantly mitigated;
- The proposal is consistent with the relevant provisions of the Strathfield Local Environmental Plan and Development Control Plan 2005, by siting the facility within an industrial use area;
- The facility will ensure the provision of improved mobile phone coverage and competition in the area;
- The site location is able to ensure that Vodafone's network reconfiguration, which will assist in the implementation of future network growth, including 5G, can proceed efficiently; and
- Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.
- When viewed from surrounding roadways, including Juno Parade and Punchbowl Road, and many of the residential streets, it is not expected that the proposed facility will be seen as a negative visual addition in the locality due primarily to the industrial uses nearby. Any visual

impact of the proposed facility is further mitigated by the use of a monopole structure, providing a slimline structure that is far less visually obtrusive than the bulk of a lattice tower. The proposed facility will also be viewed against other vertical elements in the environment, including the existing tower, vegetation, lighting poles, and industrial operations, cranes, concrete plants etc. The nearby Enfield Intermodal Logistics Centre also provides a significant industrial background to the area.

The proposed development, which provides a significant benefit to the public, could not proceed in any area due to the building height limits as noted by the Strathfield LEP 2012. The proposal is considered to be consistent with the broad intent of the Strathfield LEP 2012 and the Strathfield Consolidated DCP 2005, as the proposed facility is sited in a location that is considered the most appropriate by Council's DCP.

It is therefore necessary to apply for this variation to the Height of buildings limit for the proposed mobile telecommunications facility.

9. Is the proposed development, despite the contravention to the development standard, in the public interest?

The proposed development is, in its entirety, in the public interest. It is indeed due to the specific need for this facility by the surrounding area – for continued and improved mobile telecommunications services to residents, businesses, motorists etc – that this proposal is a necessity and is therefore in the public interest.

This proposed new site, and the contravention of the development standard, is required for a number of specific reasons:

- *Network upgrade and reconfiguration:* Vodafone's Network is a dated one, and as they look to expand and create greater competition in the telecommunications industry, they are upgrading their Network across Australia. This upgrade includes adding new technology and equipment in locations that best fit into their existing and expanding Network.
- *Future 5G Network:* the evolution of mobile telecommunications services is upon us, and the requirement for Vodafone to provide 5G services to its customers is going to be paramount in the near future. A new standalone facility is required for Vodafone to be able to effectively and efficiently install its equipment on so that it can provide services now and into the future.
- *Coverage expansion:* As Vodafone's customer base grows across Australia, new telecommunications facilities are required to service its growing (and changing) customer levels. Existing sites are at capacity or no longer provide the right services into the right areas. The proposed site will provide significant improvements in the Vodafone Network in the areas surrounding the site location. The site also provides the necessary height and structural adequacy which is not available to Vodafone in the local area, hence a contravention to the building height development standard is a necessity in this instance.

Despite contravening the development standard, the proposed development is significant to the improved coverage that this proposed facility will provide into the surrounding area. There is a significant gain in the number of dwellings that will receive the services provided by this facility. Nearly 800 new dwellings will be provided improved coverage and performance compared to the existing services. This represents a large improvement to the mobile telecommunications services to the surrounding area. There is also a high level of importance of this proposed site in the wider Vodafone Network, as it is imperative that this site is configured in a way that it will integrate

effectively into the existing surrounding sites, and the upcoming 5G Network. The proposed mobile telecommunications facility, by virtue of the relatively small area of land required for the installation, will not be detrimental to the achievement of the IN1 (General Industrial) Zone objectives.

The proposed facility will provide a necessary service to the surrounding industrial areas, some of which run large scale business operations, along with the nearby Enfield Intermodal Logistics Centre. Nearby roadlinks, including Juno Parade and Punchbowl Road, will also benefit from the installation of this proposed facility. The facility will support the existing and proposed industrial users, and will continue to provide the most up-to-date mobile telecommunications services to the surrounding residential areas.

The development will not increase the demand for public services, being an unmanned facility that does not require the service of water/sewerage.

It is considered that the proposed mobile telecommunications base station will not adversely impact the natural environment due to its relatively small footprint, and its setting within a dense industrial precinct.

The proposal is considered to be consistent with the broad intent of the IN1 (General Industrial) Zone objectives, and it is considered that an industrial area is indeed both commonplace, and also expected place, for a facility such as this. The facility is also generally compatible with the existing area surrounding it.

Commonly, the building height limit of an area is in place to ensure the scale and bulk of development is kept in line with the locality in which it is being proposed. This applies specifically to residential buildings, apartments, industrial warehouses etc. As an uncommon development type, mobile telecommunications facilities fall foul of height limits within almost every CBD, suburban and urban environment. In this instance, the zoning of the subject land parcel is industrial, and while the building height restriction would usually apply to any industrial developments, it is difficult to define a telecommunications facility as an industrial use.

The proposed development, which provides a significant benefit to the public, could not proceed in any area due to the building height limits as noted by the Strathfield LEP 2012. It is therefore necessary to apply for this variation to the Height of buildings limit for the proposed mobile telecommunications facility.

10. Is there any other relevant information to be considered in order to justify varying the development standard?

Without a variation to the building height development standard, this proposed facility and its significant benefits to the public could not proceed. It is understood that the building height development standard does not necessarily take into account every type of specific development. It is considered that by their inherent nature, telecommunications facilities must be well above the area they are required to provide coverage to, and as such in this instance, it is necessary and considered appropriate to vary the building height development standard.

TO: Strathfield Local Planning Panel Meeting - 7 November 2019
REPORT: SLPP – Report No. 5
SUBJECT: DA2017/030/02-S8.2 REVIEW- BUILDING I, SUITE 1, 81-86 COURALLIE AVENUE HOMEBUSH WEST LOT 881 SP 97492
DA NO. DA2017/030/02 (S8.2 Review)

SUMMARY

Proposal:	Section 8.2 Review for refusal of a Section 4.55(2) Modification Application DA2017/030/02 to increase the number of children from 60 to 89 at an approved childcare centre
Applicant:	Corona Projects Pty Ltd
Owner:	Hanmari Pty Ltd
Date of lodgement:	12 September 2019
Notification period:	24 September 2019 – 8 October 2019
Submissions received:	Five (5) written submissions received
Assessment officer:	LG
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 – five (5) unresolved submissions and Section 8.2 review of a Section 4.55(2) Modification Application determined by SLPP.
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 On 4 July 2019, SLPP refused DA2017/030/01 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.
- 4.0 On 12 September 2019, the subject application was lodged under Section 8.2 of the EP&A Act 1979. The subject proposal has sought to resolve the reasons for refusal under the previous modification application. The proposed increase in children has remained unchanged with an increase from 60 to 89 children still sought.

**DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
Lot 881 SP 97492 (Cont'd)**

- 5.0 In accordance with Part L of the Strathfield Development Control Plan 2005 the application was notified and advertised. Five (5) written submissions were received raising concerns regarding noise emitted from the children at the premises, traffic congestion, parking, compliance with the relevant food safety standards, waste management and use of common open space.
- 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 how the anticipated traffic, waste and food safety impacts generated by the increase in children and staff at the child care centre could be mitigated to an acceptable level. Subsequently, the application is unable to successfully demonstrate how the proposed expansion will not adversely impact on the amenity of the residents at Centenary Park.
- 7.0 The subject Section 8.2 Review application cannot be supported and is therefore 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.
- 4 July 2019:** Modification application (DA2017/030/01) to increase the number of children from 60 to 89 and extend the outdoor play area at an existing child care centre was refused at the Strathfield Local Planning Panel under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The reasons for refusal are as follows:
1. The proposed modification fails to provide evidence of the owner's corporation consent from the use of 13 approved visitors car parking spaces within the basement of the overall development
 2. 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*).

**DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
Lot 881 SP 97492 (Cont'd)**

3. 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*).
4. 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*.)
5. 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*.)
6. 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*.)
7. 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*.)

12 September 2019: An appeal under Section 8.2 of the Environmental Planning and Assessment Act 1979 was lodged (the subject application).

DESCRIPTION OF THE SITE AND LOCALITY

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.

DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
 Lot 881 SP 97492 (Cont'd)



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



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

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

DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West Lot 881 SP 97492 (Cont'd)

The specific elements of the proposal are as follows:

- Increase the capacity of the childcare centre from 60 to 89 children permitted on site at any one time as follows:

Age Group	Existing	Proposed
0-1 years	16	12
1-2 years		12
2-3 years	16	20
3-4 years		20
4-5 years	20	25
TOTAL	52	89

- Increase the number of staff permitted at the centre from (13) to (18);
- Provide an additional (13) car spaces for exclusive use of the centre which will result in a total of (31) parking spaces being provided for the site (3 of which are at-grade spaces);
- Extension of the existing outdoor play area (identified as play area 3) by 73m² from 177m² to 250m²; and
- Erection of a colourbond fence with 1.2m wide overhead awnings located entirely within Lot 881 to act as an acoustic barrier in Outdoor Area 3.

NOTE: The proposal now seeks to apply a special condition to allow a maximum of 50% of the enrolled children to be non-residents of the 81-86 Courallie Avenue Complex.

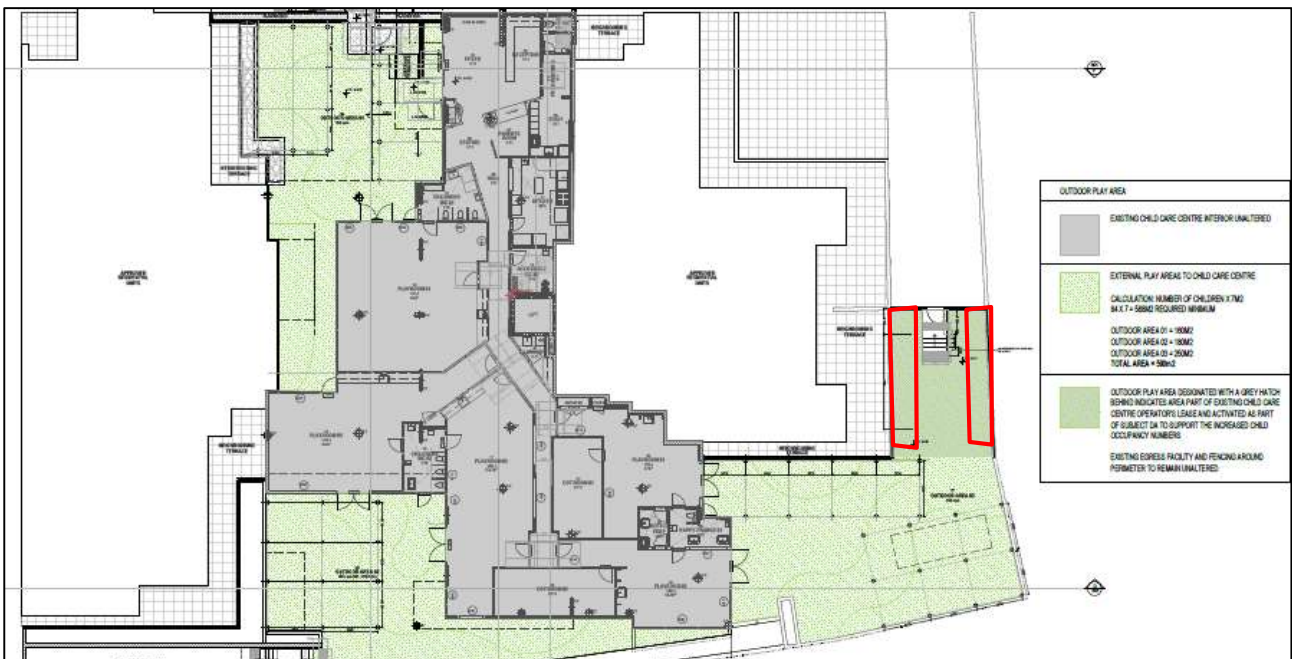


Figure 3: Proposed site plan including proposed awning extension outlined in red.

REFERRALS

DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
Lot 881 SP 97492 (Cont'd)

INTERNAL REFERRALS

Building Comments

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

There is a Fire Engineering Report associated with the building, any extension to the building or the occupancy numbers in the first instance should be supported by a BCA report and a fire engineering report.

Recommendation

Additional Information is required and should be submitted for further assessment prior to a position being determined"

As the proposal is recommended for refusal, the abovementioned concerns raised by Council's Building Officer have been included as reasons for refusal.

Acoustic Comments

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

"I have reviewed the revised acoustic report, dated 26 July 2019 and prepared by Acoustic Dynamics. The acoustic plans were resubmitted in response to previous comments from Council.

The application is to increase the number of children in a day care from 60 to 89. The childcare is on the ground floor of a multistory residential tower, with another multistory residential tower immediately adjacent. The site is also adjacent a network of railway tracks, including the T1 & T2 suburban lines, the Sydney Olympic Park train line and the Enfield Intermodal.

The main acoustic consideration is noise of children playing in the outdoor play areas and whether noise generated by the extra children is likely to impact on the amenity of the surrounding residential areas.

The acoustic report did not contain information on noise influencing weather. In ordinary circumstances Strathfield Council strictly enforces this requirement, however upon consideration of the surrounding environment, it was determined the noise from nearby train lines would mask any influence of weather such as wind and rain.

Approval has been recommended by Council's Development Compliance Officer subject to recommendation of conditions of consent. This has included a requirement for architectural plans and detailed drawings outlining the location of the new acoustic barrier with details specifying the construction of the proposed acoustic barrier.

Whilst the proposed acoustic barrier may resolve potential acoustic issues for adjoining residents as a result of the expansion of the childcare, no consideration has been made as to the amenity impacts the barrier will pose upon adjoining residential properties. Concern is raised for the potential loss in solar access and visual amenity of the adjoining ground floor residential units of the building particularly given the close proximity of the wall to adjoining internal living areas.

The proposed application fails to mention the proposed height of the structures from Natural Ground Level nor does it provide assessment of the potential loss of solar access particularly to the adjoining north facing units. Consideration has not been made regarding the development's compliance with SEPP 65 particularly in relation to solar access to residential units within the complex.

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Lot 881 SP 97492 (Cont'd)

As the proposal is recommended for refusal, the lack of detail provided with the acoustic barrier has been included as a reason for refusal.

Waste Comments

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

"Waste Management Plan needs to be updated, providing complete information on:

- *Include path of travel of different types of waste collected*
- *Written evidence of valid contracts indicating licensed private contractors collect different waste types, as well as frequency and amount being collected for each type of waste.*
- *Methods to minimise scourge waste generation and maximise source separation and recovery of recyclables and food waste.*
- *Provide signage for bins and waste rooms, as well as common areas, to improve waste education.*
- *Bins and waste room need to be maintained."*

A special condition has been recommended requiring:

"Education on reducing and reusing waste and better recycling signage must be installed throughout the facility, as well as actions to promote better reduce, reuse and recycling of waste throughout childcare centre and it's community."

Council's Waste Officer offered no objections to the proposal, subject to an updated waste management plan and education surrounding better waste management practices. As the proposal is recommended for refusal, this has been included as a reason for refusal.

Traffic Comments

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

"I refer to DA 2017/030/02. Added comments to proposal.

- *Traffic flow and impact has not been addressed with appropriate signage nor line marking.*
- *There is a need for a study on drop off/pick up demands (during am /pm peak periods)*
- *The study noted that the future children drop off/pick-up parking demand will result in up to three (3) additional spaces required on rare occasions. They have stated that the additional demand will easily be accommodated by the basement carpark spaces or within general kerbside parking areas. The proposal should NOT rely on the general kerbside spaces for operations.*
- *The proposed parking is not exclusive to the Child Care Centre. Expansion will lead to congestion and poor road safety.*
- *The proposed basement parking location is not child friendly nor a safe environment during traffic movements plus it's located under another building.*
- *There is no future parking assessment brought by the proposed expansion (it should include staff and customer parking requirements).*
- *The reasons provided is unacceptable and the parking spaces mentioned need to be designed as per AS 2890.5-1993: Parking facilities – On Street Parking.*
- *According to the Strathfield Consolidated Development Control Plan, Part E (5.6) – it requires a safe parking facility and safe access to property. The current proposal does NOT address such specifics."*

Council's Traffic Engineer objects to the proposal based on the above comments.

**DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
Lot 881 SP 97492 (Cont'd)**

Whilst the revised Traffic and Parking Study has provided an analysis on the estimated pick up and drop off rates as well as estimates parking demands for customers and staff, it has been identified that the (13) new basement car spaces proposed for the site are located directly beneath the adjoining building (Building 3) are inappropriately located and pose a safety hazard for children. As such, the proposed spaces are not considered child friendly and cannot be supported. No consideration regarding the management of safe access into and out of these spaces for customers is provided.

Accordingly, the proposal is unsatisfactory as it fails to meet compliance with Part E of the SCDCP 2005 as well as the Educational Establishments & Childcare Facilities SEPP 2017 and therefore cannot be supported.

Environmental Health Comments

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

"The flow diagram does not indicate the location of the dirty utensil storage, however, as per the flow submitted, dirty utensils must still cross the path of, and be processed adjacent to plating areas, presenting a risk of cross contamination. The application does not show how this risk will be managed.

The application does not show an increase in floor area or a flow removing points of cross contamination and does not meet the requirements of AS 4674. The application does not demonstrate how the kitchen and processes will safely produce food for the 29 additional children increase in production. In this regard and referring to previous Environmental Health referrals, approval is not recommended.

If approval is not recommended, the business will need to redesign the flow of the kitchen and tightly adhere to the flow. In busy periods in a small cramped kitchen, food handlers staff seek short cuts leading to breaches. In this regard food inspectors need to be granted immediate access to the kitchen upon arrival to assess adherence to the flow provisions.

Recommendation

Approval is not recommended."

Council's Environmental Health Officer is not in support of the proposed development. The above concerns have been included as reasons for refusal.

**SECTIONS 8.2 & 8.3 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 –
REVIEW OF DETERMINATIONS**

Under Sections 8.2 and 8.3 of the *EP&A Act*, an applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. Further, in requesting the review, the applicant may amend the proposed development the subject of the original application for development consent if the consent authority is satisfied that it is substantially the same development.

The current application has been submitted under the above provisions and is considered to be substantially the same development, seeking to expand the existing child care centre from 60 to 89 children.

Pursuant to Sections 8.3(5) and 8.10(1) of the *EP&A Act 1979*, the current application must be determined by the Strathfield Local Planning Panel on the basis that the Strathfield Local Planning Panel was the consent authority for the previous modification application and that the current application must be determined within six (6) months of the date of the original determination (ie. By 4 December 2019).

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The reasons for refusal of the previous modification application are outlined and addressed as follows:

1. *The proposed modification fails to provide evidence of the owner's corporation consent from the use of 13 approved visitors car parking spaces within the basement of the overall development.*

The proposal has attempted to resolve this issue through the allocation of spare utility lots which is not owned by the owner's corporation. Written correspondence prepared by Telmet Ventures Pty Ltd was included as part of the subject application stating that (13) additional spaces identified as Lot 1026 of the approved strata scheme are able to be made available for exclusive use of Oz Education Homebush Pty Ltd. The correspondence notes that the spaces are not required to be allocated to any other lot in the scheme, or for visitor parking. Conversely, according to the Court approved plans and documentation under DA0405/176/9, the said (13) spaces were to be allocated as (9) residential spaces and (4) spare spaces in the subject Lot 1026 (refer to Figure 4).



Figure 4: extract from court approval DA0405/176/09

Having regard for the above, an application (DA2019/164) lodged with Council on 11 October 2019 to Strata subdivide 4 utility lots (including Lot 1026) is of relevance to the subject application. In the proposed application, the strata plans denote that the said allotments are identified as PT Lot 1191 and not Lot 1026. Notwithstanding this, the proposal has failed to provide substantial evidence to demonstrate that the proposed allocation of the (13) new parking spaces will not be in conflict with the court approval for the site.

Regardless, in the event that the (13) additional spaces were to be lawfully granted for the use of patrons associated with the child care centre, no consideration has been made as to how patrons will safely access these spaces. Upon the Council Officer's site inspection during the assessment

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of the application, it appears that these spaces can only be accessed via a driveway access ramp from the street and again down a second driveway ramp within the basement (beneath Building 3). To access the centre from these new spaces, it appears that patrons will need to negotiate oncoming traffic to access the lift immediately beneath the childcare (Building 4) or utilise the driveway access ramp which leads out to the street. Subsequently, it appears that these spaces are considered unsuitably located for the purposes of the proposed development.

- 2. 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).*

A revised Acoustic Report was prepared and submitted as part of the subject application. Council's Development Compliance Officer has reviewed the report and has advised that there are no objections to the proposal subject to further architectural details submitted in relation to the construction of the proposed noise wall.

- 3. 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).*

A revised Traffic and Parking Study was prepared and submitted as part of the application. Whilst the proposed development has sought to provide a substantial number of off-street parking spaces and that the three (3) at-grade parking spaces allocated to the centre can be relied upon, concern is still raised for the poor location of the proposed (13) additional spaces directly beneath Building 3 of the shared basement.

- 4. 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 regard 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.)*

As insufficient evidence has been submitted to adequately address the allocation of new parking spaces, it is unclear as to whether the proposal can lawfully rely upon the proposed new (13) spaces to accommodate the proposed expansion. Notwithstanding this, the proposed location of the new spaces is considered unsuitable for the site due to the safety risks that it poses for patrons of the premises.

- 5. 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 1979.)*

As previously mentioned, Council's Development Compliance Officer supports the revised Acoustic Report subject to the implementation of the acoustic barrier and roof structure. Notwithstanding, insufficient details surrounding the construction details of the proposed acoustic barrier have been submitted to demonstrate how the structure will appear. Furthermore, no consideration for the potential loss in both visual amenity and solar access has been made for the adjoining residential units within the building.

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6. *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.)*

The revised application was submitted to Council's Environmental Health Officer for comment. Whilst it was appreciated that a flow diagram of the kitchen was provided, this still has not satisfied the initial concerns with the proposal with regard to risk for contamination of food. Accordingly, the proposed development cannot adequately demonstrate compliance with the Food Safety requirements AS46474. In this regard, the proposed development is recommended for refusal.

7. *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.*

Due to the adverse amenity impacts the proposed development could impose on the community including the proposed development's unlikely compliance with the relevant food safety requirements and potential safety hazards posed by the new basement parking spaces, the proposed development is not considered to be in the public interest and is therefore recommended for refusal.

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

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

4.55 Modifications of Consents - Generally

(2) Other Modifications

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

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

Comment: The 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

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Comment: In accordance with Part L of the SCDCP 2005 the application was notified from 24 September 2019 – 8 October 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: Five (5) written 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 inevitably intensify the noise impacts, parking demands and waste management requirements of the child care centre.

With regard to acoustic impacts, supporting acoustic documentation was submitted as part of the subject Section 8.2 Review. An acoustic barrier with an awning extending over portions of the outdoor play area (Area 3) has been recommended and proposed. Whilst the proposed barrier may resolve acoustic impacts, insufficient information regarding details of the proposed acoustic structure has been submitted. Subsequently, it is unclear as to whether the potential loss of solar access and visual amenity to the adjoining residential units will bring the residential components of the development into non-compliance with SEPP 65.

With regard to off-street parking demands, an additional (13) parking spaces are proposed to be have been allocated to the child care. The spaces are located in the shared basement (directly beneath Building 3) to accommodate for the anticipated additional parking demands. The basement is shared between Buildings 2,3 and 4. The childcare centre is located within Building 4 with Buildings 2 and 3 containing residential units only (refer to Figure 5). Concern is raised that the allocation of new parking spaces directly beneath the adjoining building (Building 3) is not appropriately located and that the location of the spaces would require patrons to negotiate incoming/outgoing residential traffic to access the facility. The existing and proposed car parking provisions of the site are therefore inadequate to cater for the likely and anticipated additional demand without adversely affecting surround road networks.

With regard to waste management, Council's Waste Officer has required an amended waste management plan to be prepared having regard for the expansion of the centre and thus increased generation of waste.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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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, 289.25m² of unencumbered indoor space is required for the number of children proposed. The subject site currently provides 292m² 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, 623m² of unencumbered outdoor space is required for the number of children proposed. The proposal provides 625m² 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 Guidelines are as follows:

Matter for Consideration	Comment
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3.5 Visual and Acoustic Privacy		
C24	<p><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"> <i>• identify an appropriate noise level for a child care facility located in residential and other zones</i> <i>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</i> <i>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</i> 	<p>The subject Section 8.2 Review application was accompanied by a revised Acoustic Report. An assessment of the cumulative noise emission associated with the existing and proposed expansion of the child care has been considered.</p> <p>The revised Acoustic Report has recommended the installation of an acoustic barrier and roof cover extending over a portion of the additional outdoor area proposed in Outdoor Play Area 03. This is so as to achieve compliance with the relevant noise regulations. The proposed acoustic barrier is proposed to be located flush with the boundary fences of the adjoining properties and extend 1.2m in width away from the boundary fence. No details have been submitted to Council regarding the proposed heights and specifications of the proposed wall and roof structure.</p> <p>As such, the objective of C24 is not satisfied. 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 as specifications regarding the proposed acoustic barrier have not been submitted.</p>
3.6 Noise and Air Pollution		
C25	<p><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 of noise, such as:</i></p> <ul style="list-style-type: none"> <i>• creating physical separation between buildings and the noise source</i> <i>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</i> <i>• using landscaping to reduce the perception of noise</i> <i>• limiting the number and size of openings facing noise sources</i> <i>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</i> 	<p>The child care centre has been appropriately designed to minimise the impact of external noise sources including the railway corridor and industrial land uses surrounding the centre. The objective is satisfied.</p>

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	<ul style="list-style-type: none"> • <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i> • <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i> 	
3.8 Traffic, Parking and Pedestrian Circulation		
<p>C31</p>	<p><i>Objective: 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"> • <i>the proposal is an adaptive re-use of a heritage item</i> • <i>the site is in a B8 Metropolitan Zone or other high density business or residential zone</i> • <i>the site is in proximity to high frequency and well connected public transport</i> • <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> • <i>there is sufficient on street parking available at appropriate times within proximity of the site</i> 	<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 (18 staff and 16 visitors).</p> <p>The child care centre currently provides (15) off-street car parking spaces located in the shared basement directly below Building 4 (within which the facility is located). These spaces, along with the three (3) on-street pick-up/drop-off spaces are also provided in accordance with Condition No.141 of DA0405/176/9.</p> <p>The submitted plans propose that (13) car spaces are to be allocated to the child care centre. These spaces form part of Lot 1026 and are privately owned by Telmet Ventures. The spaces are located in the basement directly beneath the adjoining building identified as Building 3. Insufficient information has been submitted to Council to adequately demonstrate that these spaces may be lawfully allocated to the centre without breaching the conditions of DA0405/176.</p> <p>Notwithstanding the lawful or unlawful allocation of these spaces, concern is raised for the suitability of these spaces in that patrons must negotiate ongoing traffic to access the premises (refer to Figure 5).</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>	<p>A revised Traffic and Parking Study was submitted as part of the subject Section 8.2 Review. The study notes that only 8-9 (66%) of staff drive to work. Based on this, the provision of (15) staff car parking spaces is considered to exceed the estimated (13) staff car parking demand and is generally acceptable as proposed.</p>

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	<ul style="list-style-type: none"> • <i>the amenity of the surrounding area will not be affected</i> • <i>there will be no impacts on the safe operation of the surrounding road network</i> 	<p>With regard to children drop-off/pick up parking demands, it is noted that there will be an occasional demand for (6) cars in the kerbside parking spaces which may result in up to (3) additional spaces required for pick up drop offs. The report notes that the basement parking spaces or general kerbside parking areas can be utilised. It is noted that the general kerbside parking areas are reserved for visitors of the complex and therefore cannot be relied upon to accommodate the anticipated parking demands for the facility.</p>
<p>C37</p>	<p><i>Mixed use developments should include:</i></p> <ul style="list-style-type: none"> • <i>Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</i> • <i>Drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</i> • <i>Parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</i> 	<p>The existing at-grade pick up and drop off zones are considered acceptable. Notwithstanding, the proposed new (13) spaces within the basement are considered inadequate for patron usage.</p> <p>The basement is a shared basement providing parking for Buildings 2, 3 and 4. Parking is currently provided directly beneath Building 4 within which the Childcare facility is located. However, the (13) proposed new spaces are situated directly beneath Building 3. Patrons utilising these spaces would need to walk up the driveway access ramp to access the basement lift to the centre or alternatively walk up the driveway to gain access to the street. This is considered inappropriate given that the parking area is accessible by residents of the complex and that patrons would likely encounter ongoing traffic movements to the facility.</p>
<p>C38</p>	<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"> • <i>include a child safe fence to separate car parking areas from the building entrance and play areas</i> • <i>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</i> • <i>include wheelchair and pram accessible parking</i> 	<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> <p>Whilst the at-grade parking spaces are directly adjacent the main building entrance, concern is raised for the proposed new (13) spaces in the basement under the adjoining building which requires patrons to cross the basement driveway and either walk up the driveway ramp or access the lift. No discussion has been provided as to how patrons are expected to gain special</p>

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	access to the basement and lift.
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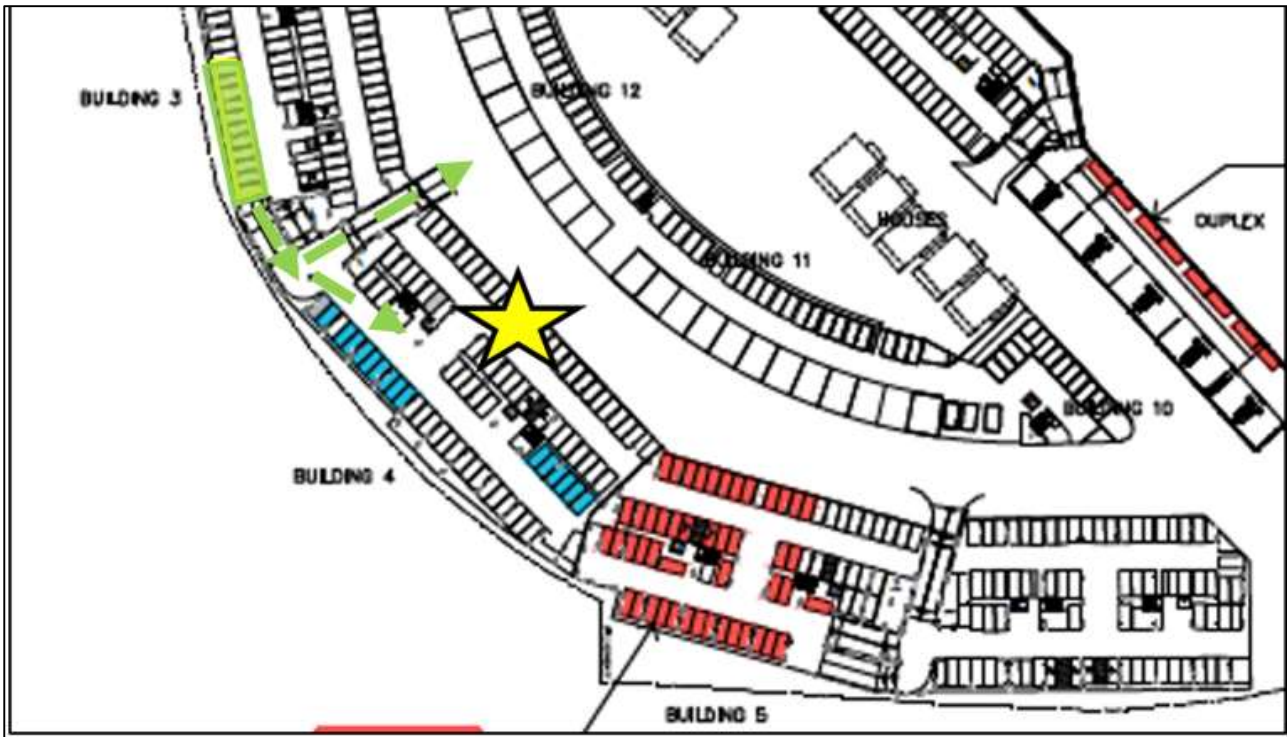


Figure 5: Basement parking plan for facility. Existing staff parking allocated to the facility is outlined in blue. The centre is marked as a start, The proposed new parking spaces and path of travel to the centre is marked in green.

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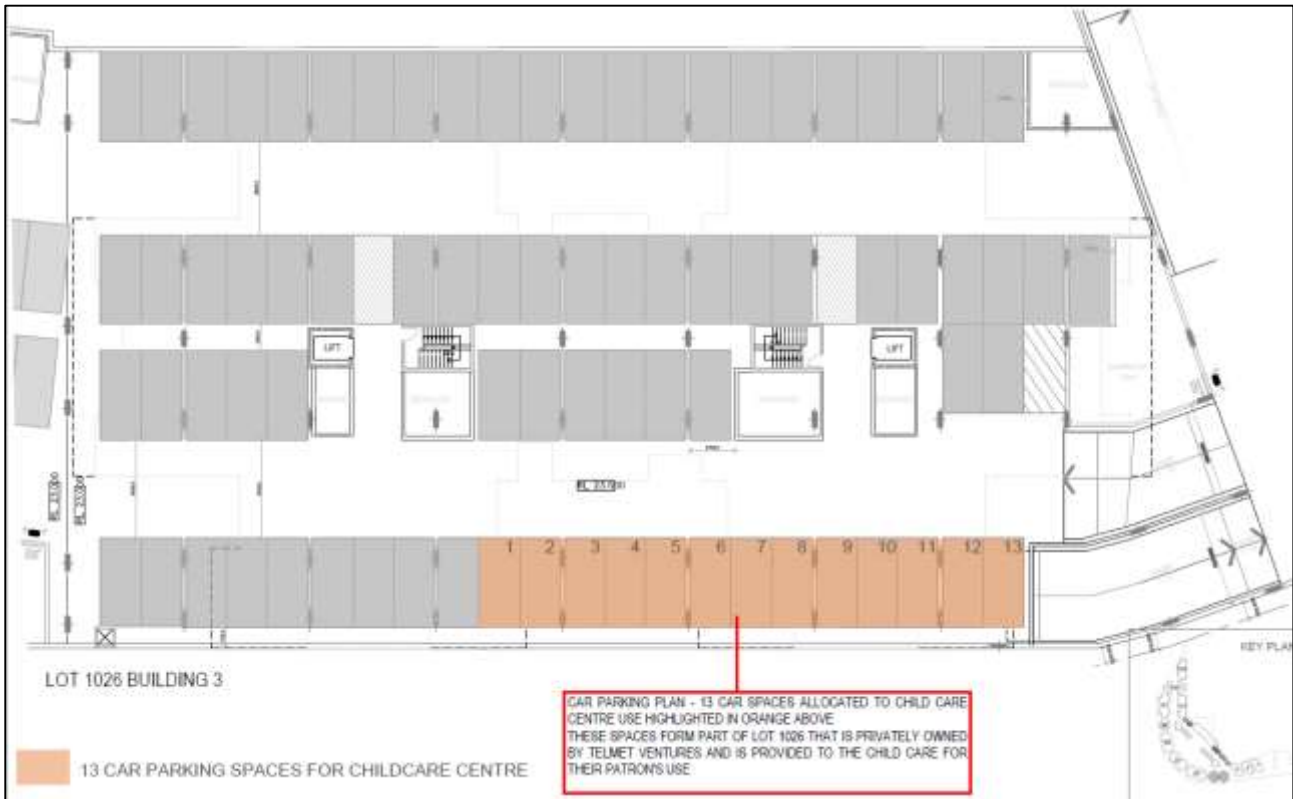


Figure 6: Proposed 13 spaces located in basement level 1 directly beneath Building 3.

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)	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	No
(f)	To identify and protect environmental and cultural heritage	N/A
(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

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 cannot be satisfactorily accommodated without resulting in consequential adverse impacts.

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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 day 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.

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

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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.

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 proposal is inconsistent with the objectives in that insufficient information has been submitted to demonstrate the lawful use of the proposed visitor parking spaces to address additional traffic demands. Further, 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	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
3	Dimensions of parking spaces and vehicle access areas shall comply with Part I - Provision of Off-street Parking Facilities.	N/A
4	The centre has been designed to allow the safe drop off and collection of children and safe movement and parking of staff,	No

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	parents, visitors and service vehicles.	
5	Parking spaces and vehicle access points are located to ensure the safe movement of children to and from the centre.	No
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	No

Comments: The application proposes an increase in the maximum capacity of the existing child care centre from 60 to 89 children and 11 to 18 staff. In accordance with Section 5.6 of the SCDCP 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 (refer to Figures 5 and 6).

Plans submitted as part of the subject application have sought to provide (13) new parking spaces within the shared basement. Whilst this numerically achieves compliance with Council's requirements, concern is raised for the location of the spaces. Patrons utilising these spaces will have to negotiate utilising a driveway ramp and then crossing a second ramp to access the basement lift. Alternatively, patrons will need to walk up the driveway ramp to access the childcare centre from the street. This is considered inappropriate as the parking location poses as a safety hazard to patrons particularly those who are mobility impaired. Accordingly, the application does not meet the parking requirements under the SCDCP 2005.

5.9: Noise

5.9	Objectives	Satisfactory
A.	<i>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.</i>	Yes

5.9	Guidelines	Complies
	<i>Protecting Neighbours from Excessive Noise</i>	
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
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

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 Lot 881 SP 97492 (Cont'd)

6	The proposed hours of operation, particularly the impact of early morning starting times	N/A
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Comments: The revised Acoustic Report has identified 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 7), the submitted Acoustic Report recommends additional barriers/screens with an awning to be constructed within Lot 881 (the centre) extending for a distance of 1.2m over the additional outdoor area. The barriers are recommended to extend along the northern and southern parameters of the additional outdoor area. These are depicted in the following figures 7,8 and 9 as provided in the revised report.

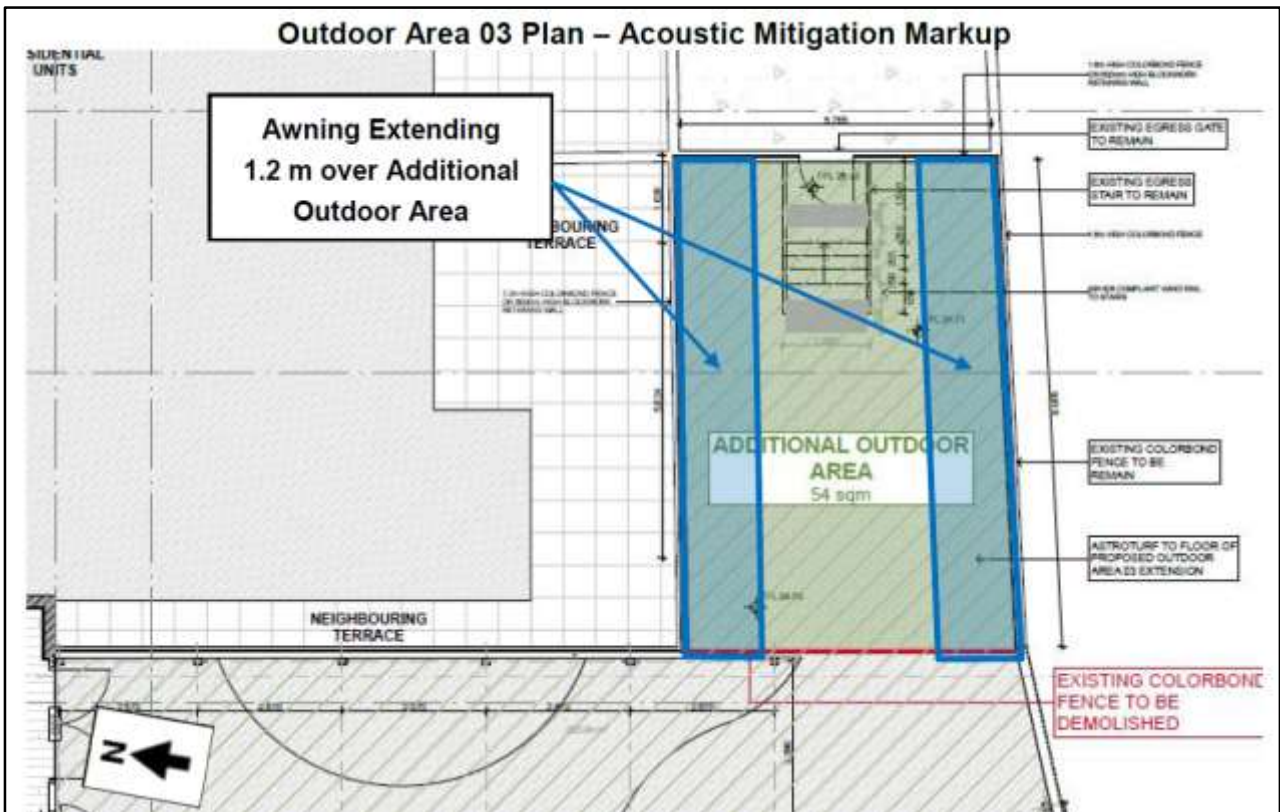


Figure 7: Proposed acoustic barrier with awning extension as recommended in the revised Acoustic Report.

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Lot 881 SP 97492 (Cont'd)



Figure 8: Proposed acoustic barrier and roof structure as recommended in the revised acoustic report facing north.



Figure 9: Proposed acoustic barriers and roof structure as recommended in the revised acoustic report facing east.

Whilst the proposed acoustic barriers and associated roof structure may resolve potential acoustic impacts for adjoining residents, concern is raised for the overall size, height and design of the structure. Insufficient justification has been provided to demonstrate that the proposed barriers will not adversely impact upon adjoining residents (particularly those located to the ground floor) as solar access and visual amenity may be impeded upon. Furthermore, insufficient justification has been provided having consideration for whether the construction of the barriers will bring the residential flat development into non-compliance with the solar access requirements of SEPP 65 and the Apartment Design Guide.

This is particularly having regard for the ground floor north-facing units which appear to heavily rely upon the northerly aspect for direct solar access.

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Lot 881 SP 97492 (Cont'd)



Figure 10: Outdoor play area 03 and nearby residential units facing south.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposed development was submitted to Council's Waste Officer for comment. A Waste Management Plan was approved under the original approval for the development (DA2017/030). Notwithstanding, as the proposal results in the expansion of the existing premise, Council's Waste Officer identified that the Waste Management Plan currently utilised for the facility requires updating. This is to ensure compliance with Part H of the SCDCP 2005, particularly the appropriate management of increase waste loads generated from the premises.

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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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*

Kitchen – Food Safety

Revised plans in relation to the kitchen and provision of food safety were prepared and resubmitted as part of the subject application. This included submission of a flow diagram detailing how the kitchen will operate on a daily basis to reduce potential for contamination. An inspection carried out by Council's Environmental Health Officer identified that the premises is currently operating at capacity. It was observed that food is currently spread out across the area in an ad hoc manner increasing the chance of contamination. Further, the application does not demonstrate how the kitchen and processes will safely produce food for the (29) additional children which will inevitably increase food production and thus potential for contamination.

The proposal fails to demonstrate that the operation of the kitchen under the proposed increase children capacity will comply with the Australian Food Safety Standards and the *Food Act 1993* to prevent food cross contamination.

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, food safety and waste impacts generated by the proposed expansion of the child care centre. Furthermore, the proposal fails to demonstrate how the expansion will not adversely impact upon the amenity of residents at Centenary Park particularly in relation to parking and access. The site of the child care centre is not suitable for the proposed capacity for (89) children.

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

The application was notified in accordance with Part L of the SCDP 2005 from 24 September 2019 to 8 October 2019, with five (5) written submissions received, raising the following concerns:

1. Noise Levels

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: Whilst an amended Acoustic Report was submitted as part of the subject application, further detail is required regarding the proposed acoustic wall and roof structures proposed over a portion of the outdoor play area (Area 3) of the facility. As previously discussed, whilst acoustic impacts appear to be resolved, it presents potential adverse visual and solar access amenity impacts for adjoining residential units of the complex.

In this regard, the proposal is recommended for refusal.

2. Traffic/Parking

Concern is raised for the increased traffic and lack of adequate parking provided.

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Lot 881 SP 97492 (Cont'd)**

Assessing officer's comments: As previously discussed, the proposal fails to provide parking spots which can be safely accessed by patrons. Concern is raised that in the event of an approval, patrons may also avoid utilising these spaces due to the poor location and potential safety risk they pose.

3. Kitchen Layout

Concern is raised that the kitchen layout does not meet health requirements. There needs to be a hand basin at entry to it as well as the exit.

Assessment Officer's Comments: The application fails to demonstrate how the kitchen and processes will safely produce food for the (29) additional children which will inevitably increase food production and thus potential for contamination. Accordingly, as proposed, the facility will be unable to comply with the Australian Food Safety Standards and the *Food Act 1993* to prevent food cross contamination.

4. Acoustic Barriers

Concern is raised that the application does only mentions that one (1) existing canopy is to be extended.

Assessing Officer's comments: As previously discussed, acoustic barriers are proposed along the northern and southern parameters of the new extension of play area 3. Notwithstanding, insufficient details have been provided to Council to demonstrate the overall height, applied colours and finishes applied to the structures. Without such details, it cannot be assumed that the adjoining residential units will not be adversely impacted upon by way of visual and solar access amenity.

5. Child care centre demand

There is another child care centre in the complex just metres away and opposite to each other.

Assessing Officer's comments: 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 application.

6. Waste Management

We have a problem with too much rubbish inside the complex. More children will add more problem to the rubbish.

Assessing Officer's comments: The proposed expansion of the childcare centre will inevitably result in a greater generation of waste. As previously discussed, an amended Waste Management plan is required to demonstrate compliance with Part H of the SCDCP 2005. This has been included as a reason for refusal.

7. Outdoor Play Area in Common Area

No problem is raised with the extension of the outdoor play area as long as it doesn't take the common area of the owner's corporation.

Assessing officer's comments: The proposed extension of the outdoor play area will not result in any loss of common property. The works are proposed wholly within Lot 881 with the exception of the proposed new parking spaces.

4.15 (1)(e) the public interest

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Lot 881 SP 97492 (Cont'd)

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 waste management, parking demands and traffic flow.

SECTION 7.11 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(2), Section 8.2 and 8.3 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.

RECOMMENDATION

Pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, the proposed S8.2 review of the modification(s) to Development Consent No. DA2017/030/02 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 fails to provide a safe parking facility and safe access to the property contrary to Section 5.6 of 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), Section 4.15(1)(b) and Section (1)(c) 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*).

DA2017/030/02-S8.2 Review- Building I, Suite 1, 81-86 Courallie Avenue Homebush West
Lot 881 SP 97492 (Cont'd)

3. The proposed modification was not supported with an amended Fire Engineering Report or BCA Report to demonstrate how the proposed extension of the facility will comply with The Building Code of Australia and fire safety requirements.

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

4. The proposal fails to provide sufficient details regarding the lawful use of the proposed (13) spaces in accordance with DA0405/176 (as modified). Accordingly, these spaces cannot be relied upon and therefore fail to satisfy the requirements of Part E of the Strathfield Consolidated Development Control Plan 2005.

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

5. The proposal fails to provide sufficient information regarding the waste management of the facility to substantially satisfy the requirements of Part H of the Strathfield Consolidated Development Control Plan 2005.

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

6. 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. Accordingly, the proposal fails to satisfy the relevant food safety standards for the site.

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

7. 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

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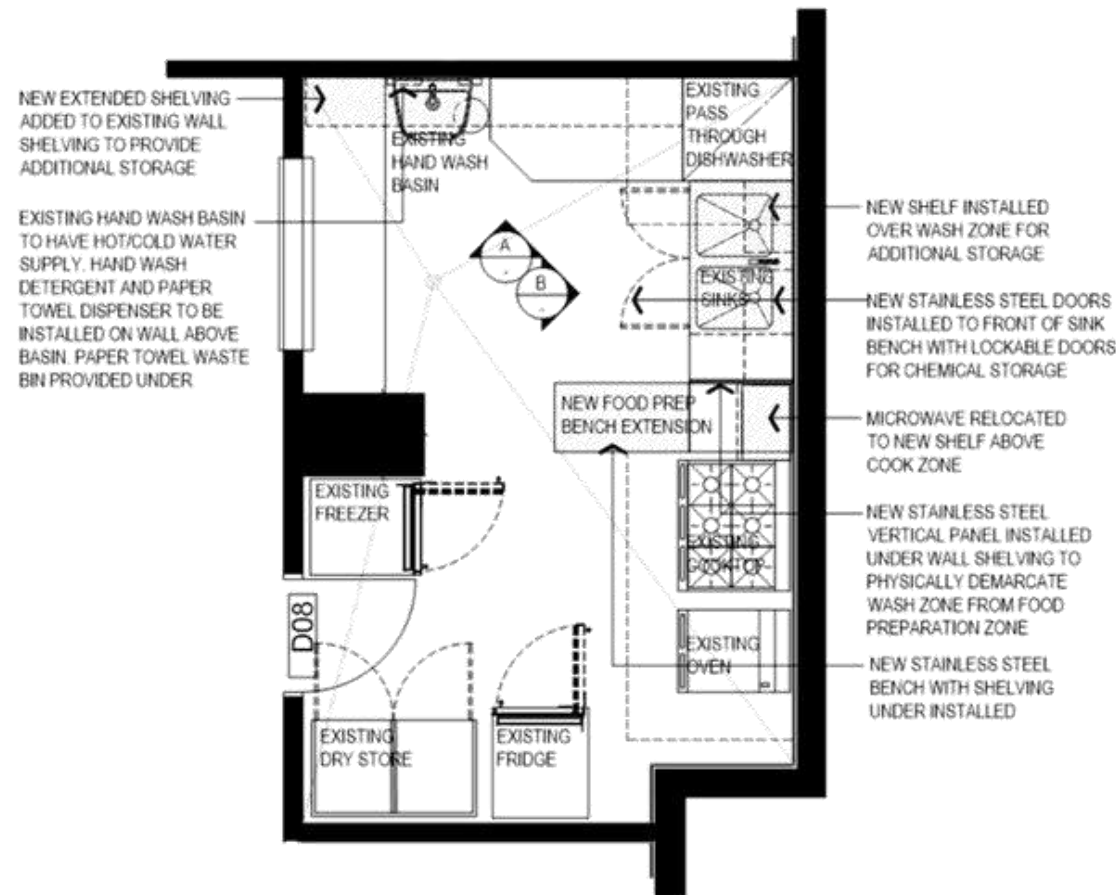
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**DA2017/030/03
12 September 2019**

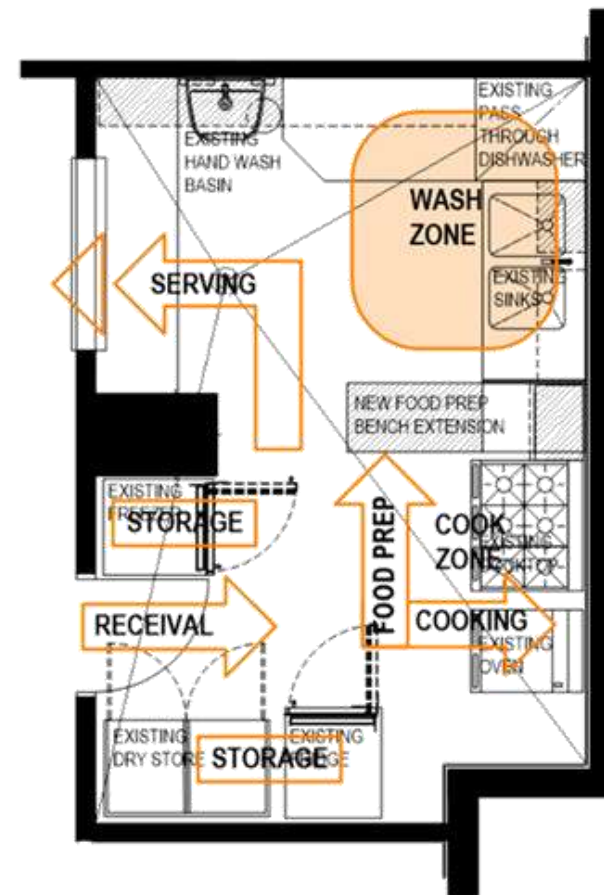
NOTE: HATCHED AREAS INDICATE ADDITIONS TO THE KITCHEN OR RELOCATION OF EXISTING ITEMS

SUMMARY OF PROCESS FLOW DIAGRAM - IN ACCORDANCE WITH CLAUSE 2.1 OF STANDARD 3.2.3 A GUIDE TO THE FOOD SAFETY STANDARDS

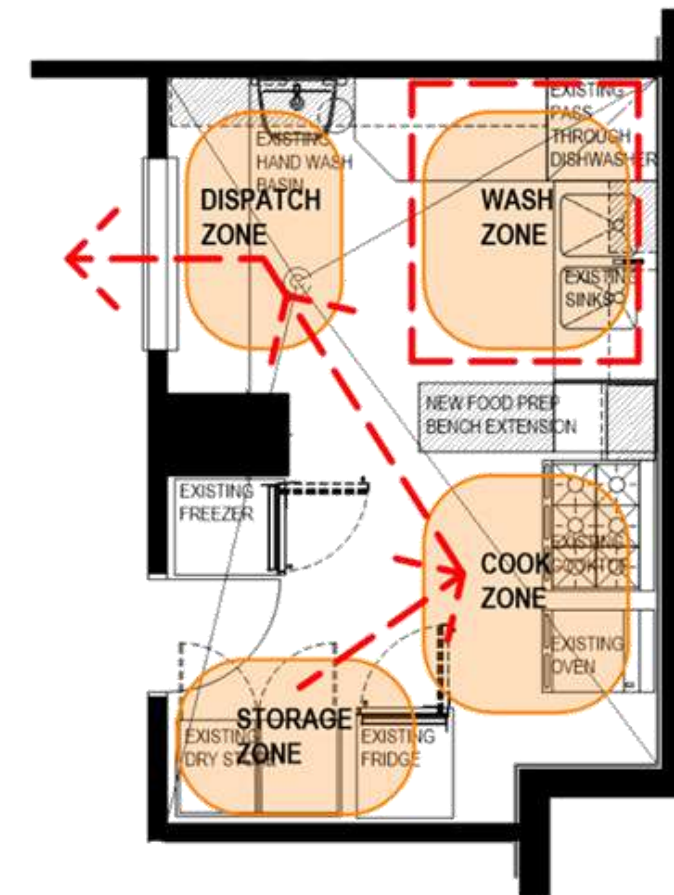
- FOOD FLOW AS DEMONSTRATED IN ADJACENT DIAGRAM: RECEIPT - STORAGE - PREPARATION - DISPATCH
- AREAS WHERE RAW PRODUCTS ARE HANDLED ARE SEPARATED FROM WHERE THE FINAL PRODUCT IS DISPATCHED
- FOOD PREPARATION AREA IS SEPARATED FROM WASH UP AREA AND CHEMICAL STORAGE



PLAN - EXISTING FACILITIES AND MODIFICATIONS INDICATED
SCALE 1:50 AT A3
KITCHEN



PLAN - PROCESS FLOW DIAGRAM
SCALE 1:50 AT A3
EXTRACT FROM NSW FOOD AUTHORITY CHILDREN'S SERVICES VOLUNTARY FSP TEMPLATE
KITCHEN



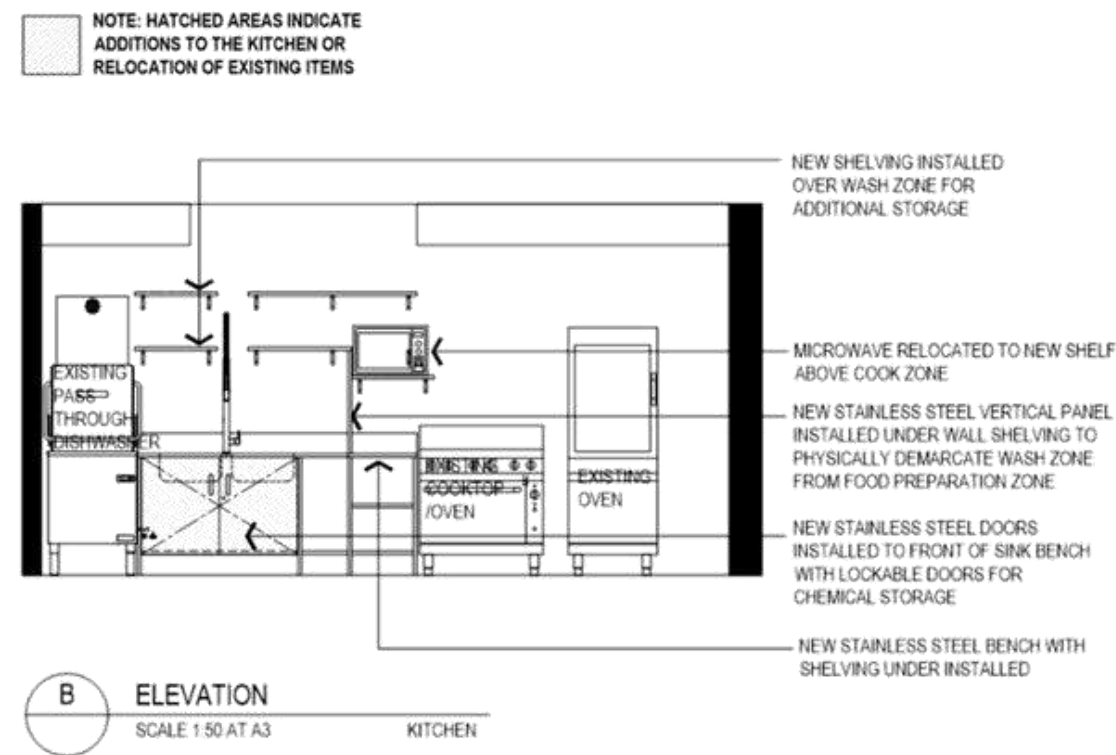
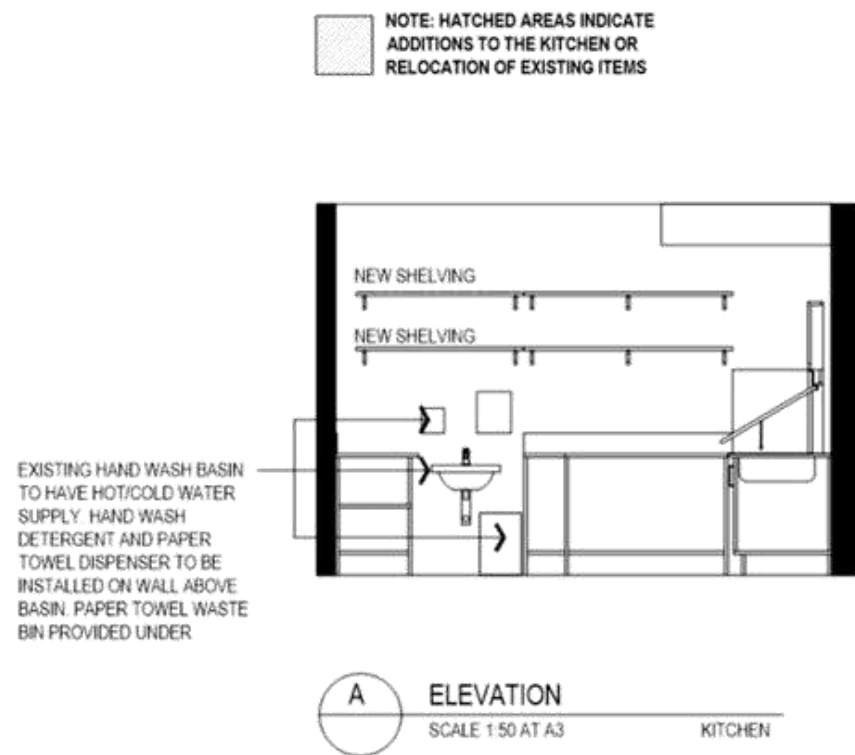
PLAN - SEPARATION OF ZONES
SCALE 1:50 AT A3
KITCHEN

REV.	DATE	DESCRIPTION	CHECKED	CLIENT	DRAWING	STAGE	SCALE	DATE	DRAWN	LEAD CONSULTANT
A	03.07.2019	ISSUED TO CORONA PROJECTS FOR ISSUE TO COUNCIL	KM	OZ EDUCATION HOMEBUSH	KITCHEN - FLOOR PLAN, PROCESS FLOW AND SEPARATION OF ZONES	DA	1:50 AT A3	JULY 2019	KM CHECKED KM	 Suite 203 level 2 34 Charles Street Parramatta NSW 2150 p 02 9588 9921 e info@twoform.com.au twoform.com.au <small>Check and verify all dimensions in situ and refer any written modifications to the architect before proceeding further. Do not rely on the drawings (design) and/or the work for construction purposes without the instruction of the architect. The maker of any alterations and omissions shall be responsible.</small>
				PROJECT: EXISTING CHILD CARE CENTRE EXPANSION - OZ EDUCATION HOMEBUSH 81-86 COURALLIE AVENUE, HOMEBUSH WEST	NOMINATED ARCHITECT KRISTINA MITKOVSKI NSW REGISTRATION NO. 7998	DRAWING NO: AR.DA.10		REV: A		

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**DA2017/030/03
12 September 2019**



REV.	DATE:	DESCRIPTION:	CHECKED:	CLIENT:	DRAWING:	STAGE:	SCALE:	DATE:	DRAWN:	LEAD CONSULTANT:
A	03.07.2019	ISSUED TO CORONA PROJECTS FOR ISSUE TO COUNCIL	KM	OZ EDUCATION HOMEBUSH	KITCHEN - ELEVATIONS A AND B	DA	1:50 AT A3	JULY 2019	KM CHECKED KM	two form ARCHITECTURE + INTERIOR DESIGN <small>Suite 203 level 2 34 Charles Street Parramatta NSW 2150 p 02 9598 9921 e info@twoform.com.au twoform.com.au</small> <small>Check and verify all dimensions in plan and elevations against existing conditions in the building before proceeding further. Do not scale off the drawings. Drawings shall not be used for construction purposes without the approval of the architect. For major works of alterations and repairs refer to applicable approvals. It is strongly recommended that a copy of this drawing is kept on file.</small>
				PROJECT: EXISTING CHILD CARE CENTRE EXPANSION - OZ EDUCATION HOMEBUSH 81-86 COURALLIE AVENUE, HOMEBUSH WEST	NOMINATED ARCHITECT KRISTINA MITKOVSKI NSW REGISTRATION NO. 7998	DRAWING NO.:	REV:	AR.DA.11	A	



LEGEND:

ABBREVIATIONS	
AC	ACRYLIC FINISHING
AD	ADHESIVE
AL	ALUMINIUM
AS	ASBESTOS
BP	BYPASS
CC	CONCRETE
CD	CONCRETE DRAIN
CE	CERAMIC
CF	CONCRETE FINISH
CH	CHALK BOARD
CL	CERAMIC TILE
CM	CONCRETE MASONRY
CP	CONCRETE PAVING
CS	CONCRETE SLAB
CT	CONCRETE TILES
CU	CUPBOARD
CV	CONCRETE VENEER
DC	DRY COVER
DF	DRY FINISH
DL	DRY LAY
DM	DRY MIX
DN	DOWN
DR	DRY ROOM
DS	DRY STORAGE
DT	DRY TILES
DU	DRY UNIT
EV	ELECTRICAL
EX	EXTERIOR
FL	FLOOR
FR	FRONT
FS	FLOOR SLAB
FT	FLOOR TILES
GA	GLASS
GC	GLASS CURTAIN WALL
GD	GLASS DOOR
GE	GLASS ENTRANCE
GF	GLASS FINISH
GG	GLASS GLAZING
GH	GLASS HANDLE
GI	GLASS INSULATION
GJ	GLASS JOINT
GK	GLASS KICKER
GL	GLASS LAMP
GM	GLASS MOUNTING
GN	GLASS NAIL
GO	GLASS OILING
GP	GLASS PANEL
GQ	GLASS QUARTZ
GR	GLASS REPAIR
GS	GLASS SEALANT
GT	GLASS TREATMENT
GU	GLASS UNIT
GV	GLASS VENEER
GW	GLASS WINDOW
GX	GLASS X-RAY
GY	GLASS YIELD
GZ	GLASS ZONE
HA	HANDRAIL
HB	HAND BARRIER
HC	HAND CARRIER
HD	HAND DOOR
HE	HAND ELECTRIC
HF	HAND FINISH
HG	HAND GLAZING
HH	HAND HANDLE
HI	HAND INSULATION
HJ	HAND JOINT
HK	HAND KICKER
HL	HAND LAMP
HM	HAND MOUNTING
HN	HAND NAIL
HO	HAND OILING
HP	HAND PANEL
HQ	HAND QUARTZ
HR	HAND REPAIR
HS	HAND SEALANT
HT	HAND TREATMENT
HU	HAND UNIT
HV	HAND VENEER
HW	HAND WINDOW
HX	HAND X-RAY
HY	HAND YIELD
HZ	HAND ZONE

REV.	DATE	DESCRIPTION	CHECKED

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 MITKOVSKI NSW REG. NO. 7998

LEAD CONSULTANT:

two form
 ARCHITECTURE + INTERIOR DESIGN

Suite 212 Level 2, 18 Charles Street Parramatta NSW 2150
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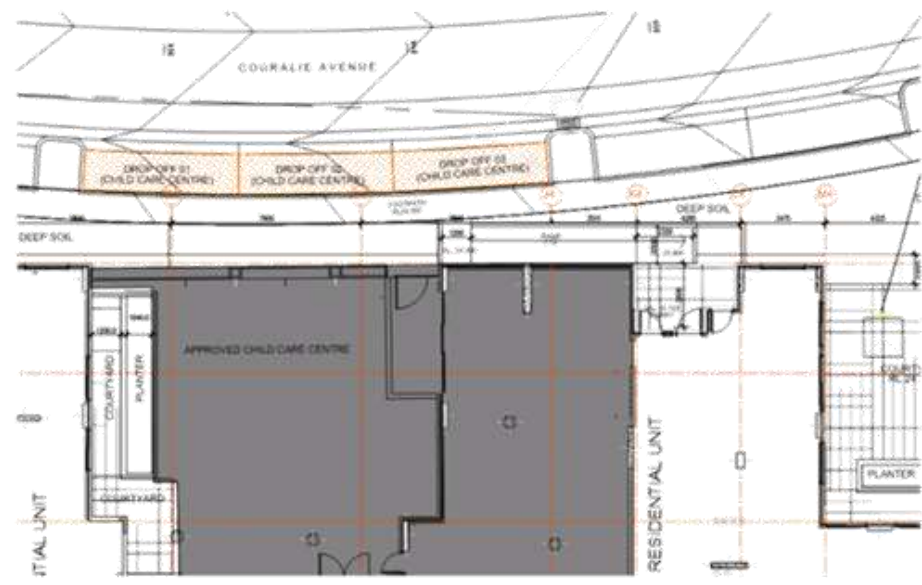
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**DA2017/030/03
 12 September 2019**

BASEMENT CAR PARKING PLAN
 SCALE 1:80 AT A2



DROP OFF ZONES LOCATED IN
 FRONT OF CHILD CARE CENTRE
 SCALE 1:80 AT A2



LOT 1026 BUILDING 3

13 CAR PARKING SPACES FOR CHILDCARE CENTRE

CAR PARKING PLAN - 13 CAR SPACES ALLOCATED TO CHILD CARE CENTRE USE HIGHLIGHTED IN ORANGE ABOVE
 THESE SPACES FORM PART OF LOT 1026 THAT IS PRIVATELY OWNED BY TELMET VENTURES AND IS PROVIDED TO THE CHILD CARE FOR THEIR PATRON'S USE

CENTENARY PARK
 HOMEBUSH WEST
 PROPOSED RESIDENTIAL DEVELOPMENT
 81-86 COURALLIE AVE, HOMEBUSH WEST

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**DA2017/030/03
 12 September 2019**

02-07-2019
STAGE 1D
 BUILDING 3
 BASEMENT 1

MRA | Michael Raad Architects Pty Limited
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 E michaelraad@raad.com.au

