

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 3 December 2020**

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

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 3 December 2020.  
The meeting commenced at 10:00am and closed at 11:25am

The Public Meeting commenced at 10:00am and closed at 10:38am.

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

Site inspection time commenced: Panel members independently conducted site visits  
Site inspection time concluded: Panel members independently conducted site visits

**PRESENT**

Paul Stein – Chair  
Susan Hobley – Expert  
Ian Stapleton – Expert  
Gabrielle Morrish- Expert  
Jennifer Inglis - Community

**ALSO PRESENT**

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services  
Kandace Lindeberg, Executive Manager, Landuse Planning & Development  
Miguel Rivera- Senior Planner  
Sarah Evans, Administration Assistant

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

NIL

**TO:** Strathfield Local Planning Panel Meeting - 3 December 2020  
**REPORT:** SLPP – Report No. 42  
**SUBJECT:** DA2020/106 - 14 MARLBOROUGH ROAD, HOMEBUSH WEST - LOT 10  
SECTION 1 DP 827  
**DA NO.** DA2020/106

### RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the non compliance with the development standard contained in Clause 4.3 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. DA2020/106 for demolition of an existing dwelling and the construction of a boarding house comprising a total of fifty-two (52) lodger rooms (including one (1) manager's room) within a five (5) storey building over two levels (2) of basement car parking at 14 Marlborough Road, Homebush West 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 comply with the maximum building height provision under Clause 29(2)(a) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
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 the proposed landscape treatment of the front setback fails to achieve compatibility with the streetscape, as per Clause 29(2)(b) of the comply with the maximum building height provision under Clause 29(2)(a) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
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 comply with the minimum parking provision under Clause 29(2)(e) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
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 does not demonstrate compatibility with the character of the local area as per Clause 30A of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
5. 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 proposal fails demonstrate achieving a high quality urban design as its bulk, scale and overall design are not reflective of the existing or desired future character of the surrounding locality. The design is poorly articulated, lacks adequate modulation and visual interest, and the built form will appear bulky and dominant within the streetscape.
6. 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. The proposal represents an overdevelopment of the

site and features a design that is excessive in bulk and scale, and is unable to provide an appropriate and equitable balance of building, hardscaped and soft landscaped elements. The proposal demonstrates a poor outcome that does not respond appropriately to the site constraints and dimensions and fails to promote an efficient and spatially appropriate use of land.

7. 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 objective for the maximum building height under clause 4.3(1)(a) of the Strathfield Local Environmental Plan 2012. It involves a building height that is greater than the built forms on adjoining properties. The proposal will also set an undesirable precedence in facilitating and encouraging incompatible built forms that breach the maximum height provision.
8. 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. The proposal features a design, bulk and scale that is not in keeping with the built form character of the local area and does not maintain consistency with any existing and new residential development within the surrounding locality.
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 of Clause 2.1.1 (Public Domain and place making) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in an excessive built form with limited landscaped areas, and features minimal setbacks, articulation, modulation and visual interest. The overall design of the proposal (in particular the elements presented to and visible from public domain) does not complement the character of the public domain and does not provide a positive contribution to public domain. The proposal will not ensure the public domain maintains is attractive and interesting setting.
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 guidelines of design guidelines of Clause 2.2.1 (Streetscape) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design, bulk and scale of the proposal fail to contribute positively to the street and locality. The proposal introduces a new built form that fails to respond to the natural topography and other site constraints of the site, and is not a contextually appropriate response to the surrounding locality. The proposal does not encourage an attractive street frontage as it incorporates a dominant, excessively built form that presents poorly to the streetscape.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 19* as it fails to meet the essential criteria of Clause 2.2.2 (Streetscape) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal involves a building height that is not of a compatible scale with adjacent development and is non-compliant with the maximum building height provision under SLEP 2012. The design of the proposal is not considered complementary and does not visually improve existing streetscapes. The proposal is not considered a sensitively designed response, with respect to the broader urban context. The building design and landscaping of the proposal is not in harmony with the form, mass and proportions of the streetscape. The horizontal and vertical proportions of the proposal are considered dominant, bulky and excessive with minimal visual break-up, articulation, modulation and visual interest to enable a more positive and enhanced visual scene.

12. 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 objective and essential criteria of Clauses 2.4.1 and 2.4.2 (Building envelope) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal comprises bulk, scale and design that are not compatible with the site conditions, surrounding development and existing/desired future character of the streetscape and locality.
13. 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 essential criteria of Clauses 2.5.1 and 2.5.2 (Building massing and scale) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal introduces a built form with massing and scale that are not compatible with area and does not ensure a complementary building that enhances the visual character of the streetscape is provided. The massing and scale of the proposal fails to maintain amenity for surrounding and neighbouring properties. Further, the proposal will likely result in adverse impacts (including visual privacy and overshadowing) on adjoining properties.
14. 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 essential criteria of Clauses 2.7.1 and 2.7.2 (Building frontages to Public Domain) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design of the proposal fails to provide a positive contribution to the streetscape. The building façade of the proposal is not sufficiently articulated and modulated. The side elevations in particular, feature large areas of blank walls. There are no additional treatments and design measures such as distinct setbacks of the upper levels and a stepping of the built form to assist in breaking up the visual continuity and massing of the development. The building frontage does not provide adequate visual interest. The landscaping treatments proposed are obscured by the proposed fencing. The fencing, when viewed in combination with the building, contribute to a dominant vertical massing and highly constructed bulky form that presents poorly to the street.
15. 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 essential criteria of Clauses 3.3.1 and 3.3.2 (Visual and acoustic privacy) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The proposal features balconies and windows on upper levels that overlook adjoining properties (including windows and private open spaces), resulting in adverse visual privacy impacts. The proposal features a centralised communal open space and communal living room that is elevated 1.36m to 1.6m above the existing ground level, resulting in adverse visual privacy impacts.
16. 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 essential criteria of Clauses 3.9.1 and 3.9.2 (Landscaping) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design, quantity and quality of proposed landscaping treatments detract from the character of the streetscape and surrounding locality as most views of these spaces are obscured by fencing.
17. 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 essential criteria of Clause 3.10.2 (Private open space) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The design, quantity and quality of proposed landscaping treatments detract from the character of the streetscape and surrounding locality as most views of these spaces are obscured by fencing.

18. 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 objective and essential criteria of Clauses 3.11.1 and 3.5.2 (Energy efficient design) of Part Q of the Strathfield Consolidated Development Control Plan 2005. The centralised communal outdoor space and communal lounge area will have minimal solar access due to their location, the orientation of the site, the siting and design of the existing residential flat building of the north-adjointing neighbour at No. 8-12 Marlborough Road. Homebush West. The design and orientation of the above spaces will affect the proposal with regard to energy efficiency and consumption.
19. 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 control under Clause 2.8 (Visual and Acoustic Privacy) of Part 20 of the Strathfield Consolidated Development Control Plan 2005. The proposal fails to provide adequate visual and acoustic privacy for neighbouring properties.
20. 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 comply with the control under Clause 2.9 (Private Open Space) of Part 20 of the Strathfield Consolidated Development Control Plan 2005.
21. 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, visual and acoustic privacy, and overshadowing.
22. 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 demonstrate that the subject site is suitable for the proposed built form.
23. 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 provisions, objectives and development standards under the State Environmental Planning Policy (Affordable Rental Housing) 2009, Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts in terms of streetscape, visual amenity, visual and acoustic privacy, and overshadowing. The proposal fails to adequately address substantive matters raised in public submissions.

**RESOLUTION**

The Panel refuses this application for the reasons outlined in the report.

The Panel considered the request for deferral and decided that this should not be granted.

**FOR:** Paul Stein, Susan Hoblely, Ian Stapleton, Gabrielle Morrish, Jennifer Inglis

**AGAINST:** NIL

\*\*\*\* End Minutes - Report No. 42\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 3 December 2020  
**REPORT:** SLPP – Report No. 43  
**SUBJECT:** DA2019/186 - 31 HOWARD STREET, STRATHFIELD - LOT 207 DP 15259  
**DA NO.** DA2019/186

## RECOMMENDATION

That Development Application No. 2019/186 for a Section 8.2 Review of the Internal Development Advisory Panel's refusal of the demolition of existing buildings and construction of a two (2) storey dwelling with basement level at 31 Howard Street, Strathfield be **APPROVED** subject to the following conditions:

### REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

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

### DEVELOPMENT DETAILS

#### 1. Approved Plans and Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA 101	28.09.20	E	Bryan Design Architectural Solutions
Basement Floor	DA 200	28.09.20	E	Bryan Design Architectural Solutions
Ground Floor	DA 201	28.09.20	E	Bryan Design Architectural Solutions
First Floor	DA 202	28.09.20	E	Bryan Design Architectural Solutions
Roof Plan	DA 203	28.09.20	E	Bryan Design Architectural Solutions
East Elevation West Elevation	DA 300	28.09.20	E	Bryan Design Architectural Solutions
North Elevation	DA 301	28.09.20	E	Bryan Design Architectural Solutions
South Elevation	DA 302	28.09.20	E	Bryan Design Architectural Solutions
Section 1-1 Driveway Section	DA 303	28.09.20	E	Bryan Design Architectural Solutions
Build Up	DA 701	28.09.20	E	Bryan Design Architectural



Calculation				Solutions
Fence Details				
Schedule of Finishes	DA 801	28.09.20	E	Bryan Design Architectural Solutions
Landscape Plan	1835.GD.01	28.09.20	C	Greenland Design Landscape Architects
Notes and Standard Details	Sheet 1	17.08.20	A	NITMA Consulting Pty Ltd
Erosion and Sediment Control Plan	Sheet 2	17.08.20	A	NITMA Consulting Pty Ltd
Lower Ground Drainage Plan & Details	Sheet 3	17.08.20	A	NITMA Consulting Pty Ltd
Site/Ground Drainage Plan	Sheet 4	17.08.20	A	NITMA Consulting Pty Ltd
Roof Drainage Plan	Sheet 5	17.08.20	A	NITMA Consulting Pty Ltd
RWT and Pit Details	Sheet 6	17.08.20	A	NITMA Consulting Pty Ltd
Waste Management Plan	-	22.10.19	-	Bryan Design Pvt. Ltd
BASIX Certificate	Cert. No. 919227S_03	14.08.20	-	Sama Sthapit

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that

are constructed under Council's roadways/footways.

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

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

### 3. **Vehicular Crossing – Minor Development**

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

### 4. **Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The 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 (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 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 a copy provided to Council. The Policy is to note Council as an interested party.

## REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

### 5. 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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. Fees to be Paid

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

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

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	<b>\$ 3,460.00</b>
Security Damage Deposit	<b>\$12,200.00</b>
Tree Bond	<b>\$3,000.00</b>
Administration Fee of Bond Deposit	<b>\$127.00</b>
Administration Fee of Tree Bond	<b>\$127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$9,886.66</b>

### General Fees

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

## Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

### Indexation

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

### Timing of Payment

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

### Further Information

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

## 7. Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Finished levels of the private open space and swimming pool coping and surrounds	The area shaded in red on the approved Site Plan and Landscape Plan must have a finished level of 26.00 RL. The swimming pool coping and surrounds must have a height / finished level of 26.00 RL.  The proposed stairs within the pool area must be deleted on all approved plans.
Hedging adjacent to the swimming pool	The existing hedging adjacent to the swimming pool must be retained in perpetuity. Any future changes to the hedging must comprise of mature screen planting comprising plants that have a minimum height of 2m to maintain visual privacy.
Swimming pool gate	Access to the pool including the swimming pool gate must be modified and re-located to be from the upper level rear yard and in accordance with relevant legislation and standards including the <i>Swimming Pools Act 1992</i> .
Stepping stones along southern side setback	All stepping stones along the southern side setback area must be deleted and replaced with grassed lawn areas.
Garden bed in front of basement storage	A garden bed with dense shrubs must be established along the eastern extent of the basement storage (but excluding the steps leading to the front entry). The garden bed must be designed to screen most of views of this storage area.

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Garden bed along southern side of driveway	A garden bed with low shrubs or ground covers must be established along the southern side of the internal driveway.
Driveway sight splays	A minimum 1m x 1m splay to be provided on both side of the vehicular access, within the property boundary. The areas should be kept clear from obstructions and only allow ground cover landscaping, to maintain sight distances for pedestrians and motorists. Any front fence or gate opening adjustments required as a result of this splay must be illustrated on the plans lodged with the application for the Construction Certificate.

#### 8. **Damage Deposit – Minor Works**

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

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

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

#### 9. **Tree Bond**

A tree bond of **\$3,000.00** (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 existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

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

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

## 10. Tree Protection and Retention

The existing street tree/s in front of the property shall be retained and protected

Details of the trees to be retained must be included on the Construction Certificate plans.

### General Tree Protection Measures

- a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- b) The tree protection measures must be undertaken in accordance AS4970 - 2009 Protection of trees on development sites.
- c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

## 11. Site Management Plan – Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

## 12. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate. All measures and commitments as detailed in the BASIX Certificate No. 919227S\_03 must be implemented on the plans lodged with the application for the Construction Certificate.

## 13. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways

- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

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

14. **Stormwater System**

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

15. **Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

16. **Compliance with Swimming Pool Act 1992**

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

17. **Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

**18. Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) No ground level may be raised or filled except where shown specifically on the approved plans;
- (b) All pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) The swimming pool must not be used for commercial or professional purposes;
- (d) Drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) Arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

**19. Waste Management Plan**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

**20. Landscape Plan**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

**21. Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on Council's public footway, public reserves or on neighbouring properties.

**22. Off Street Parking – Compliance with AS2890**

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



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**PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)****23. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard S2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

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

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

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

**24. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

**25. Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.

**26. Dial Before Your Dig**

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

**27. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

**28. Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

**DURING CONSTRUCTION****29. Site Sign – Soil & Erosion Control Measures**

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

**30. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays. Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

**31. Ground Levels and Retaining Walls**

The ground levels of the site and outside the footprint of the new dwelling house and approved ancillary structures, shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

**32. Swimming Pools – Filling with Water**

The pool/spa shall not filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE****33. BASIX Certificate**

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

**34. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

**35. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

**36. Vehicular Crossing – Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**37. Requirements Prior to the Issue of the Occupation Certificate**

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (d) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

**38. Stormwater Drainage Works – Works As Executed**

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

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

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

**39. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

**OPERATIONAL CONDITIONS (ON-GOING)**

**40. Entering & Exiting of Vehicles**

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

**41. Swimming Pools – Resuscitation Notice**

An expired air resuscitation warning notice complying with the Swimming Pools Act 1992 must be affixed in a prominent position adjacent to the pool.

**42. Private Swimming Pools & Spas – Pump Noise**

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) Before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) Before 7 am or after 8 pm on any other day.

**43. Void Space (First Floor)**

The first floor void space above the entry must be retained for so long as the dwelling house is utilised.

**44. Roof Area surrounding Rear-facing Balcony (First Floor)**

The roof area surrounding the rear-facing balcony on the first floor must remain a non-trafficable area in perpetuity.

**45. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****46. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

**47. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner -Builder. If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

48. **Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

49. **Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

50. **Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

51. **Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

52. **Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

Prescribed conditions are those which are mandated under Division 8A of the Environmental Planning and Assessment Regulation 2000 and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

53. **Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

54. **Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work

commences.

55. **Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

56. **Clause 98B – Home Building Act 1989**

If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

57. **Clause 98E – Protection & Support of Adjoining Premises**

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

58. **Clause 98E – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

## **RESOLUTION**

The Panel changes the decision to refuse to a decision to approve the application subject to the recommended conditions in the report as amended by the panel.

**FOR:** Paul Stein, Susan Hopley, Ian Stapleton, Gabrielle Morrish, Jennifer Inglis

**AGAINST:** NIL

**REASONS:** The Panel agrees with the planning officers report

\*\*\*\* End Minutes - Report No. 43\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 3 December 2020  
**REPORT:** SLPP – Report No. 44  
**SUBJECT:** 204 HUME HIGHWAY, CHULLORA - LOT 1 DP 547215  
**DA NO.** PLANNING PROPOSAL 2020/1

### **RECOMMENDATION**

That the Strathfield Local Planning Panel consider the following recommendation in its advice to Council:

- (c) **That** Council endorse the Planning Proposal for the purpose of seeking a Gateway determination from the Department of Planning, Industry and Environment (DPIE) for land at 204 Hume Highway, Chullora which seeks to amend Schedule 1 of the *SLEP 2012* to permit a *highway service centre* as an additional permitted land use to facilitate a highway service centre.
- (d) **That** the Planning Proposal be forwarded to the DPIE for a Gateway determination.

### **RESOLUTION**

The panel agrees with the recommendation of the report

**FOR:** Paul Stein, Susan Hoble, Ian Stapleton, Gabrielle Morrish, Jennifer Inglis

**AGAINST:** NIL

\*\*\*\* End Minutes - Report No. 44\*\*\*\*