

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, 2 December 2021

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

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

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TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 37
SUBJECT: 109 HOMEBUSH ROAD STRATHFIELD- LOT: 7 SEC: 2 DP: 581
DA NO. DA2021.170

Property:	109 Homebush Road STRATHFIELD Lot 7 Sec 2 in DP 581 DA2021/170
Proposal:	Alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.
Applicant:	J Jarimba
Owner:	V V Hari
Date of lodgement:	9 August 2021
Notification period:	20 August to 20 September 2021 (extended)
Submissions received:	Eleven (11) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$27,850.00
Zoning:	R2 – Low Density Residential - SLEP 2012
Heritage:	Not a heritage item Not within a heritage conservation area Not within vicinity of heritage item/s
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locational plan showing subject site (outlined in yellow) and surrounding properties

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.

Site and Locality

The site is identified as No. 109 Homebush Road, Strathfield and has a legal description of Lot 7 Sec 2 in DP 581. The site is a rectangular shaped, corner allotment and is located on the western side of Homebush Road and the northern side of Albyn Road. The site has a frontage width of 15.24m, a minimum depth of 60.55m and an overall site area of 927.8m².

The locality surrounding the subject site features a predominantly low density residential character containing detached dwelling houses of varying scale and architectural style. It is noted that most of the surrounding housing stock have a traditional style and contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades and planted hedges.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 20 August to 20 September 2021, where eleven (11) submissions were received.

Issues

- - Building Code of Australia (BCA) compliance.
 - Unauthorised group home use.
 - Unauthorised conversion of attached garage.
 - Internal fencing and presentation of buildings.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/170 is recommended for approval subject to suitable conditions of consent.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

REPORT IN FULL

Proposal

Council has received an application for alterations and additions to existing secondary dwelling and change of use to a permanent group home. More specifically, the proposed works involves:

- Minor internal infill and brickwork within front section of dwelling house;
- Conversion of single garage (attached to secondary dwelling) into an accessible bedroom and bathroom;
- Conversion of spaces in secondary dwelling to create carer's quarters and storage room;
- New accessible entrance with access ramps, walkway and concrete landing;
- Extension of entry doorway (secondary dwelling); and
- Landscaping works at the rear of the secondary dwelling that consists of retained trees, two (2) new trees, garden beds with hedges and shrubs, and an open lawn area.

The proposed change of use is associated with the entire premises comprising an existing dwelling house, central outbuilding and rear secondary dwelling and will result in a permanent group home. The operations of this home entails the following:

- A maximum occupancy comprising of five (5) adults with disability under the National Disability Insurance Scheme and one (1) employee who will stay overnight.
- Employees to be in a roster system with a maximum of three (3) employees at any one time during the hours of operation. The employees will comprise of a single team leader and two (2) support workers.
- Hours of operation is 9:00 am to 8:00 pm, 365 days a year. Group home will be manned 24 hours a day.
- Clients seeking permanent accommodation entry to the group home must be screened to meet specific criteria. One criterion is that the clients must be able to move around independently and only requiring supervision from employees with mobility.

Figures 2 to 6 show a site plan, floor plans, landscape plan and elevation (secondary dwelling) of the proposal.

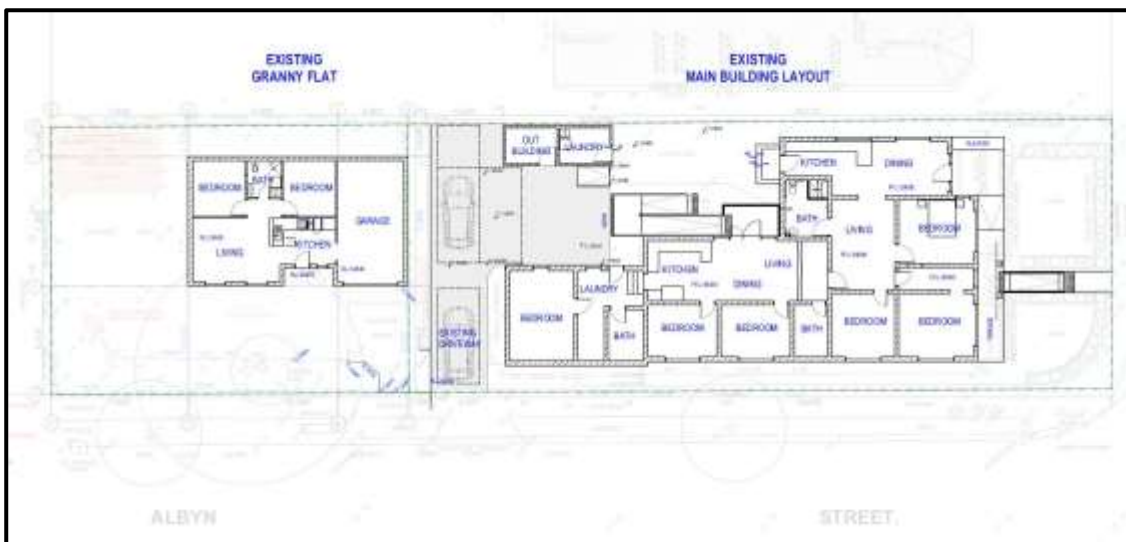


Figure 2: Site Plan showing existing buildings

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

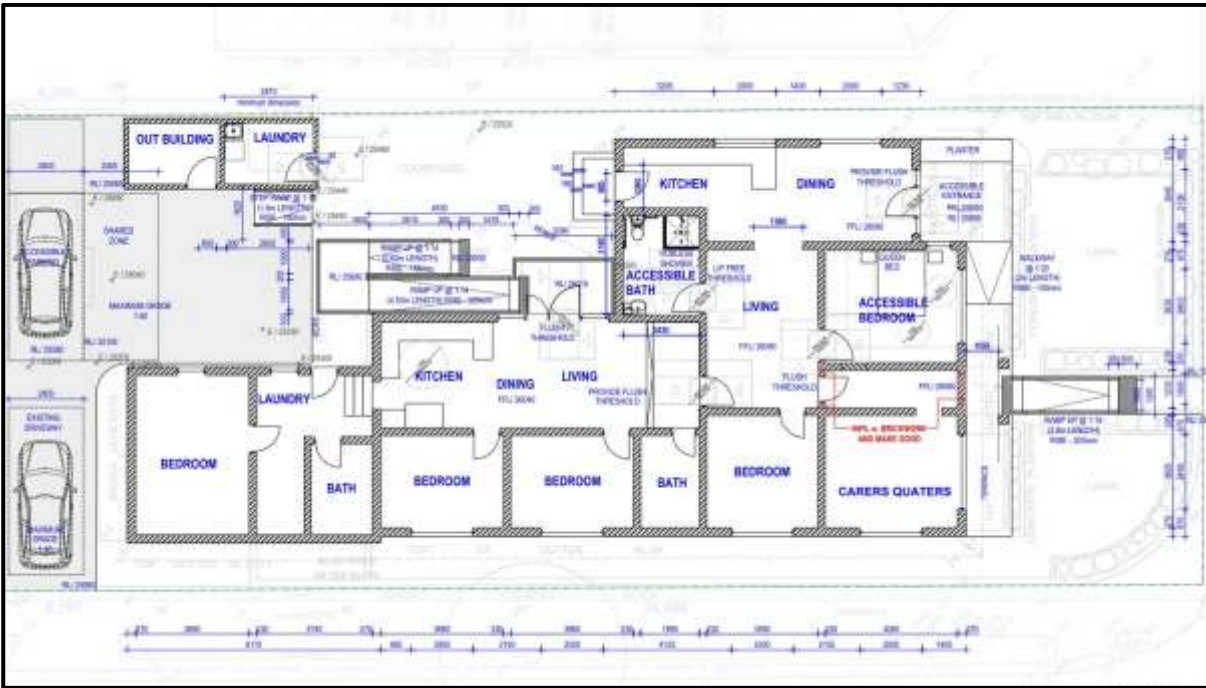


Figure 3: Proposed modifications to dwelling house (annotated in red)

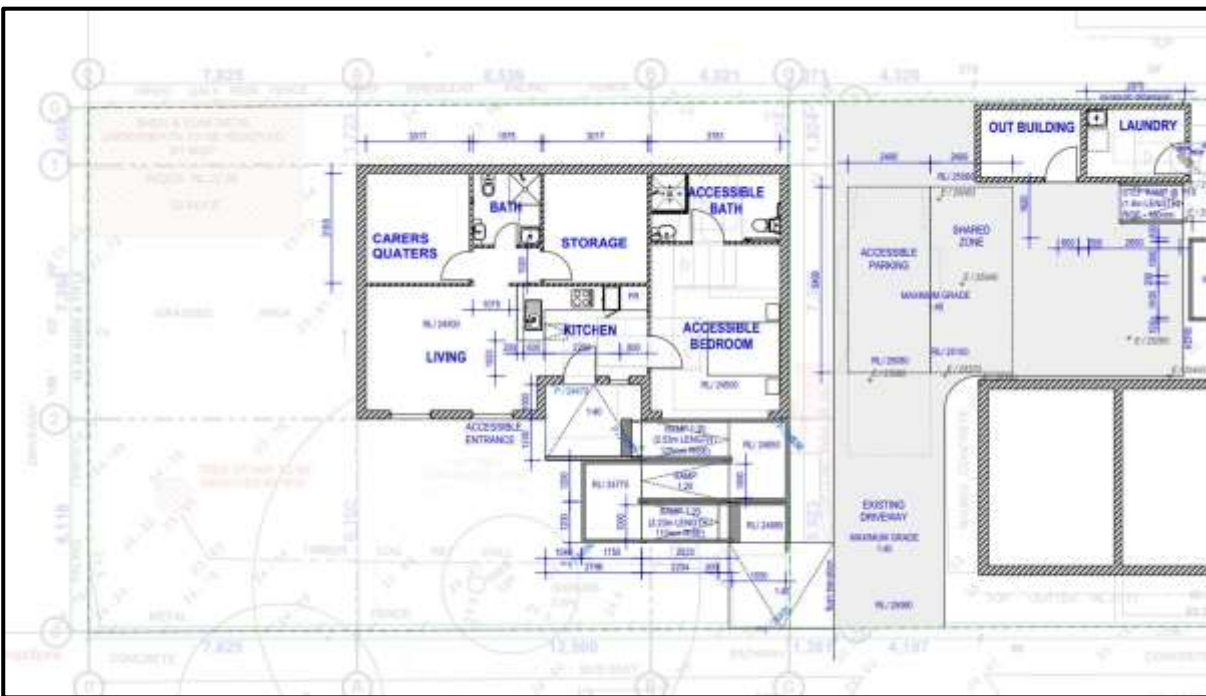


Figure 4: Proposed modifications to secondary dwelling and new ramp

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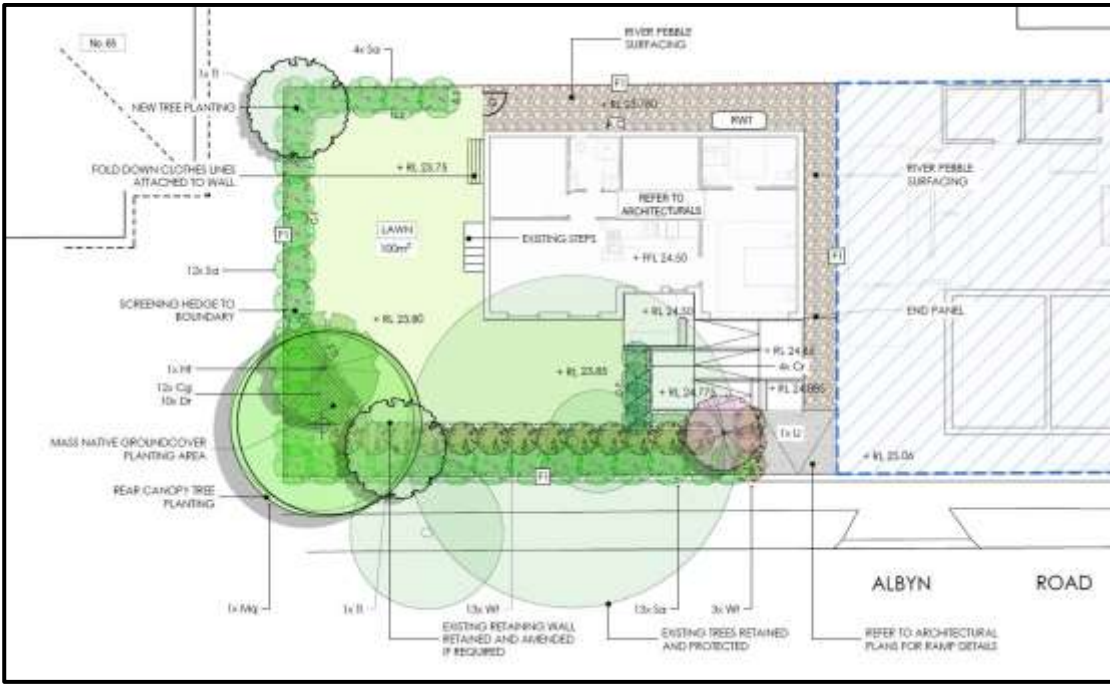


Figure 5: Landscape Plan



Figure 6: South Elevation of secondary dwelling showing new ramp

The Site and Locality

The subject site is legally described as Lot: 7 Sec: 2 DP: 581 and commonly known as No. 109 Homebush Road, Strathfield. It is located on the western side of Homebush Road and the northern side of Albyn Road (refer to Figure 1).

The site is a corner allotment that is rectangular in shape and has an east-west orientation, a frontage of 15.24m, a secondary street frontage of 60.55m and an overall site area of 927.8m². The site has dual vehicular access via existing driveways from Homebush Road and Albyn Road. The site has a 2m fall to the corner of Homebush Road and Albyn Road.

The site was previously occupied by a dwelling house, outbuilding and secondary dwelling with attached garage. It is noted that the secondary dwelling with attached garage was approved via complying development (CDC2020-0527) under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

It is also noted Council records indicated a number of internal works for the dwelling house and outbuilding as well as some external works – have been approved via complying development (CDC2021/7101/01) on 23 July 2021. These works include:

- Relocating door within accessible bedroom;
- Remove wall from bedroom to create new door;
- Create accessible bathroom;
- Elevate floor level within living area;
- Construct new accessible front entrance and ramp;
- Replace entry door to living and dining/kitchen area;
- Construction step ramp in central courtyard;
- Remove fencing;
- Extend driveway; and
- Construction wall in outbuilding.

A site visit undertaken on 21 October 2021 confirmed that the works relating to CDC2021/1701/01 have commenced and the buildings have been modified and re-purposed and are currently utilised collectively for a group home use (refer to Figures 7 to 28). Council observed staff and group home residents within the premises during this visit. Council records indicated that the current group home use does not have approval and is unauthorised.

It was also observed that the attached garage has been modified comprising new windows facing north and east. There is no approval for the conversion of the garage (refer to Figure 20).



Figure 7: Front setback (addressing Homebush Road) of existing dwelling house

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 8: Existing kitchen and door leading to outbuilding and central courtyard in northern portion of dwelling house

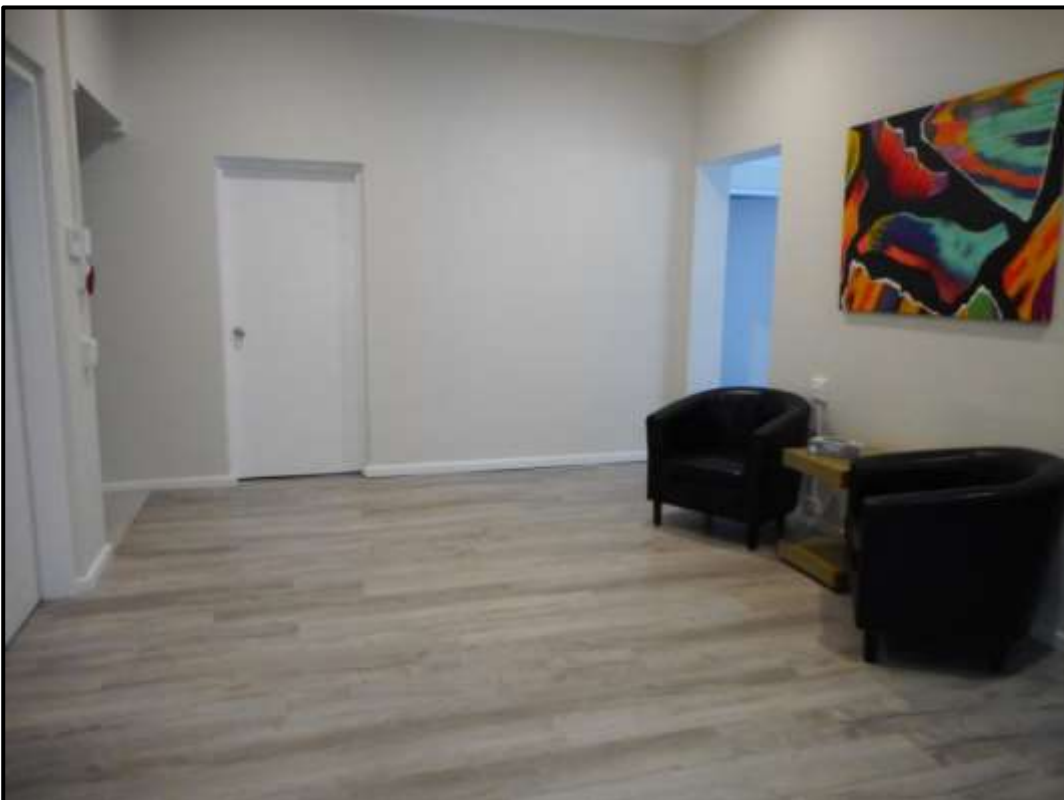


Figure 9: Living room adjacent to the front and southern bedrooms of dwelling house

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 10: Accessible bathroom in dwelling house – adjacent to living room



Figure 11: Bedroom in the south-eastern corner of the dwelling house

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 12: Centralised area in dwelling house comprising combined living room, dining room and 2nd kitchen with view of central courtyard

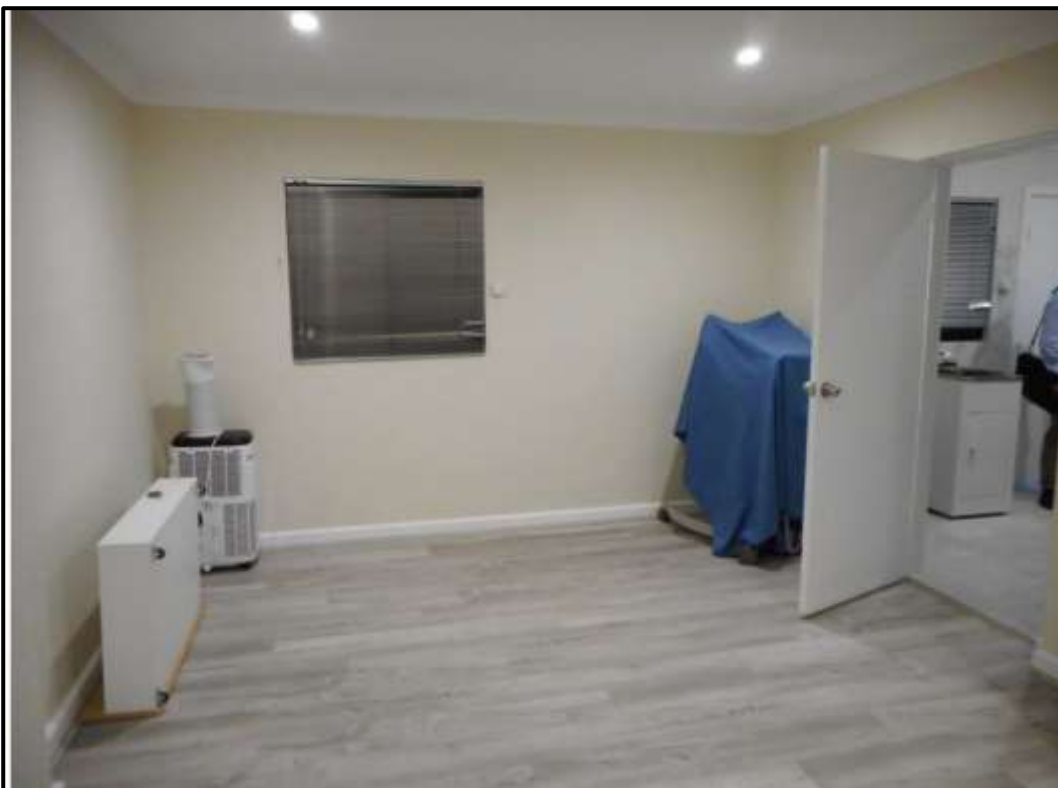


Figure 13: Rear bedroom in the south-western corner of the dwelling house (accessed via laundry)

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 14: Central courtyard of dwelling house with access ramps



Figure 15: View of dwelling house from central courtyard

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 16: Existing outbuilding containing storage room and 2nd laundry



Figure 17: Laundry (2nd) in outbuilding

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 18: Existing parking behind dwelling house



Figure 19: Existing parking behind dwelling house

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 20: Garage in secondary dwelling



Figure 21: Open area to the south of the secondary dwelling and showing area for access ramp into front door

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Figure 22: Kitchen and combined living/dining space in secondary dwelling



Figure 23: Bathroom in secondary dwelling

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 24: Open area to the south of the secondary dwelling



Figure 25: Open area immediately west of the secondary dwelling

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 26: Northern setback area of secondary dwelling showing internal solid fencing



Figure 27: Secondary frontage of dwelling house – addressing Albyn Road

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)



Figure 28: Existing internal and secondary frontage solid fencing – separating secondary dwelling and dwelling house.

The locality surrounding the subject site features a predominantly low density residential character containing detached dwelling houses of varying scale and architectural style. It is noted that most of the surrounding housing stock have a traditional style and contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades and planted hedges.

The site is surrounded by the following properties:

- Adjoining the northern boundary: a dwelling house at No. 107 Homebush Road;
- Adjoining the western (rear) boundary: a dwelling house at No. 65 Albyn Road;
- Across the road and to the south: a dwelling house at No. 111 Homebush Road; and
- Across the road and to the west: dwelling house at No. 118-120 Homebush Road.

Background

9 August 2021 The subject application was lodged.

20 August 2021 The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 20 September 2021. Eleven (11) submissions were received during this period.

20 October 2021 A deferral letter was sent to the applicant outlining the following issues and concerns:

- Building Code of Australia (BCA);
- Building Height and Elevations of Entire Proposal;
- Objector Issues; and
- Survey Plan.

21 October 2021 A site visit was undertaken by Council's assessment officer and compliance officer.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

18 November 2021 The applicant submitted additional information to address the matters raised in the deferral letter via the Planning Portal.

Referrals – Internal and External**Building Surveyor Comments**

Council's Building Surveyor confirmed objections to the proposal due to the following matter:

"It is recommended that the application is not be supported as the building cannot be considered to be a 1b building as it has a total area of all floors area greater than 300m².

National Construction Code 2019

A6.1 Class 1 buildings

(2) Class 1b is one or more buildings which together constitute—

(a) a boarding house, guest house, hostel or the like that—

(i) would ordinarily accommodate not more than 12 people; and

(ii) have a total area of all floors not more than 300m² (measured over the enclosing walls of the building or buildings);

It is recommended that either the plans are revised or the Building Code of Australia (BCA) and Access reports are updated to address the requirements of a Class 3 building NCC Volume 1, Specification C1.1 Fire-resisting construction 5. Type C Fire-Resisting Construction. Even if the building was approved certification will not be possible as it will not be able to comply with the BCA.

If the application is supported, specific conditions must be imposed."

Council's Building Surveyor raised objections with the proposed development. It is noted that the total gross floor area of the group home is calculated as follows:

- Dwelling house: 218.4m²
- Outbuilding: 11.6m²
- Secondary dwelling: 79.2m²
- = Total gross floor area of 309.2m²**

Notwithstanding the slight exceedance of floor area in accordance with the limits set for Class 1b buildings under the BCA – conditions can be imposed to ensure that the development is able to comply with the above BCA requirement for Class 1b buildings by reducing floor space or providing performance based solutions to the certifier. Additional conditions will be included to require (as an alternative) a solution that requires the architectural plans be revised or the BCA & Access reports are updated to address the requirements of a Class 3 building as per BCA requirements including NCC Volume 1, Specification C1.1 Fire-resisting construction5. Type C Fire-Resisting Construction.

Environmental Health Officer Comments

Council's Environmental Health Officer provided the following commentary with regard to the proposal:

"I have reviewed the above development application in regards to environmental health aspects Local Government Act 1993, Local Government Regulation (General) 2005, Public Health Act 2010, Public Health Regulation 2012, and Protection of the Environment Operations Act 1997 and corresponding regulations. The proposal is for alterations and additions to existing primary and secondary dwellings and change of use to a permanent group home.

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Noise

*Increases to the resident capacity may increase issues around noise.
Conditions to be set as per standard conditions listed.*

Air Quality

No foreseeable issues.

Lighting

Plans do not indicate increases to outdoor light, no foreseeable issues.

Recommendation: No objections subject to standard conditions.”

Council's Environmental Health Officer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Traffic Engineer Comments

Council's Traffic Engineer provided the following commentary with regard to the proposal:

“On-site car parking provision

The amended proposal includes an on-site parking provisions of 1 space.

Vehicle traffic generation

The alterations will not generate unacceptable adverse impact to the surrounding road network.

On-site parking layout

The amended proposal comprises the existing combined ingress/egress driveway on Albyn Road at the southern site boundary as specified by DCP 14. The driveway configuration conforms to AS2890.2. The internal circulation has not been analysed by swept paths to demonstrate that safe access can be achieved for all vehicles accessing the site.

Recommendation: Should approval be recommended by Planning Section, conditions must be imposed.”

Council's Traffic Engineer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Waste Officer Comments

Council's Waste Officer provided the following advice with regard to the proposal:

“I have reviewed the Waste Management Plan provided for this application and I have made an assessment based on waste generation and management information, as well as development characteristics.

I have minor concerns about waste management at the property, which I believe can be conditioned and resolved prior to the endorsement of a construction certificate.

I support the application, subject to the imposition of conditions.”

Council's Waste Officer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Section 4.15 Assessment – EP&A Act 1979

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
(i) any environmental planning instrument,

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)	Yes

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

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

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

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

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 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 proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

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STATE ENVIRONMENTAL PLANNING POLICY (IAFFORDABLE RENTAL HOUSING) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)		
Clause	Proposal	Compliance
<p><u>Clause 42</u></p> <p><u>Definitions</u> Group home means a permanent group home or a transitional group home. permanent group home means a dwelling— (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies. prescribed zone means— (a) any of the following land use zones or a land use zone that is equivalent to any of those zones— (i) Zone R1 General Residential, (ii) Zone R2 Low Density Residential, (iii) Zone R3 Medium Density Residential, (iv) Zone R4 High Density Residential, (v) Zone B4 Mixed Use, (vi) Zone SP1 Special Activities, (vii) Zone SP2 Infrastructure, and (b) any other zone in which</p>	<p>The proposal is for a change of use to a <u>permanent group home</u>.</p> <p>The proposal is intended to facilitate a group home for people with a disability.</p> <p>The subject land is zoned R2.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

<p>development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.</p>		
<p><u>Clause 43</u></p> <p>Development in prescribed zones (1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out— (a) without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or (b) with consent in any other case.</p>	<p>Development is not proposed by a public authority.</p> <p>Noted.</p>	<p>N/A</p> <p>Yes.</p>
<p><u>Clause 46</u></p> <p>Determination of development applications (1) A consent authority must not— (a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or (b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home. (2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.</p>	<p>The proposed is generally considered acceptable.</p> <p>Suitable conditions of consent can be imposed to reflect the intended use as a group home.</p> <p>Group homes are <u>permissible forms</u> of development in the R2 zone.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 – Low Density Residential and the proposal, being a group home, is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	<9.5m	Complies.
4.4 Floor Space Ratio	Max 0.525:1 487.095m ²	0.33:1:1 309.2m ²	Complies.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 2012.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART Q – Urban Design Controls (SCDCP 2005)

Objectives of Part Q

1.4	Objectives	Satisfactory
1.	<i>To establish built form guidelines that encourage high quality urban design outcomes for all development types.</i>	Yes
2.	<i>To encourage best practice sustainable urban transformation.</i>	Yes
3.	<i>To strengthen the relationship between people, places and buildings.</i>	Yes
4.	<i>To make the public environment safer, attractive and more liveable.</i>	Yes
5.	<i>To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.</i>	Yes
6.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	Yes

Comments: The proposal is generally acceptable and is considered an appropriate re-use of a dwelling house and secondary dwelling as a group home. The proposal predominantly involves some minor internal works and external works that will not significantly alter the presentation and appearance of the existing buildings. The front setback of the dwelling house will be retained and remain unchanged.

The proposed landscaping treatments in the rear yard are considered appropriate – with regard to the form and quality of landscaping provided in the rear yards of homes within a low density residential environment.

2: Building Form Controls

2.1: Public Domain and place making

2.1.1	General objectives	Satisfactory
a.	<i>To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land.</i>	Yes
b.	<i>To enhance the quality of the Public Domain.</i>	Yes

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

c.	<i>To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed.</i>	Yes
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2.1.2	Design guidelines	Complies
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	1. All development applications involving substantial external changes that are visible from or effect public space, or have significant land use implications, must be designed in accordance with this DCP Part Q to ensure a positive contribution to the public environment.	N/A
	2. Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.	Yes
	3. Public access to the public domain is to be maximised.	Yes
	4. Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.	Yes
	5. Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.	Yes
	6. Continuous lengths of blank walls and fences at the public domain interface are to be avoided.	N/A

Comments: The proposed development retains most of the openings (entry points and windows) of the existing buildings and ensures suitable passive surveillance to Homebush Road and Albyn Road is facilitated. As mentioned above, the proposal involves some minor internal and external works for the secondary dwelling. The additional windows incorporated into the new accessible bedroom and bathroom are acceptable and will not result in unreasonable amenity and privacy impacts. These spaces are considered low activity spaces. From public domain, the dwelling house and secondary dwelling are likely to be viewed almost identical to the current development – the existing setbacks, building separation, roof forms and relationship to public domain remain unchanged.

2.2: Streetscape

2.1.1	General objectives	Satisfactory
a.	<i>To ensure that all development contributes positively to the street and locality.</i>	Yes
b.	<i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>	Yes
c.	<i>To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.</i>	Yes
d.	<i>To maximise opportunities for buildings to define the Public Domain.</i>	Yes
e.	<i>To encourage attractive street frontages and improve pedestrian amenity.</i>	Yes
2.2.2	Essential criteria	Complies

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1	Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls.	Yes
2	Buildings and fences must be designed to complement and/or visually improve existing streetscapes.	Yes
3	Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area.	Yes
4	Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.	Yes
5	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene.	N/A
6	Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings.	Yes
7	Buildings on corner sites must be designed and articulated to address each street frontage and must define corners.	Yes
8	Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain.	N/A
9	Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape.	N/A
10	The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors).	N/A
11	Where side setbacks are an important part of the local streetscape character, these are to be maintained.	Yes

Comments: As mentioned above, the proposal retains the built form of the existing dwelling house and secondary dwelling. Thus, the presentation of the scheme, when viewed from either public domain or private properties, will be similar to the current development. It is noted that the rear portion surrounding the secondary dwelling will comprise of new landscaping elements that will assist in improving and softening the presentation of the development when viewed from Albyn Road.

Council noted (during a site visit) that there is internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling. A condition is recommended to removal this fencing and that this is replaced by low (maximum 1.2m high), open form and visually permeable fencing that ensures appropriate separation and safety are achieved whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.

2.3: Siting

2.3.1	<i>Building configuration and site planning essential criteria</i>	<i>Complies</i>
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109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

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

Comments: As mentioned above, the proposal retains the built form and siting of the existing buildings onsite.

2.4: Building envelope

2.4.1	Objective	Satisfactory
a.	<i>To ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality.</i>	Yes
2.4.2	Essential criteria	Complies
1	The bulk and scale of any development must reflect the existing and future character of the existing street and surrounding locality.	Yes
2	The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.	Yes
3	Buildings must not be designed to be outside the building envelope even if they do not achieve 100% of the permissible Gross Floor Area (GFA) or maximum height permitted.	Yes

Comments: As mentioned above, the proposal retains the building envelope of the existing buildings onsite.

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2.5: Building massing and scale

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

Comments: As mentioned above, the proposal retains the built form, height and massing of the existing buildings onsite. The external fabric of these buildings will remain largely the same and will be compatible with and reflective of the low density residential character of the surrounding area.

2.7: Building frontages to public domain

2.7.1	Objectives	Satisfactory
a.	<i>To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.</i>	Yes
b.	<i>To encourage contemporary designs which integrate with the appearance of the streetscape.</i>	Yes
c.	<i>To provide attractive building facades which establish identity and contribute to the streetscape.</i>	Yes
2.7.2	Essential criteria	Complies
1	Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings.	Yes

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2	Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.	Yes
3	Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.	Yes
4	Alterations and additions must be compatible with design elements of the existing building.	Yes
5	Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain.	Yes
6	Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.	Yes
7	New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council.	Yes
8	Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.	Yes
9	New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	N/A
10	Where dwelling houses do not face the street, they are to have recognisable entries and a sense of address as they would if they faced the street.	N/A
11	For commercial and mixed-use development: <ul style="list-style-type: none"> - ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and - awnings or colonnades for weather protection and shade must be provided along active frontages. 	N/A
12	Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.	N/A
13	Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.	N/A
14	Development must provide a sense of address and visual	Yes

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	interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.	
15	Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.	Yes
16	The reflectivity of external materials and finishes (including roofs and walls) must be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare and reflectivity from external surfaces in certain circumstances.	Yes

Comments: The presentation of the proposal is near identical to the existing development. It will present as a dwelling house and secondary dwelling, with landscaping treatments and vehicular and pedestrian access as the primary external components. This is considered consistent with the low density residential character and setting of Homebush Road, Albyn Road and the immediate vicinity.

3: Amenity Guidelines

3.1: Accessibility and connectivity

3.1.1	Objectives	Satisfactory
a.	<i>To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.</i>	Yes
b.	<i>To encourage pedestrian through-site links that are designed to promote safety and amenity.</i>	Yes
3.1.2	Essential criteria	Complies
1	Pedestrian links must be provided where possible through large development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools. Where Council considers it appropriate to have through site links, it will consider the public benefit that is derived from this in terms of potential loss of development potential.	Yes
2	Through-site links must be arranged on the site to enable casual surveillance from buildings on the site and from the street or Public Domain. Through-site links are to be landscaped appropriately and include provision for appropriate lighting.	Yes
3	Public, communal and private areas must be clearly delineated within the site.	Yes
4	Pedestrian and cycle links must be provided on sites adjacent to waterways to improve accessibility to these natural systems.	Yes
5	Existing through-site pedestrian links are to be retained by all types of development, except where alternative access can be provided to Council's satisfaction.	Yes

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Comments: Building entries and access are generally maintained as per the existing dwelling house and secondary dwelling. It is noted that a new entry and access ramps for disabled access have been incorporated into the front setback and entrance of the secondary dwelling. These are considered acceptable given that they will ensure appropriate and safe access are provided for future occupants.

3.2: Building entries

3.2.1	Objectives	Satisfactory
a.	<i>To create street entrances with a strong identity that provide a transition from the street to residential interiors.</i>	Yes
b.	<i>To ensure car park entries do not detract from the street</i>	
3.1.2	Essential criteria	Complies
1	Legible entry/lobby areas accessed from a public street are to be provided to encourage surveillance and activation of the Public Domain, thereby increasing safety.	Yes
2	Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.	Yes
3	Car park entrances and crossovers are not permitted unless there is no alternative in retail and commercial areas. Entrances must be located off streets that have a predominantly service role, and these streets should be upgraded as necessary to cater for this role.	Yes
4	Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.	Yes
5	New commercial and industrial buildings must be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	N/A
6	Where a dwelling house does not face the street, it must have a recognisable entry and a sense of address.	N/A

Comments: Acceptable – as per above.

3.3: Visual and acoustic privacy

3.3.1	Objectives	Satisfactory
a.	<i>To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.</i>	Yes
b.	<i>To ensure that visual privacy is provided both within a development and between a development and its neighbours.</i>	Yes
c.	<i>To ensure that the siting and design of development minimises the impacts of noise transmission between properties.</i>	

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3.3.2	Essential criteria	Complies
1	New development must ensure adequate visual and acoustic privacy levels for neighbours and residents.	Yes
2	Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.	Yes
3	The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.	Yes
4	Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards.	Yes
5	The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas.	Yes
6	Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards.	Yes
7	The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings.	Yes
8	Appropriate building materials shall be used to provide acoustic privacy.	N/A
9	Consideration to the relationship between residential and non-residential components of mixed use development with regard to noise attenuation and privacy must be demonstrated in the design of the development.	N/A

Comments: Private and communal spaces are as per the current development. These spaces relate appropriately to adjoining residences.

3.5: Solar access and cross ventilation

3.5.1	Objectives	Satisfactory
a.	<i>To provide thermal comfort for occupants.</i>	Yes
b.	<i>To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.</i>	Yes
c.	<i>To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.</i>	Yes
d.	<i>To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.</i>	Yes

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e. *To ensure that sunlight access is provided to the Public Domain*

3.5.2	Essential criteria	Complies
1	Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments.	Yes
2	Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.	Yes
3	Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.	Yes
4	In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.	Yes
5	Landscaping must provide shade in summer without reducing solar access in winter	Yes
6	Buildings must have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.	Yes
7	Buildings must be orientated to benefit from prevailing breezes.	Yes
8	All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.	Yes
9	Natural cross ventilation shall be achieved by locating window openings in opposing walls and in line with each other.	Yes
10	Building elements such as operable louvres and screens, pergolas, blinds etc shall be used to modify environmental conditions where required, such as maximizing solar access in winter and sun shading in summer. Note: The extent of shadows is to take into account the range of factors that impact on solar access, including the slope of the land, aspect, existing and proposed vegetation and the height and position of existing buildings and structures, including fences	Yes

Comments: Other than the minor external works pertaining to the entrance to the secondary dwelling, the proposed development retains the same massing, height and built form as the current dwelling house and secondary dwelling. Overshadowing impacts are considered reasonable and acceptable.

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3.6: Safety and security

3.6.1	Objectives	Satisfactory
a.	<i>To ensure a safe physical environment by promoting crime prevention through design.</i>	Yes
b.	<i>To encourage increased use of shopping centres, particularly at night.</i>	Yes
c.	<i>To create a balance of uses that are safe and easily accessible.</i>	Yes
d.	<i>To ensure there is adequate lighting and signage.</i>	Yes
e.	<i>To reduce crime risk and minimise opportunities for crime.</i>	Yes
f.	<i>To increase and contribute to the safety and perception of safety in public and semipublic spaces.</i>	Yes
g.	<i>To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.</i>	Yes
h.	<i>To encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.</i>	Yes
3.7	Essential criteria	Complies
1	Development must be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public Areas.	Yes
2	Development must be designed to minimise opportunities for crime through suitable access control. Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Yes
3	Development must incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.	Yes
4	Building entrances must be clearly identified and accentuated. Entries and associated elements including signs, street numbers, post boxes, landscaping etc. must be designed to emphasise their visible presence from various locations or approaches to the building.	Yes
5	Entrances must serve as points of orientation or way-finding within the development, and providing clear sightlines and visual connections between the street, the entry, foyers and residential interiors.	Yes
6	The installation of solid security shutters as a means of defining the boundaries between public and private spaces will not be supported.	N/A
7	The incorporation of crime prevention measures in the design of new buildings and spaces shall not detract from the quality of the streetscape. Subtle design techniques must blend into façades and places and be integrated with the overall design of the development.	Yes
8	A site management plan and formal crime risk assessment	N/A

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	(Safer by Design Evaluation) involving the NSW Police Service may be required for large developments, which in Council's opinion, would create a crime risk.	
9	The design of buildings adjoining laneways and through site connections must be designed to activate these spaces at ground level and provide casual surveillance from ground and upper levels.	N/A
10	Lighting of laneway space is required.	N/A

Comments: The proposed development retains the same low density residential aesthetic as the current development. Security and safety measures are considered appropriate to the intended use as a group home.

3.9: Landscaping

3.9.1	Objectives	Satisfactory
a.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.	Yes
b.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
c.	To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.	Yes

3.9.2	Essential criteria	Complies
1	The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.	Yes
2	Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.	No – see below
3	Existing trees on Council's Road Reserve area must be retained and protected. New driveway locations that necessitate removal of a Council street tree will not be supported.	Yes
4	In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.	N/A
5	Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.	Yes
6	Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.	Yes
7	In areas adjacent to native habitat, the design of development must be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.	Yes

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8	In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve: – shaded buildings in summer; – reduced glare from hard surfaces; – sunlight access into living rooms in cooler months; – cooling air currents channelled into the dwelling in summer;and – windbreaks where desirable.	Yes
9	Natural features on the site, such as trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities must be retained and incorporated into the design of development.	Yes
10	Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements.	Yes
11	Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern.	Yes
12	Landscaping is to be designed so as to minimise overlooking between properties.	Yes
13	The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.	Yes

Comments: Conditions can be imposed to provide two (2) canopy trees, at least 3m away from any building/structure, within the front setback of the dwelling house. These canopy trees must be capable of reaching a mature height of at least 10m. The provision of these trees will improve the presentation of the proposal, when viewed from Homebush Road.

3.10: Private and communal open space

3.10.1 Objectives		Satisfactory
a.	<i>To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.</i>	Yes
b.	<i>To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.</i>	Yes
c.	<i>To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting</i>	Yes
3.10.2 Essential criteria		Complies
1	1) Private open space must be: - Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling). Open space within the front setback does not constitute private open space. - Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. - Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development.	Yes

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	<ul style="list-style-type: none"> - Located so as to maximise solar access. - Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment. 	
2	<p>2) Communal open space must be:</p> <ul style="list-style-type: none"> - Located where it is highly visible and directly accessible to the maximum number of dwellings. - Designed with an integral role in the site and include uses such as circulation, BBQ or play areas, and areas of passive amenity, but excludes swimming pools. - Integrated with the deep soil zone to provide a landscaped setting with opportunities for large and medium size tree planting - Located adjacent to surrounding public open spaces such as reserves and public through site links where appropriate. 	Yes

Comments: The existing arrangement is acceptable; however, a more improved outcome is for occupants in the main dwelling to have direct access to the rear yard beyond the driveway. Have to access this area via the driveway is not an ideal outcome. Notwithstanding this, there is a north-facing courtyard, which is an open space that can be utilised by occupants.

A condition is recommended to be imposed to ensure the internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling are removed and replaced by low (maximum 1.2m high), open form and visually permeable fencing that ensures appropriate separation and safety are achieved whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.

4: Guidelines for Specific Developments

4.1: Car parking and vehicular access

4.1.1 Objectives		Satisfactory
1.	<i>Vehicular access points are to be minimised and should not break the continuity of the streetscape. Landscaping should be used to minimise the visual intrusion of vehicular access points.</i>	Yes
2.	<i>Garages and parking structures are not to dominate the building facade and front setback.</i>	Yes
3.	<i>To ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact</i>	Yes
4.1.2 Essential criteria		Complies
1	<p>Vehicle access points and parking areas must:</p> <ul style="list-style-type: none"> - be easily accessible and recognisable to motorists; - not disrupt pedestrian flow and safety; - be located to minimise traffic hazards and the potential for vehicles to queue on public roads; and - minimise the loss of on street car parking, and to minimise the number of access points. 	Yes
2	Car parking and service/delivery areas must be located so that they do not visually dominate either the development or the Public Domain surrounding the development.	Yes

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3	For mixed-use development: – loading/manoeuvring areas must be located within buildings or screened from adjacent residential uses; and – residential non-residential car parking spaces must be physically separated.	N/A
4	For industrial development: – loading docks must be designed to allow heavy vehicles to enter and leave the site in a forward direction, without interfering with visitor and employee parking; – adequate and suitable on-site receiving areas and parking for trucks and large vehicles must be provided to prevent queuing or off-site parking of such vehicles; – materials for kerbs, gutters, footpaths, walkways and driveways must be selected to resist damage by large vehicles or frequent use; and -a traffic management plan must be prepared detailing all transport options for the development, including type of transport used, size of trucks and frequency.	N/A
5	Development on corner sites may be required to accommodate a splay corner to facilitate improved traffic conditions. This matter should be identified at the initial design stage in consultation with Council's development assessment officers.	Yes
6	Where properties have access to a rear lane or secondary street frontage, parking and servicing access shall be provided from the secondary street/lane.	Yes
7	Driveways must be designed to avoid a long and straight appearance by using landscaping and variations in alignment.	Yes
8	Car parking areas and vehicle access ways shall be landscaped to integrate sympathetically with the development and the landscape character of the locality.	Yes
9	The area between property boundaries and driveways, access ways and parking spaces must be of sufficient width to enable landscaping and screen planting.	Yes
10	All parking provision must be designed and sited to respond to and respect the prevailing streetscape. The visual impact of parking within the front setback is to be minimised.	Yes
11	The width and number of footpath crossings shall be minimised.	Yes

Comments: Council's Traffic Engineer accepted the parking and vehicular access arrangement subject to the imposition of conditions. There is no minimum parking provision for group homes under the ARH SEPP or Council policy.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of the SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. Council's Waste Officer provided conditions that necessitate further changes to the waste management plan – which are to be

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addressed prior to the release of a construction certificate. The recommended conditions will be imposed to ensure this plan adequately addresses Part H.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification from 20 August to 20 September 2021, where adjoining property owners were notified in writing of the proposal and invited to comment. Eleven (11) submissions were received from the following properties:

- No. 55 Albyn Road, Strathfield;
- No. 65 Albyn Road, Strathfield;
- No. 67 Albyn Road, Strathfield;
- No. 69 Albyn Road, Strathfield;
- No. 70 Albyn Road, Strathfield;
- No. 71 Albyn Road, Strathfield;
- No. 74 Albyn Road, Strathfield;
- No. 76 Albyn Road, Strathfield;
- No. 78 Albyn Road, Strathfield; and
- No. 160 Homebush Road, Strathfield – two (2) submissions.

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

Issue / Concern	Response
Accessibility from shopping centres – misrepresented in operator website.	The information presented in the operator website has little standing with regard to Council's assessment of the application against matters of consideration under legislation. There are no specific accessibility

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Issue / Concern	Response
	requirements or particular distances from shopping centres that would inhibit the ability for a site to accommodate a group home development.
Aggressive/violent and anti-social behaviour.	Group homes are a permissible form of development and a form of affordable rental housing to which, is supported by NSW Government policy. The provision of this housing is considered critical to NSW and a good outcome for Strathfield LGA given the current housing market and lack of affordable and diverse housing options for the community. The provision of a group home, comprising of only six (6) residents (maximum) and up to three (3) staff at any one time, is considered reasonable and supportable development. It will unlikely result in aggressive/violent, anti-social behaviour. The provision of one (1) staff member staying overnight on a daily basis will assist in managing any day-to-day issues.
Amenity and acoustic impacts.	Council's Environmental Health Officer confirmed that the proposal can be supported, subject to the imposition of conditions.
Building is already used as a group home.	As mentioned above, that the site is being used as a group home and Council does not have any records indicating consent for this land use. Notwithstanding, this Council would support the land use and external works that are either sought in the subject application. As mentioned above, some internal and external modifications to the residence are subject to a complying development approval (CDC2021/710/01). Current and continued use of the premises as a group home is considered a compliance matter and has been brought to the attention of Council's Compliance Unit.
Clarification on number of occupants, operating times and 24 hour supervision.	Additional information confirmed that the maximum number of occupants is seven (7) – comprising of six (6) residents and one (1) staff member staying overnight. There will be 24 hour supervision.
Clarification on type / dysfunction / age / gender of occupants and whether they are transient or permanent.	The applicant indicated that the intended use for the group home is for people with a disability. It is noted that a group home development proposal is not required to outline specific details of the backgrounds, ages, genders and personal status of the future residents that will be living in the facility. It is unreasonable to request such sensitive information and it is understood that a future resident would be assessed fairly and independently by the operator.
Clarification on existing and new works.	A site visit has confirmed the existing and new

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Issue / Concern	Response
	works – some of which appear to be unauthorised. Any unauthorised works will be the subject of a building information certificate. Any new works that have not commenced will be captured by the consent.
Clarification on single and double rooms.	Each bedroom will be occupied by a single person.
Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).	Compliance is achieved, as demonstrated above.
Conversion of granny flat garage.	The proposal intends to re-purpose the secondary dwelling and attached garage to form part of the proposed group home use. As such, the conversion, which is unauthorised, would be supported given parking is provided elsewhere on the site.
Does the proposal meet the definition of group home?	The applicant has confirmed the intended use as a group home. A site visit has also confirmed that the site is currently being used as a group home and several residents and staff have been observed onsite.
Floor space ratio/gross floor area.	Compliance is achieved, as demonstrated above.
Forward entry/exit from parking areas.	Council's Traffic Engineer confirmed that the proposed vehicular access and parking can facilitate forward entry/exit and are supported subject to conditions imposed.
Height non-compliance for outbuildings.	The proposal involves change of use of the secondary dwelling,
Inaccurate information in Access Report.	The proposal only involves external works including access ramps into the rear building (secondary dwelling).
Inaccurate / misleading / confusing information in the Statement of Environmental Effects (SEE).	The information in the SEE does not form the basis of Council's assessment. The applicant has provided sufficient information with regard to the detail of the proposal and Council has independently assessed the proposal against matters of consideration under legislation. The applicant provided an amended SEE and Plan of Management confirming correct information with regard to the intended use of the premises.
Incomplete plans.	It is noted that the plans show no distinction between the existing development (whether approved under complying development, are exempt development or unauthorised works) and the proposed works. It is understood that the only works associated with the subject application relate to the external ramps into the rear building (secondary dwelling) and the proposed group home use. Any unauthorised works will be the subject of a building information certificate.
Increased risk of spreading COVID-19 due to group home use.	This is not a matter for consideration and does not hinder nor create constraints for

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Issue / Concern	Response
	redeveloping a site for the purpose of provided affordable rental housing.
Management of common areas – such as lawns, gardens, property surrounds.	Ongoing conditions will be imposed for appropriate management of common areas. It is understood that this will be the responsibility of the operator and staff of the facility.
No approval for secondary dwelling.	As mentioned above, there is complying development approval for the secondary dwelling.
No visitor parking.	Council's Traffic Engineer advised that this is not a requirement for the land use.
Number of rooms (9) does not align with number of occupants (6).	Conditions will be imposed to limit the number of occupants.
Overdevelopment.	The proposal does not involve any external changes to the building fabric, massing and height of the existing dwelling house, secondary dwelling and outbuilding. Conditions will be imposed to ensure improvements are facilitated with regard to the presentation of this development.
Privacy impacts.	It is understood that the spaces – both internal and external of the buildings – reflect a low density residential use that would have similar impacts as the existing dwelling house and secondary dwelling. The division and mixture of living areas and private open spaces for the proposal provides appropriate amenity for future occupants and ensures any impacts associated with the utility of these areas are not concentrated.
Private open space – location and extent are not sufficient.	Several private open spaces are provided throughout the premises. Considering the maximum occupancy is only six (6) persons – the location and extent of these spaces are considered sufficient.
Safety impacts.	The proposed development is not considered to create unreasonable or significant community safety impacts.
Traffic and parking impacts.	This has been assessed by Council's Traffic Engineer. Any impacts are considered acceptable.
Waste management – number of bins are not sufficient.	This has been assessed by Council's Waste Officer and will be addressed via conditions imposed.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Roads and Traffic	\$1,353.17
Local Open Space	\$1,609.16
Major Open Space	\$4,695.25
Community	\$1,031.99
Administration	\$477.70
Total:	\$9,167.27

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/170 should be approved subject to the imposition of conditions.

**Signed:****Miguel Rivera
Senior Planner****Date: 18 November 2021**

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed:**Joseph Gillies****Date: 18 November 2021**

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

RECOMMENDATION

That Development Application No. DA2021.170 for Alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.at 109 Homebush Road Strathfield be **APPROVED**, subject to the following conditions:

Reasons for Conditions

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

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

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-0001 B	30 Jul 2021	B	Kennedy Associates Architects
Existing Main Building – Access Upgrades	DA-0002	29 Jul 2021	B	Kennedy Associates Architects
Existing Granny Flat	DA-0003 B	27 Jun 2021	B	Kennedy Associates Architects
Elevation Granny Flat	DA-0004 A	30 Jul 2021	A	Kennedy Associates Architects
Landscape Plan	D982_LP_01	21 Jul 2021	B	CPS
Planting Details and Preliminary Specification	D982_LP_02	21 Jul 2021	B	CPS
BASIX Certificate	Cert No.	10 Feb	-	Solar Smart

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

	1175131S_02	2021		
BCA Design Assessment Report	P221-081-3	6 Jul 2021	-	Design Confidence
DA Access Report	21024	8 Nov 2021	B	Vista Access Architects
Management Statement of Proposed Usage of 109 Homebush Road, Strathfield	-	Rec 8 Oct 2021	-	Nationwide Care Plus

SEPRARATE 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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**3. Sydney Water – Tap in™**

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

4. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

5. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**6. Required Design Changes**

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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Proposed and existing works	The approved development only involves external works in relation to access ramp/s for the rear building and landscaping works. All approved plans and documents must be modified to reflect all proposed works. None of the existing works and any unauthorised development are approved by this development – this must be reflected in the approved plans and documents.
Building of Australia (BCA)	All approved plans and documents must be modified to ensure that the development is able to comply with the above BCA requirement for Class 1b buildings by reducing floor space or providing performance based solutions to the certifier. Alternatively, all approved plans and documents must be modified to address the requirements of a Class 3 building as per BCA requirements including NCC Volume 1, Specification C1.1 Fire-resisting construction5. Type C Fire-Resisting Construction. The certifier is to provide documentation to Council confirming compliance with BCA including the above matters resolved.
Driveway sight splays	A minimum 2m x 2.5m splay to be provided on the southern side of the vehicular access, within the property boundary as per AS/NZS2890.1:2004 Clause 3.2.4. 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.
Existing fencing	The existing internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling must be removed completely and must be replaced by a low (maximum 1.2m high), open form and visually permeable fencing that is designed to provide appropriate separation and safety whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.
Front setback – provision of canopy trees	The approved landscape plan must be modified to provide two (2) canopy trees, at least 3m away from any building/structure, within the front setback of the dwelling house. These canopy trees must be of a species capable of reaching a mature height of at least 10m and in accordance with the Strathfield Council Recommended Tree List. The provision of these trees is required to improve the presentation of the development, when viewed from Homebush Road.

7. 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).

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

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
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 97.00
Security Damage Deposit	\$ 1400.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 1353.17
Strathfield Section 94 Development Contributions – Local Open Space	\$ 1609.16
Strathfield Section 94 Development Contributions – Major Open Space	\$ 4695.25
Strathfield Section 94 Development Contributions – Community Facilities	\$ 1031.99
Strathfield Section 94 Development Contributions - Administration	\$ 477.70

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.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

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.

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.

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: \$1400.00.
- (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: \$130.00
- (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. 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.

10. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

All measures and commitments as detailed in the BASIX Certificate No. 1175131S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

11. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

12. 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.

13. Access for Persons with a Disability

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

14. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

15. 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).

16. Waste Management Plan

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

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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

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

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

17. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the proposed number of bins at a minimum rate of 1.1m² per 240L bin and 2.03m² per 660L bin, and located in an area to suitably facilitate servicing on waste collection day.

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.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

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.

18. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the proposed number of bins at a minimum rate of 1.1m² per 240L bin and 2.03m² per 660L bin, and located in an area to suitably facilitate servicing on waste collection day.

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.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

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.

19. Onsite Waste Collection

Development for the purposes of group homes must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

20. Group Home Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for any group home developments and business uses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

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

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

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

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

21. Landscape Plans

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.

22. Tree Removal/Pruning Prohibited

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

23. Tree Protection and Retention

All existing site trees and trees within the road reserve adjoining the site are to be retained and protected. This consent does not permit the removal of any existing trees on site and any trees within the road reserve.

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.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

- (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.

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**24. Dial Before You Dig**

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

DURING CONSTRUCTION**25. 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.

26. 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.

27. Ground Levels and Retaining Walls

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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

28. Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

29. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

30. Housing for Seniors & People with a Disability

The development approved under this consent constitutes "Housing for Seniors or People with a Disability" as defined under [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#). Accordingly only those people who meet the following criteria may occupy this accommodation:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- i. people aged 55 or more years,
- ii. people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- iii. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

“People with a disability” are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

31. Hours of Operation and Maximum Number of Staff

The approved hours of operation shall be restricted to the following:

9:00 am to 8:00 pm, seven (7) days a week

The approved maximum number of staff is three (3) staff / employees at any one time.

One (1) staff / employee must manage and stay within the premises overnight, on a daily basis, 365 days a year.

32. Plan of Management

The group home premises must be operated as per the approved Plan of Management, titled Management Statement of Proposed Usage of 109 Homebush Road, Strathfield, prepared by Nationwide Care Plus, with receipt date: 8 October 2021.

33. Maximum Occupancy

The maximum occupancy of the group home must be limited to six (6) occupants, comprising of five (5) residents and one (1) overnight staff / employee at any time.

The maximum occupancy only relates to any person/s staying overnight within the group home premises. It does not relate to any temporary visitors (including friends, family members and relatives) to the premises who are not staying overnight.

34. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

35. Resident Parking Permits

The owner, occupier/s and any visitor/s of the group home are not eligible for any resident or visitor parking permit, under any existing or future residential parking schemes.

Note: this condition has been imposed to reduce parking impacts on the neighbourhood.

36. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

37. Loading & Unloading of Vehicles

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

38. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction. Under any circumstances, no vehicles are permitted to travel across the centre line of Albyn Road (on

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

the wrong side of the road and opposite the direction of travel) to gain access to the premises.

39. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**40. Requirement for a Construction Certificate**

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

41. 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.

42. 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.

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

43. 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.

44. 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.

45. 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

46. Clause 97A – BASIX Commitments

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

47. 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.

48. 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.

49. 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](#).

50. Clause 98F – 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 or 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 or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

51. Tree Removal/Pruning Prohibited

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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

properties.

52. Tree Protection and Retention

All existing site trees and trees within the road reserve adjoining the site are to be retained and protected. This consent does not permit the removal of any existing trees on site and any trees within the road reserve.

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

General Tree Protection Measures

- (h) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (i) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (j) 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).
- (k) 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.
- (l) 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.
- (m) 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.

Specific Street Tree Protection Measures

- (n) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**53. Dial Before You Dig**

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

DURING CONSTRUCTION**54. 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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

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.

55. 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.

65. Ground Levels and Retaining Walls

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**67. Fire Safety Certificate before Occupation or Use**

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (c) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (d) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

58. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

59. Housing for Seniors & People with a Disability

The development approved under this consent constitutes "Housing for Seniors or People with a Disability" as defined under [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#). Accordingly only those people who meet the following criteria may occupy this accommodation:

- (d) seniors or people who have a disability,
- (e) people who live within the same household with seniors or people who have a disability,
- (f) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- iv. people aged 55 or more years,
- v. people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- vi. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

"People with a disability" are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

60. Hours of Operation and Maximum Number of Staff

The approved hours of operation shall be restricted to the following:

9:00 am to 8:00 pm, seven (7) days a week

The approved maximum number of staff is three (3) staff / employees at any one time. One (1) staff / employee must manage and stay within the premises overnight, on a daily basis, 365 days a year.

61. Plan of Management

The group home premises must be operated as per the approved Plan of Management, titled Management Statement of Proposed Usage of 109 Homebush Road, Strathfield, prepared by Nationwide Care Plus, with receipt date: 8 October 2021.

62. Maximum Occupancy

The maximum occupancy of the group home must be limited to six (6) occupants, comprising of five (5) residents and one (1) overnight staff / employee at any time.

The maximum occupancy only relates to any person/s staying overnight within the group home premises. It does not relate to any temporary visitors (including friends, family members and relatives) to the premises who are not staying overnight.

63. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

64. Resident Parking Permits

The owner, occupier/s and any visitor/s of the group home are not eligible for any resident or visitor parking permit, under any existing or future residential parking schemes.

Note: this condition has been imposed to reduce parking impacts on the neighbourhood.

65. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

66. Loading & Unloading of Vehicles

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

67. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction. Under any circumstances, no vehicles are permitted to travel across the centre line of Albyn Road (on the wrong side of the road and opposite the direction of travel) to gain access to the premises.

68. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (e) Within 12 months after the date on which the fire safety certificate was received.
- (f) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (g) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (h) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**69. Requirement for a Construction Certificate**

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

70. Appointment of a PCA

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

- (f) appointed a PCA for the building work; and

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

(g) 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:

- (h) 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
- (i) notify the PCA of the details of any such appointment; and
- (j) 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.

71. 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.

72. 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.

73. 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.

74. 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**75. Clause 97A – BASIX Commitments**

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

76. 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.

77. 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

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

and contact details of the PCA and the Principal Contractor.

78. 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](#).

79. Clause 98F – 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 or 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 or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVISORY NOTES**i. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

v. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long

109 Homebush Road Strathfield- Lot: 7 Sec: 2 DP: 581 (Cont'd)

Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

vi. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

ATTACHMENTS

1. Site Map
2. Amended Existing Dwelling Floor Plan
3. Amended Secondary (Rear) Dwelling Floor Plan
4. Plan of Management
5. Revised Statement of Environmental Effects
6. Site Plan
7. Elevation Plan



SLPP REPORT

Property:	109 Homebush Road STRATHFIELD Lot 7 Sec 2 in DP 581 DA2021/170
Proposal:	Alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.
Applicant:	J Jarimba
Owner:	V V Hari
Date of lodgement:	9 August 2021
Notification period:	20 August to 20 September 2021 (extended)
Submissions received:	Eleven (11) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$27,850.00
Zoning:	R2 – Low Density Residential - SLEP 2012
Heritage:	Not a heritage item Not within a heritage conservation area Not within vicinity of heritage item/s
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locational plan showing subject site (outlined in yellow) and surrounding properties



EXECUTIVE SUMMARY

Proposal

Development consent is being sought for alterations and additions to existing secondary dwelling and change of use to a permanent group home with a maximum capacity of six (6) occupants comprising five (5) residents and one (1) overnight staff.

Site and Locality

The site is identified as No. 109 Homebush Road, Strathfield and has a legal description of Lot 7 Sec 2 in DP 581. The site is a rectangular shaped, corner allotment and is located on the western side of Homebush Road and the northern side of Albyn Road. The site has a frontage width of 15.24m, a minimum depth of 60.55m and an overall site area of 927.8m².

The locality surrounding the subject site features a predominantly low density residential character containing detached dwelling houses of varying scale and architectural style. It is noted that most of the surrounding housing stock have a traditional style and contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades and planted hedges.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 20 August to 20 September 2021, where eleven (11) submissions were received.

Issues

- Building Code of Australia (BCA) compliance.
- Unauthorised group home use.
- Unauthorised conversion of attached garage.
- Internal fencing and presentation of buildings.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/170 is recommended for approval subject to suitable conditions of consent.



REPORT IN FULL

Proposal

Council has received an application for alterations and additions to existing secondary dwelling and change of use to a permanent group home. More specifically, the proposed works involves:

- Minor internal infill and brickwork within front section of dwelling house;
- Conversion of single garage (attached to secondary dwelling) into an accessible bedroom and bathroom;
- Conversion of spaces in secondary dwelling to create carer's quarters and storage room;
- New accessible entrance with access ramps, walkway and concrete landing;
- Extension of entry doorway (secondary dwelling); and
- Landscaping works at the rear of the secondary dwelling that consists of retained trees, two (2) new trees, garden beds with hedges and shrubs, and an open lawn area.

The proposed change of use is associated with the entire premises comprising an existing dwelling house, central outbuilding and rear secondary dwelling and will result in a permanent group home. The operations of this home entails the following:

- A maximum occupancy comprising of five (5) adults with disability under the National Disability Insurance Scheme and one (1) employee who will stay overnight.
- Employees to be in a roster system with a maximum of three (3) employees at any one time during the hours of operation. The employees will comprise of a single team leader and two (2) support workers.
- Hours of operation is 9:00 am to 8:00 pm, 365 days a year. Group home will be manned 24 hours a day.
- Clients seeking permanent accommodation entry to the group home must be screened to meet specific criteria. One criterion is that the clients must be able to move around independently and only requiring supervision from employees with mobility.

Figures 2 to 6 show a site plan, floor plans, landscape plan and elevation (secondary dwelling) of the proposal.

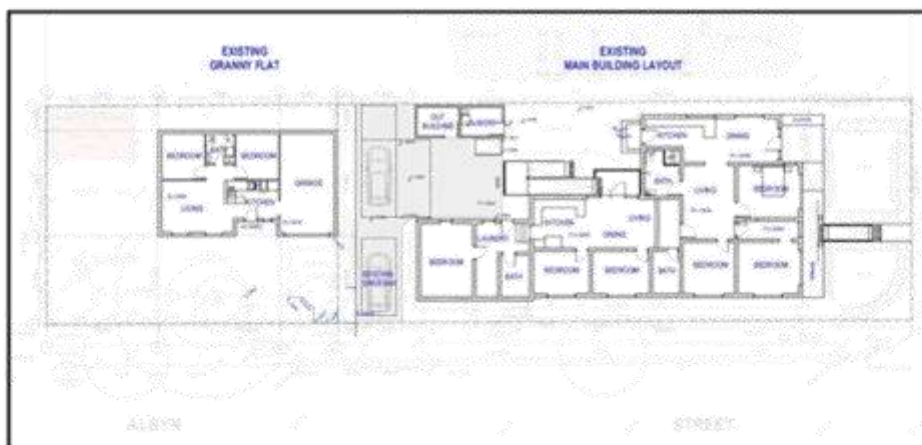


Figure 2: Site Plan showing existing buildings

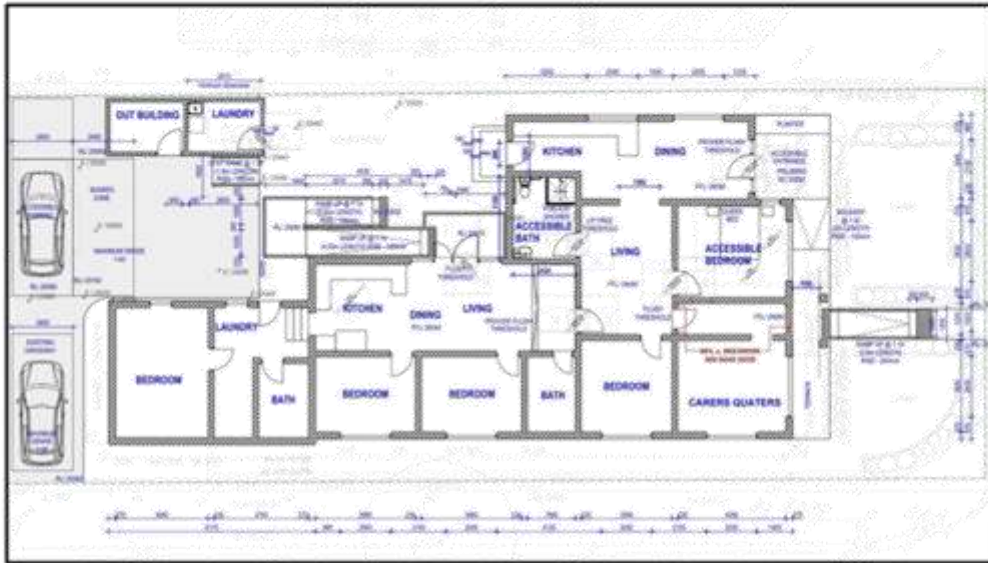


Figure 3: Proposed modifications to dwelling house (annotated in red)

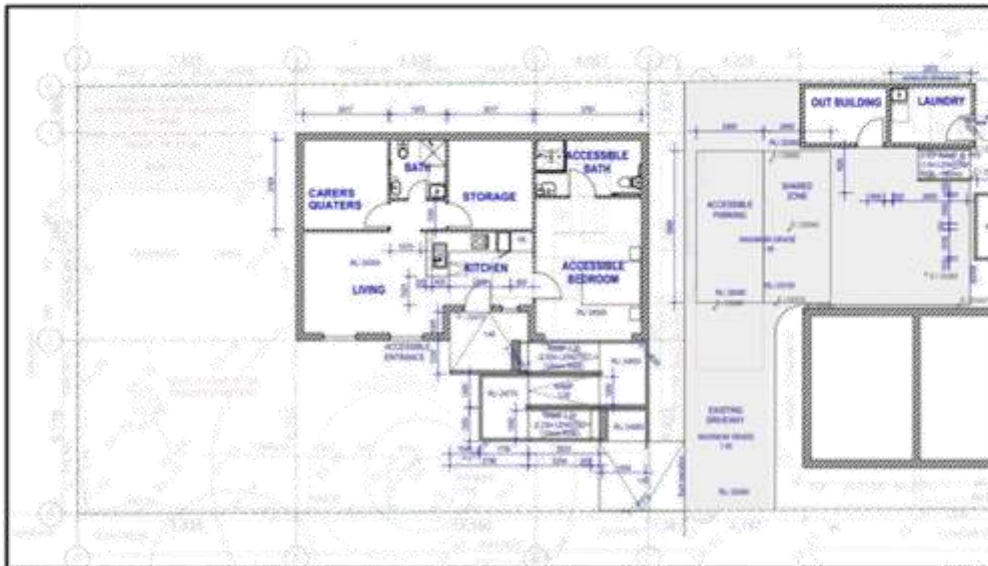


Figure 4: Proposed modifications to secondary dwelling and new ramp

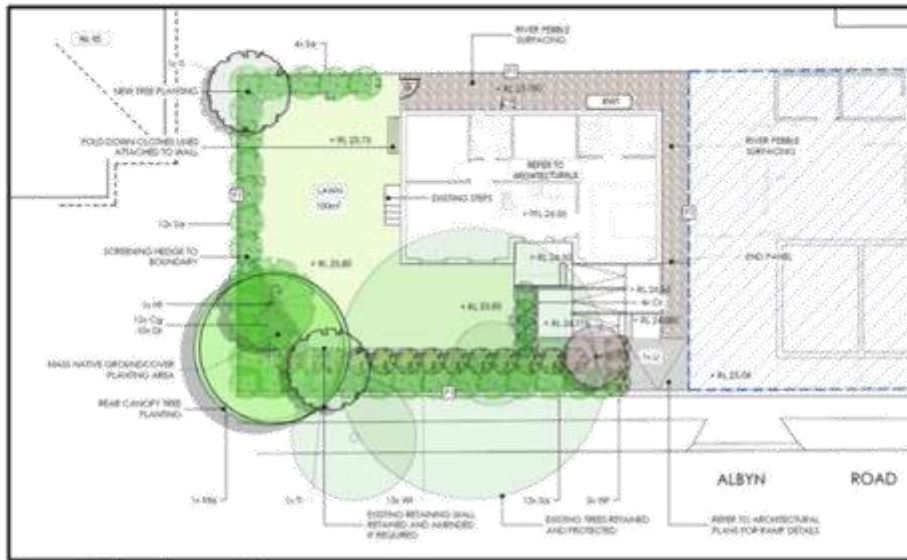


Figure 5: Landscape Plan



Figure 6: South Elevation of secondary dwelling showing new ramp

The Site and Locality

The subject site is legally described as Lot: 7 Sec: 2 DP: 581 and commonly known as No. 109 Homebush Road, Strathfield. It is located on the western side of Homebush Road and the northern side of Albyn Road (refer to Figure 1).

The site is a corner allotment that is rectangular in shape and has an east-west orientation, a frontage of 15.24m, a secondary street frontage of 60.55m and an overall site area of 927.8m². The site has dual vehicular access via existing driveways from Homebush Road and Albyn Road. The site has a 2m fall to the corner of Homebush Road and Albyn Road.

The site was previously occupied by a dwelling house, outbuilding and secondary dwelling with attached garage. It is noted that the secondary dwelling with attached garage was approved via complying development (CDC2020-0527) under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.



It is also noted Council records indicated a number of internal works for the dwelling house and outbuilding as well as some external works – have been approved via complying development (CDC2021/7101/01) on 23 July 2021. These works include:

- Relocating door within accessible bedroom;
- Remove wall from bedroom to create new door;
- Create accessible bathroom;
- Elevate floor level within living area;
- Construct new accessible front entrance and ramp;
- Replace entry door to living and dining/kitchen area;
- Construction step ramp in central courtyard;
- Remove fencing;
- Extend driveway; and
- Construction wall in outbuilding.

A site visit undertaken on 21 October 2021 confirmed that the works relating to CDC2021/1701/01 have commenced and the buildings have been modified and re-purposed and are currently utilised collectively for a group home use (refer to Figures 7 to 28). Council observed staff and group home residents within the premises during this visit. Council records indicated that the current group home use does not have approval and is unauthorised.

It was also observed that the attached garage has been modified comprising new windows facing north and east. There is no approval for the conversion of the garage (refer to Figure 20).



Figure 7: Front setback (addressing Homebush Road) of existing dwelling house



Figure 8: Existing kitchen and door leading to outbuilding and central courtyard in northern portion of dwelling house



Figure 9: Living room adjacent to the front and southern bedrooms of dwelling house



Figure 10: Accessible bathroom in dwelling house – adjacent to living room



Figure 11: Bedroom in the south-eastern corner of the dwelling house



Figure 12: Centralised area in dwelling house comprising combined living room, dining room and 2nd kitchen with view of central courtyard

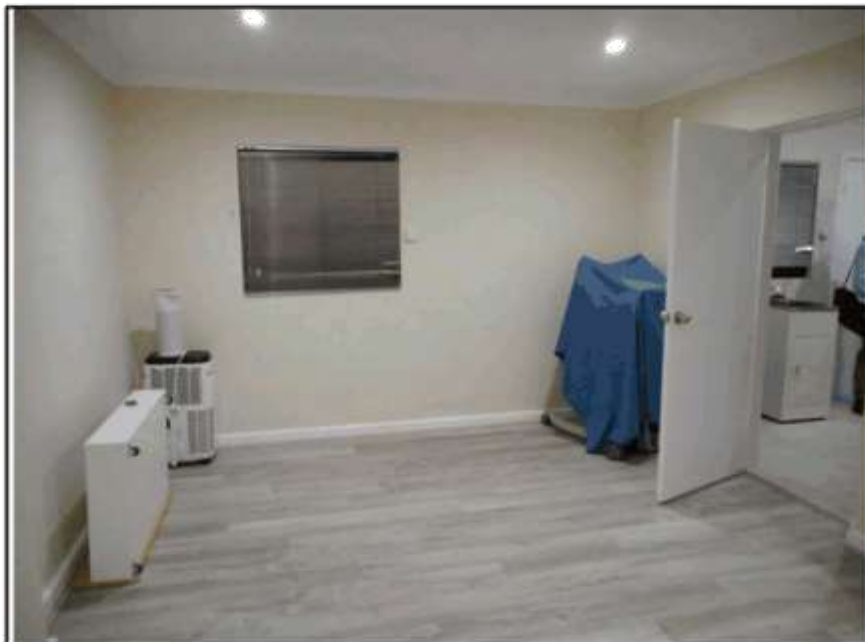


Figure 13: Rear bedroom in the south-western corner of the dwelling house (accessed via laundry)



Figure 14: Central courtyard of dwelling house with access ramps



Figure 15: View of dwelling house from central courtyard



Figure 16: Existing outbuilding containing storage room and 2nd laundry



Figure 17: Laundry (2nd) in outbuilding



Figure 18: Existing parking behind dwelling house



Figure 19: Existing parking behind dwelling house



Figure 20: Garage in secondary dwelling



Figure 21: Open area to the south of the secondary dwelling and showing area for access ramp into front door



Figure 22: Kitchen and combined living/dining space in secondary dwelling



Figure 23: Bathroom in secondary dwelling



Figure 24: Open area to the south of the secondary dwelling



Figure 25: Open area immediately west of the secondary dwelling



Figure 26: Northern setback area of secondary dwelling showing internal solid fencing



Figure 27: Secondary frontage of dwelling house – addressing Albyn Road



Figure 28: Existing internal and secondary frontage solid fencing – separating secondary dwelling and dwelling house.

The locality surrounding the subject site features a predominantly low density residential character containing detached dwelling houses of varying scale and architectural style. It is noted that most of the surrounding housing stock have a traditional style and contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades and planted hedges.

The site is surrounded by the following properties:

- Adjoining the northern boundary: a dwelling house at No. 107 Homebush Road;
- Adjoining the western (rear) boundary: a dwelling house at No. 65 Albyn Road;
- Across the road and to the south: a dwelling house at No. 111 Homebush Road; and
- Across the road and to the west: dwelling house at No. 118-120 Homebush Road.

Background

- | | |
|------------------------|--|
| 9 August 2021 | The subject application was lodged. |
| 20 August 2021 | The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 20 September 2021. Eleven (11) submissions were received during this period. |
| 20 October 2021 | A deferral letter was sent to the applicant outlining the following issues and concerns: <ul style="list-style-type: none"> • Building Code of Australia (BCA); • Building Height and Elevations of Entire Proposal; • Objector Issues; and • Survey Plan. |



21 October 2021 A site visit was undertaken by Council's assessment officer and compliance officer.

18 November 2021 The applicant submitted additional information to address the matters raised in the deferral letter via the Planning Portal.

Referrals – Internal and External

Building Surveyor Comments

Council's Building Surveyor confirmed objections to the proposal due to the following matter:

"It is recommended that the application is not be supported as the building cannot be considered to be a 1b building as it has a total area of all floors area greater than 300m².

National Construction Code 2019

A6.1 Class 1 buildings

*(2) Class 1b is one or more buildings which together constitute—
 (a) a boarding house, guest house, hostel or the like that—
 (i) would ordinarily accommodate not more than 12 people; and
 (ii) have a total area of all floors not more than 300m² (measured over the enclosing walls of the building or buildings);*

It is recommended that either the plans are revised or the Building Code of Australia (BCA) and Access reports are updated to address the requirements of a Class 3 building NCC Volume 1, Specification C1.1 Fire-resisting construction 5. Type C Fire-Resisting Construction. Even if the building was approved certification will not be possible as it will not be able to comply with the BCA.

If the application is supported, specific conditions must be imposed."

Council's Building Surveyor raised objections with the proposed development. It is noted that the total gross floor area of the group home is calculated as follows:

- Dwelling house: 218.4m²
- Outbuilding: 11.6m²
- Secondary dwelling: 79.2m²
- = Total gross floor area of 309.2m².

Notwithstanding the slight exceedance of floor area in accordance with the limits set for Class 1b buildings under the BCA – conditions can be imposed to ensure that the development is able to comply with the above BCA requirement for Class 1b buildings by reducing floor space or providing performance based solutions to the certifier. Additional conditions will be included to require (as an alternative) a solution that requires the architectural plans be revised or the BCA & Access reports are updated to address the requirements of a Class 3 building as per BCA requirements including NCC Volume 1, Specification C1.1 Fire-resisting construction 5. Type C Fire-Resisting Construction.

Environmental Health Officer Comments

Council's Environmental Health Officer provided the following commentary with regard to the proposal:



"I have reviewed the above development application in regards to environmental health aspects Local Government Act 1993, Local Government Regulation (General) 2005, Public Health Act 2010, Public Health Regulation 2012, and Protection of the Environment Operations Act 1997 and corresponding regulations. The proposal is for alterations and additions to existing primary and secondary dwellings and change of use to a permanent group home.

Noise

Increases to the resident capacity may increase issues around noise.
Conditions to be set as per standard conditions listed.

Air Quality

No foreseeable issues.

Lighting

Plans do not indicate increases to outdoor light, no foreseeable issues.

Recommendation: No objections subject to standard conditions."

Council's Environmental Health Officer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Traffic Engineer Comments

Council's Traffic Engineer provided the following commentary with regard to the proposal:

On-site car parking provision

The amended proposal includes an on-site parking provisions of 1 space.

Vehicle traffic generation

The alterations will not generate unacceptable adverse impact to the surrounding road network.

On-site parking layout

The amended proposal comprises the existing combined ingress/egress driveway on Albyn Road at the southern site boundary as specified by DCP 14. The driveway configuration conforms to AS2890.2. The internal circulation has not been analysed by swept paths to demonstrate that safe access can be achieved for all vehicles accessing the site.

Recommendation: Should approval be recommended by Planning Section, conditions must be imposed."

Council's Traffic Engineer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Waste Officer Comments

Council's Waste Officer provided the following advice with regard to the proposal:

"I have reviewed the Waste Management Plan provided for this application and I have made an assessment based on waste generation and management information, as well as development characteristics.

I have minor concerns about waste management at the property, which I believe can be conditioned and resolved prior to the endorsement of a construction certificate.



I support the application, subject to the imposition of conditions."

Council's Waste Officer raised no concerns or objections with the proposed development, subject to the imposition of conditions.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
(i) any environmental planning instrument,

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)	Yes

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

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

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

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

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 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 proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (IAFFORDABLE RENTAL HOUSING) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)		
Clause	Proposal	Compliance
<p><u>Clause 42</u></p> <p><u>Definitions</u> Group home means a permanent group home or a transitional group home. permanent group home means a dwelling— (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies. prescribed zone means— (a) any of the following land use zones or a land use zone that is equivalent to any of those zones—</p>	<p>The proposal is for a change of use to a <u>permanent group home</u>.</p> <p>The proposal is intended to facilitate a group home for people with a disability.</p> <p>The subject land is zoned R2.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



<p>(i) Zone R1 General Residential, (ii) Zone R2 Low Density Residential, (iii) Zone R3 Medium Density Residential, (iv) Zone R4 High Density Residential, (v) Zone B4 Mixed Use, (vi) Zone SP1 Special Activities, (vii) Zone SP2 Infrastructure, and</p> <p>(b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.</p>		
<p><u>Clause 43</u></p> <p>Development in prescribed zones</p> <p>(1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out—</p> <p>(a) without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or</p> <p>(b) with consent in any other case.</p>	<p>Development is not proposed by a public authority.</p> <p>Noted.</p>	<p>N/A</p> <p>Yes.</p>
<p><u>Clause 46</u></p> <p>Determination of development applications</p> <p>(1) A consent authority must not—</p> <p>(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the</p>	<p>The proposed is generally considered acceptable.</p>	<p>Yes.</p>



community need for the group home, or	Suitable conditions of consent can be imposed to reflect the intended use as a group home.	Yes.
(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.		
(2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.	Group homes are permissible forms of development in the R2 zone.	Yes.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 – Low Density Residential and the proposal, being a group home, is a permissible form of development with Council’s consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	<9.5m	Complies.
4.4 Floor Space Ratio	Max 0.525:1 487,095m ²	0.33:1:1 309.2m ²	Complies.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council’s Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils



The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 2012.

- (ii) ***any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

There are no draft planning instruments that are applicable to this site.

- (iii) ***any development control plan,***

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART Q – Urban Design Controls (SCDCP 2005)

Objectives of Part Q

1.4	Objectives	Satisfactory
1.	<i>To establish built form guidelines that encourage high quality urban design outcomes for all development types.</i>	Yes
2.	<i>To encourage best practice sustainable urban transformation.</i>	Yes
3.	<i>To strengthen the relationship between people, places and buildings.</i>	Yes
4.	<i>To make the public environment safer, attractive and more liveable.</i>	Yes
5.	<i>To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.</i>	Yes



6.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	Yes
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Comments: The proposal is generally acceptable and is considered an appropriate re-use of a dwelling house and secondary dwelling as a group home. The proposal predominantly involves some minor internal works and external works that will not significantly alter the presentation and appearance of the existing buildings. The front setback of the dwelling house will be retained and remain unchanged.

The proposed landscaping treatments in the rear yard are considered appropriate – with regard to the form and quality of landscaping provided in the rear yards of homes within a low density residential environment.

2: Building Form Controls

2.1: Public Domain and place making

2.1.1 General objectives		Satisfactory
a.	<i>To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land.</i>	Yes
b.	<i>To enhance the quality of the Public Domain.</i>	Yes
c.	<i>To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed.</i>	Yes
2.1.2 Design guidelines		Complies
	1. All development applications involving substantial external changes that are visible from or effect public space, or have significant land use implications, must be designed in accordance with this DCP Part Q to ensure a positive contribution to the public environment.	N/A
	2. Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.	Yes
	3. Public access to the public domain is to be maximised.	Yes
	4. Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.	Yes
	5. Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.	Yes
	6. Continuous lengths of blank walls and fences at the public domain interface are to be avoided.	N/A

Comments: The proposed development retains most of the openings (entry points and windows) of the existing buildings and ensures suitable passive surveillance to Homebush



Road and Albyn Road is facilitated. As mentioned above, the proposal involves some minor internal and external works for the secondary dwelling. The additional windows incorporated into the new accessible bedroom and bathroom are acceptable and will not result in unreasonable amenity and privacy impacts. These spaces are considered low activity spaces. From public domain, the dwelling house and secondary dwelling are likely to be viewed almost identical to the current development – the existing setbacks, building separation, roof forms and relationship to public domain remain unchanged.

2.2: Streetscape

2.1.1 General objectives		Satisfactory
a.	To ensure that all development contributes positively to the street and locality.	Yes
b.	To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.	Yes
c.	To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.	Yes
d.	To maximise opportunities for buildings to define the Public Domain.	Yes
e.	To encourage attractive street frontages and improve pedestrian amenity.	Yes
2.2.2 Essential criteria		Complies
1	Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls.	Yes
2	Buildings and fences must be designed to complement and/or visually improve existing streetscapes.	Yes
3	Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area.	Yes
4	Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.	Yes
5	New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene.	N/A
6	Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings.	Yes
7	Buildings on corner sites must be designed and articulated to address each street frontage and must define corners.	Yes
8	Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain.	N/A



9	Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape.	N/A
10	The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors).	N/A
11	Where side setbacks are an important part of the local streetscape character, these are to be maintained.	Yes

Comments: As mentioned above, the proposal retains the built form of the existing dwelling house and secondary dwelling. Thus, the presentation of the scheme, when viewed from either public domain or private properties, will be similar to the current development. It is noted that the rear portion surrounding the secondary dwelling will comprise of new landscaping elements that will assist in improving and softening the presentation of the development when viewed from Albyn Road.

Council noted (during a site visit) that there is internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling. A condition is recommended to removal this fencing and that this is replaced by low (maximum 1.2m high), open form and visually permeable fencing that ensures appropriate separation and safety are achieved whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.

2.3: Siting

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



8	Possible future development on adjoining sites must be considered as part of any design.	Yes
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Comments: As mentioned above, the proposal retains the built form and siting of the existing buildings onsite.

2.4: Building envelope

2.4.1 Objective		Satisfactory
a.	To ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality.	Yes
2.4.2 Essential criteria		Complies
1	The bulk and scale of any development must reflect the existing and future character of the existing street and surrounding locality.	Yes
2	The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.	Yes
3	Buildings must not be designed to be outside the building envelope even if they do not achieve 100% of the permissible Gross Floor Area (GFA) or maximum height permitted.	Yes

Comments: As mentioned above, the proposal retains the building envelope of the existing buildings onsite.

2.5: Building massing and scale

2.5.1 Objectives		Satisfactory
a.	To ensure buildings are compatible in form relative to the spatial characteristics of the local area.	Yes
b.	To ensure building mass and form reinforces, complements and enhances the visual character of the street.	Yes
c.	To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics.	Yes
d.	To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.	Yes
2.5.2 Essential criteria		Complies
1	Buildings must be of a height that responds to the topography and shape of the site.	Yes
2	Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character.	Yes
3	Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.	Yes



4	The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building patterns in the street.	Yes
5	Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.	Yes
6	The form and massing of buildings must provide a transition between adjoining land use zones and building types.	Yes
7	Building form and massing must support individual and communal entries.	Yes

Comments: As mentioned above, the proposal retains the built form, height and massing of the existing buildings onsite. The external fabric of these buildings will remain largely the same and will be compatible with and reflective of the low density residential character of the surrounding area.

2.7: Building frontages to public domain

2.7.1	Objectives	Satisfactory
a.	To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.	Yes
b.	To encourage contemporary designs which integrate with the appearance of the streetscape.	Yes
c.	To provide attractive building facades which establish identity and contribute to the streetscape.	Yes

2.7.2	Essential criteria	Complies
1	Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings.	Yes
2	Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.	Yes
3	Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.	Yes
4	Alterations and additions must be compatible with design elements of the existing building.	Yes
5	Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain.	Yes
6	Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.	Yes



7	New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council.	Yes
8	Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.	Yes
9	New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	N/A
10	Where dwelling houses do not face the street, they are to have recognisable entries and a sense of address as they would if they faced the street.	N/A
11	For commercial and mixed-use development: <ul style="list-style-type: none"> - ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and - awnings or colonnades for weather protection and shade must be provided along active frontages. 	N/A
12	Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.	N/A
13	Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.	N/A
14	Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.	Yes
15	Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.	Yes
16	The reflectivity of external materials and finishes (including roofs and walls) must be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare and reflectivity from external surfaces in certain circumstances.	Yes



Comments: The presentation of the proposal is near identical to the existing development. It will present as a dwelling house and secondary dwelling, with landscaping treatments and vehicular and pedestrian access as the primary external components. This is considered consistent with the low density residential character and setting of Homebush Road, Albyn Road and the immediate vicinity.

3: Amenity Guidelines

3.1: Accessibility and connectivity

3.1.1	Objectives	Satisfactory
a.	<i>To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.</i>	Yes
b.	<i>To encourage pedestrian through-site links that are designed to promote safety and amenity.</i>	Yes
3.1.2	Essential criteria	Complies
1	Pedestrian links must be provided where possible through large development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools. Where Council considers it appropriate to have through site links, it will consider the public benefit that is derived from this in terms of potential loss of development potential.	Yes
2	Through-site links must be arranged on the site to enable casual surveillance from buildings on the site and from the street or Public Domain. Through-site links are to be landscaped appropriately and include provision for appropriate lighting.	Yes
3	Public, communal and private areas must be clearly delineated within the site.	Yes
4	Pedestrian and cycle links must be provided on sites adjacent to waterways to improve accessibility to these natural systems.	Yes
5	Existing through-site pedestrian links are to be retained by all types of development, except where alternative access can be provided to Council's satisfaction.	Yes

Comments: Building entries and access are generally maintained as per the existing dwelling house and secondary dwelling. It is noted that a new entry and access ramps for disabled access have been incorporated into the front setback and entrance of the secondary dwelling. These are considered acceptable given that they will ensure appropriate and safe access are provided for future occupants.

3.2: Building entries

3.2.1	Objectives	Satisfactory
a.	<i>To create street entrances with a strong identity that provide a transition from the street to residential interiors.</i>	Yes
b.	<i>To ensure car park entries do not detract from the street</i>	
3.1.2	Essential criteria	Complies



1	Legible entry/lobby areas accessed from a public street are to be provided to encourage surveillance and activation of the Public Domain, thereby increasing safety.	Yes
2	Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.	Yes
3	Car park entrances and crossovers are not permitted unless there is no alternative in retail and commercial areas. Entrances must be located off streets that have a predominantly service role, and these streets should be upgraded as necessary to cater for this role.	Yes
4	Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.	Yes
5	New commercial and industrial buildings must be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.	N/A
6	Where a dwelling house does not face the street, it must have a recognisable entry and a sense of address.	N/A

Comments: Acceptable – as per above.

3.3: Visual and acoustic privacy

3.3.1 Objectives		Satisfactory
a.	To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.	Yes
b.	To ensure that visual privacy is provided both within a development and between a development and its neighbours.	Yes
c.	To ensure that the siting and design of development minimises the impacts of noise transmission between properties.	
3.3.2 Essential criteria		Complies
1	New development must ensure adequate visual and acoustic privacy levels for neighbours and residents.	Yes
2	Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.	Yes
3	The internal layout of buildings must be designed to minimise overlooking of living areas, private open spaces and adjoining school yards.	Yes
4	Building elements such as balconies and decks must be designed to minimise overlooking of living areas, private open spaces of adjoining dwellings and adjoining school yards.	Yes



5	The windows of dwellings must be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas.	Yes
6	Building design elements shall be used to increase visual and acoustic privacy such as recessed balconies and/or vertical fins between adjacent balconies, oblique windows, fencing, vegetation and louvres and pergolas which limit overlooking of lower dwellings, private open space and adjoining school yards.	Yes
7	The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission. For example, dwellings with common party walls should locate noise generating rooms such as living rooms adjacent the noise generating rooms of other dwellings.	Yes
8	Appropriate building materials shall be used to provide acoustic privacy.	N/A
9	Consideration to the relationship between residential and non-residential components of mixed use development with regard to noise attenuation and privacy must be demonstrated in the design of the development.	N/A

Comments: Private and communal spaces are as per the current development. These spaces relate appropriately to adjoining residences.

3.5: Solar access and cross ventilation

3.5.1 Objectives		Satisfactory
a.	To provide thermal comfort for occupants.	Yes
b.	To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.	Yes
c.	To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.	Yes
d.	To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.	Yes
e.	To ensure that sunlight access is provided to the Public Domain	
3.5.2 Essential criteria		Complies
1	Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments.	Yes
2	Generally, dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in	Yes



	habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.	
3	Living areas of dwellings such as kitchens and family rooms shall be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west.	Yes
4	In habitable rooms, head and sill heights of windows must be sufficient to allow sun penetration into rooms.	Yes
5	Landscaping must provide shade in summer without reducing solar access in winter.	Yes
6	Buildings must have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.	Yes
7	Buildings must be orientated to benefit from prevailing breezes.	Yes
8	All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.	Yes
9	Natural cross ventilation shall be achieved by locating window openings in opposing walls and in line with each other.	Yes
10	Building elements such as operable louvres and screens, pergolas, blinds etc shall be used to modify environmental conditions where required, such as maximizing solar access in winter and sun shading in summer. Note: The extent of shadows is to take into account the range of factors that impact on solar access, including the slope of the land, aspect, existing and proposed vegetation and the height and position of existing buildings and structures, including fences.	Yes

Comments: Other than the minor external works pertaining to the entrance to the secondary dwelling, the proposed development retains the same massing, height and built form as the current dwelling house and secondary dwelling. Overshadowing impacts are considered reasonable and acceptable.

3.6: Safety and security

3.6.1	Objectives	Satisfactory
a.	To ensure a safe physical environment by promoting crime prevention through design.	Yes
b.	To encourage increased use of shopping centres, particularly at night.	Yes
c.	To create a balance of uses that are safe and easily accessible.	Yes
d.	To ensure there is adequate lighting and signage.	Yes
e.	To reduce crime risk and minimise opportunities for crime.	Yes
f.	To increase and contribute to the safety and perception of safety in public and semipublic spaces.	Yes



g.	<i>To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.</i>	Yes
h.	<i>To encourage dwelling layouts that facilitate safety and encourage interaction and recognition between residents.</i>	Yes
3.7	Essential criteria	Complies
1	Development must be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public Areas.	Yes
2	Development must be designed to minimise opportunities for crime through suitable access control. Physical or symbolic barriers should be used to attract, channel and/or restrict the movement of people. Landscaping and/or physical elements may be used to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Yes
3	Development must incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.	Yes
4	Building entrances must be clearly identified and accentuated. Entries and associated elements including signs, street numbers, post boxes, landscaping etc. must be designed to emphasise their visible presence from various locations or approaches to the building.	Yes
5	Entrances must serve as points of orientation or way-finding within the development, and providing clear sightlines and visual connections between the street, the entry, foyers and residential interiors.	Yes
6	The installation of solid security shutters as a means of defining the boundaries between public and private spaces will not be supported.	N/A
7	The incorporation of crime prevention measures in the design of new buildings and spaces shall not detract from the quality of the streetscape. Subtle design techniques must blend into façades and places and be integrated with the overall design of the development.	Yes
8	A site management plan and formal crime risk assessment (Safer by Design Evaluation) involving the NSW Police Service may be required for large developments, which in Council's opinion, would create a crime risk.	N/A
9	The design of buildings adjoining laneways and through site connections must be designed to activate these spaces at ground level and provide casual surveillance from ground and upper levels.	N/A
10	Lighting of laneway space is required.	N/A



Comments: The proposed development retains the same low density residential aesthetic as the current development. Security and safety measures are considered appropriate to the intended use as a group home.

3.9: Landscaping

3.9.1 Objectives		Satisfactory
a.	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings.</i>	Yes
b.	<i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i>	Yes
c.	<i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i>	Yes
3.9.2 Essential criteria		Complies
1	The design, quantity and quality of open space must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.	Yes
2	Existing trees within the front setback shall be retained. Front setback areas must contain at least two (2) canopy trees adjacent the front boundary and comprise at least 50% of the setback is to be for deep soil planting.	No – see below
3	Existing trees on Council's Road Reserve area must be retained and protected. New driveway locations that necessitate removal of a Council street tree will not be supported.	Yes
4	In higher density areas the provision of adequate private open space and landscaped areas must maximise residential amenity. Site works must be minimised to protect natural features.	N/A
5	Landscaping must be designed to protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.	Yes
6	Where the landscape pattern in the prevailing streetscape and surrounding locality is desirable, this must be retained.	Yes
7	In areas adjacent to native habitat, the design of development must be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.	Yes
8	In relation to conservation and energy efficiency, plant species must be retained, selected and planted to achieve: <ul style="list-style-type: none"> - shaded buildings in summer; - reduced glare from hard surfaces; - sunlight access into living rooms in cooler months; - cooling air currents channelled into the dwelling in summer; and - windbreaks where desirable. 	Yes



9	Natural features on the site, such as trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities must be retained and incorporated into the design of development.	Yes
10	Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements.	Yes
11	Trees must be planted at the front and rear of properties to encourage tree canopy, to soften the built environment and to encourage the continuity of the landscape pattern.	Yes
12	Landscaping is to be designed so as to minimise overlooking between properties.	Yes
13	The amount of hard surface area shall be minimised to reduce run-off. Run-off from hard surfaces is to be directed to permeable surfaces such as garden beds.	Yes

Comments: Conditions can be imposed to provide two (2) canopy trees, at least 3m away from any building/structure, within the front setback of the dwelling house. These canopy trees must be capable of reaching a mature height of at least 10m. The provision of these trees will improve the presentation of the proposal, when viewed from Homebush Road.

3.10: Private and communal open space

3.10.1 Objectives		Satisfactory
a.	To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.	Yes
b.	To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.	Yes
c.	To provide low maintenance communal open space areas for residents that facilitate opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting	Yes
3.10.2 Essential criteria		Complies
1	1) Private open space must be: - Provided for all dwellings (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling). Open space within the front setback does not constitute private open space. - Directly accessible from the living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, entertainment and recreation. - Designed to ensure visual and acoustic privacy of the occupants of adjacent buildings and within the proposed development. - Located so as to maximise solar access. - Designed to focus on the quality of the space in terms of its outlook, orientation, relationship to the dwelling, size and shape and its enclosure and landscape treatment.	Yes
2	2) Communal open space must be:	Yes



	<ul style="list-style-type: none"> - Located where it is highly visible and directly accessible to the maximum number of dwellings. - Designed with an integral role in the site and include uses such as circulation, BBQ or play areas, and areas of passive amenity, but excludes swimming pools. - Integrated with the deep soil zone to provide a landscaped setting with opportunities for large and medium size tree planting - Located adjacent to surrounding public open spaces such as reserves and public through site links where appropriate.
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Comments: The existing arrangement is acceptable; however, a more improved outcome is for occupants in the main dwelling to have direct access to the rear yard beyond the driveway. Have to access this area via the driveway is not an ideal outcome. Notwithstanding this, there is a north-facing courtyard, which is an open space that can be utilised by occupants.

A condition is recommended to be imposed to ensure the internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling are removed and replaced by low (maximum 1.2m high), open form and visually permeable fencing that ensures appropriate separation and safety are achieved whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.

4: Guidelines for Specific Developments

4.1: Car parking and vehicular access

4.1.1 Objectives	Satisfactory
1. Vehicular access points are to be minimised and should not break the continuity of the streetscape. Landscaping should be used to minimise the visual intrusion of vehicular access points.	Yes
2. Garages and parking structures are not to dominate the building facade and front setback.	Yes
3. To ensure that the location and design of driveways, parking spaces and other areas used for the movement of motor vehicles are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact	Yes

4.1.2 Essential criteria	Complies
1 Vehicle access points and parking areas must: <ul style="list-style-type: none"> - be easily accessible and recognisable to motorists; - not disrupt pedestrian flow and safety; - be located to minimise traffic hazards and the potential for vehicles to queue on public roads; and - minimise the loss of on street car parking, and to minimise the number of access points. 	Yes
2 Car parking and service/delivery areas must be located so that they do not visually dominate either the development or the Public Domain surrounding the development.	Yes
3 For mixed-use development: <ul style="list-style-type: none"> - loading/manoeuvring areas must be located within buildings or screened from adjacent residential uses; and 	N/A



	- residential non-residential car parking spaces must be physically separated.	
4	For industrial development: - loading docks must be designed to allow heavy vehicles to enter and leave the site in a forward direction, without interfering with visitor and employee parking; - adequate and suitable on-site receiving areas and parking for trucks and large vehicles must be provided to prevent queuing or off-site parking of such vehicles; - materials for kerbs, gutters, footpaths, walkways and driveways must be selected to resist damage by large vehicles or frequent use; and - a traffic management plan must be prepared detailing all transport options for the development, including type of transport used, size of trucks and frequency.	N/A
5	Development on corner sites may be required to accommodate a splay corner to facilitate improved traffic conditions. This matter should be identified at the initial design stage in consultation with Council's development assessment officers.	Yes
6	Where properties have access to a rear lane or secondary street frontage, parking and servicing access shall be provided from the secondary street/lane.	Yes
7	Driveways must be designed to avoid a long and straight appearance by using landscaping and variations in alignment.	Yes
8	Car parking areas and vehicle access ways shall be landscaped to integrate sympathetically with the development and the landscape character of the locality.	Yes
9	The area between property boundaries and driveways, access ways and parking spaces must be of sufficient width to enable landscaping and screen planting.	Yes
10	All parking provision must be designed and sited to respond to and respect the prevailing streetscape. The visual impact of parking within the front setback is to be minimised.	Yes
11	The width and number of footpath crossings shall be minimised.	Yes

Comments: Council's Traffic Engineer accepted the parking and vehicular access arrangement subject to the imposition of conditions. There is no minimum parking provision for group homes under the ARH SEPP or Council policy.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of the SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. Council's Waste Officer provided conditions that necessitate further changes to the waste management plan – which are to be addressed prior to the release of a construction certificate. The recommended conditions will be imposed to ensure this plan adequately addresses Part H.



(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification from 20 August to 20 September 2021, where adjoining property owners were notified in writing of the proposal and invited to comment. Eleven (11) submissions were received from the following properties:

- No. 55 Albyn Road, Strathfield;
- No. 65 Albyn Road, Strathfield;
- No. 67 Albyn Road, Strathfield;
- No. 69 Albyn Road, Strathfield;
- No. 70 Albyn Road, Strathfield;
- No. 71 Albyn Road, Strathfield;
- No. 74 Albyn Road, Strathfield;
- No. 76 Albyn Road, Strathfield;
- No. 78 Albyn Road, Strathfield; and
- No. 160 Homebush Road, Strathfield – two (2) submissions.

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

Issue / Concern	Response
Accessibility from shopping centres – misrepresented in operator website.	The information presented in the operator website has little standing with regard to Council's assessment of the application against matters of consideration under legislation. There are no specific accessibility requirements or particular distances from shopping centres



Issue / Concern	Response
	that would inhibit the ability for a site to accommodate a group home development.
Aggressive/violent and anti-social behaviour.	Group homes are a permissible form of development and a form of affordable rental housing to which, is supported by NSW Government policy. The provision of this housing is considered critical to NSW and a good outcome for Strathfield LGA given the current housing market and lack of affordable and diverse housing options for the community. The provision of a group home, comprising of only six (6) residents (maximum) and up to three (3) staff at any one time, is considered reasonable and supportable development. It will unlikely result in aggressive/violent, anti-social behaviour. The provision of one (1) staff member staying overnight on a daily basis will assist in managing any day-to-day issues.
Amenity and acoustic impacts.	Council's Environmental Health Officer confirmed that the proposal can be supported, subject to the imposition of conditions.
Building is already used as a group home.	As mentioned above, that the site is being used as a group home and Council does not have any records indicating consent for this land use. Notwithstanding, this Council would support the land use and external works that are either sought in the subject application. As mentioned above, some internal and external modifications to the residence are subject to a complying development approval (CDC2021/710/01). Current and continued use of the premises as a group home is considered a compliance matter and has been brought to the attention of Council's Compliance Unit.
Clarification on number of occupants, operating times and 24 hour supervision.	Additional information confirmed that the maximum number of occupants is seven (7) – comprising of six (6) residents and one (1) staff member staying overnight. There will be 24 hour supervision.
Clarification on type / dysfunction / age / gender of occupants and whether they are transient or permanent.	The applicant indicated that the intended use for the group home is for people with a disability. It is noted that a group home development proposal is not required to outline specific details of the backgrounds, ages, genders and personal status of the future residents that will be living in the facility. It is unreasonable to request such sensitive information and it is understood that a future resident would be assessed fairly and independently by the operator.
Clarification on existing and new works.	A site visit has confirmed the existing and new works – some of which appear to be unauthorised. Any unauthorised works will be



Issue / Concern	Response
	the subject of a building information certificate. Any new works that have not commenced will be captured by the consent.
Clarification on single and double rooms.	Each bedroom will be occupied by a single person.
Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).	Compliance is achieved, as demonstrated above.
Conversion of granny flat garage.	The proposal intends to re-purpose the secondary dwelling and attached garage to form part of the proposed group home use. As such, the conversion, which is unauthorised, would be supported given parking is provided elsewhere on the site.
Does the proposal meet the definition of group home?	The applicant has confirmed the intended use as a group home. A site visit has also confirmed that the site is currently being used as a group home and several residents and staff have been observed onsite.
Floor space ratio/gross floor area.	Compliance is achieved, as demonstrated above.
Forward entry/exit from parking areas.	Council's Traffic Engineer confirmed that the proposed vehicular access and parking can facilitate forward entry/exit and are supported subject to conditions imposed.
Height non-compliance for outbuildings.	The proposal involves change of use of the secondary dwelling.
Inaccurate information in Access Report.	The proposal only involves external works including access ramps into the rear building (secondary dwelling).
Inaccurate / misleading / confusing information in the Statement of Environmental Effects (SEE).	The information in the SEE does not form the basis of Council's assessment. The applicant has provided sufficient information with regard to the detail of the proposal and Council has independently assessed the proposal against matters of consideration under legislation. The applicant provided an amended SEE and Plan of Management confirming correct information with regard to the intended use of the premises.
Incomplete plans.	It is noted that the plans show no distinction between the existing development (whether approved under complying development, are exempt development or unauthorised works) and the proposed works. It is understood that the only works associated with the subject application relate to the external ramps into the rear building (secondary dwelling) and the proposed group home use. Any unauthorised works will be the subject of a building information certificate.
Increased risk of spreading COVID-19 due to group home use.	This is not a matter for consideration and does not hinder nor create constraints for



Issue / Concern	Response
	redeveloping a site for the purpose of provided affordable rental housing.
Management of common areas – such as lawns, gardens, property surrounds.	Ongoing conditions will be imposed for appropriate management of common areas. It is understood that this will be the responsibility of the operator and staff of the facility.
No approval for secondary dwelling.	As mentioned above, there is complying development approval for the secondary dwelling.
No visitor parking.	Council's Traffic Engineer advised that this is not a requirement for the land use.
Number of rooms (9) does not align with number of occupants (6).	Conditions will be imposed to limit the number of occupants.
Overdevelopment.	The proposal does not involve any external changes to the building fabric, massing and height of the existing dwelling house, secondary dwelling and outbuilding. Conditions will be imposed to ensure improvements are facilitated with regard to the presentation of this development.
Privacy impacts.	It is understood that the spaces – both internal and external of the buildings – reflect a low density residential use that would have similar impacts as the existing dwelling house and secondary dwelling. The division and mixture of living areas and private open spaces for the proposal provides appropriate amenity for future occupants and ensures any impacts associated with the utility of these areas are not concentrated.
Private open space – location and extent are not sufficient.	Several private open spaces are provided throughout the premises. Considering the maximum occupancy is only six (6) persons – the location and extent of these spaces are considered sufficient.
Safety impacts.	The proposed development is not considered to create unreasonable or significant community safety impacts.
Traffic and parking impacts.	This has been assessed by Council's Traffic Engineer. Any impacts are considered acceptable.
Waste management – number of bins are not sufficient.	This has been assessed by Council's Waste Officer and will be addressed via conditions imposed.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest.



Local Infrastructure Contributions

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Roads and Traffic	\$1,353.17
Local Open Space	\$1,609.16
Major Open Space	\$4,695.25
Community	\$1,031.99
Administration	\$477.70
Total:	\$9,167.27

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/170 should be approved subject to the imposition of conditions.

Signed:

Miguel Rivera
Senior Planner

Date: 18 November 2021

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Joseph Gillies
Senior Planner

Date: 18 November 2021



Following detailed assessment it is considered that Development Application No. 2021/170 should be approved subject to the following conditions.

Reasons for Conditions

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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-0001 B	30 Jul 2021	B	Kennedy Associates Architects
Existing Main Building – Access Upgrades	DA-0002	29 Jul 2021	B	Kennedy Associates Architects
Existing Granny Flat	DA-0003 B	27 Jun 2021	B	Kennedy Associates Architects
Elevation Granny Flat	DA-0004 A	30 Jul 2021	A	Kennedy Associates Architects
Landscape Plan	D982_LP_01	21 Jul 2021	B	CPS
Planting Details and Preliminary Specification	D982_LP_02	21 Jul 2021	B	CPS
BASIX Certificate	Cert No. 1175131S_02	10 Feb 2021	-	Solar Smart
BCA Design Assessment Report	P221-081-3	6 Jul 2021	-	Design Confidence



DA Access Report	21024	8 Nov B 2021	Vista Access Architects
Management Statement of Proposed Usage of 109 Homebush Road, Strathfield	-	Rec 8 - Oct 2021	Nationwide Care Plus

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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided



to the Certifying Authority prior to the activities commencing.

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. Sydney Water – Tap in™

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

4. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

5. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Required Design Changes

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

Proposed and existing works	The approved development only involves external works in relation to access ramp/s for the rear building and landscaping works. All approved plans and documents must be modified to reflect all proposed works. None of the existing works and any unauthorised development are approved by this development –
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this must be reflected in the approved plans and documents.

Building of Australia (BCA)	<p>All approved plans and documents must be modified to ensure that the development is able to comply with the above BCA requirement for Class 1b buildings by reducing floor space or providing performance based solutions to the certifier.</p> <p>Alternatively, all approved plans and documents must be modified to address the requirements of a Class 3 building as per BCA requirements including NCC Volume 1, Specification C1.1 Fire-resisting construction5. Type C Fire-Resisting Construction.</p> <p>The certifier is to provide documentation to Council confirming compliance with BCA including the above matters resolved.</p>
Driveway sight splays	<p>A minimum 2m x 2.5m splay to be provided on the southern side of the vehicular access, within the property boundary as per AS/NZS2890.1:2004 Clause 3.2.4. 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.</p>
Existing fencing	<p>The existing internal solid fencing (Colourbond fencing) between the dwelling house/parking area and the secondary dwelling must be removed completely and must be replaced by a low (maximum 1.2m high), open form and visually permeable fencing that is designed to provide appropriate separation and safety whilst reflecting a singular and collective land use that does not provide clear delineations within the site that appear to divide buildings and that allow these to be viewed as separate occupancies.</p>
Front setback – provision of canopy trees	<p>The approved landscape plan must be modified to provide two (2) canopy trees, at least 3m away from any building/structure, within the front setback of the dwelling house. These canopy trees must be of a species capable of reaching a mature height of at least 10m and in accordance with the Strathfield Council Recommended Tree List. The provision of these trees is required to improve the presentation of the development, when viewed from Homebush Road.</p>

7. Fees to be Paid

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

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

Please contact council prior to the payment of s7.11 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
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 97.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	
Security Damage Deposit	\$ 1400.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 1353.17
Strathfield Section 94 Development Contributions – Local Open Space	\$ 1609.16
Strathfield Section 94 Development Contributions – Major Open Space	\$ 4695.25
Strathfield Section 94 Development Contributions – Community Facilities	\$ 1031.99
Strathfield Section 94 Development Contributions - Administration	\$ 477.70

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.

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.

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: \$1400.00.
- (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: \$130.00
- (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. 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.

10. 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. 1175131S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

11. Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.



12. 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.

13. Access for Persons with a Disability

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

14. Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

15. 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).

16. Waste Management Plan

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

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

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

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

17. Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot in accordance with the approved plans.



The waste storage area shall be large enough to accommodate the proposed number of bins at a minimum rate of 1.1m² per 240L bin and 2.03m² per 660L bin, and located in an area to suitably facilitate servicing on waste collection day.

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.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

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.

18. Onsite Waste Collection

Development for the purposes of group homes must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

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

19. Group Home Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for any group home developments and business uses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

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

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

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

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

20. Landscape Plans

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 the



subject property, Council's public footway, public reserves or on neighbouring properties.

22. Tree Protection and Retention

All existing site trees and trees within the road reserve adjoining the site are to be retained and protected. This consent does not permit the removal of any existing trees on site and any trees within the road reserve.

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.

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

23. Dial Before You Dig

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

DURING CONSTRUCTION

24. 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.

25. 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.

26. Ground Levels and Retaining Walls

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

27. Fire Safety Certificate before Occupation or Use

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

28. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of



grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

29. Housing for Seniors & People with a Disability

The development approved under this consent constitutes "Housing for Seniors or People with a Disability" as defined under [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#). Accordingly only those people who meet the following criteria may occupy this accommodation:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- i. people aged 55 or more years,
- ii. people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- iii. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

"People with a disability" are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

30. Hours of Operation and Maximum Number of Staff

The approved hours of operation shall be restricted to the following:

9:00 am to 8:00 pm, seven (7) days a week

The approved maximum number of staff is three (3) staff / employees at any one time.

One (1) staff / employee must manage and stay within the premises overnight, on a daily basis, 365 days a year.

31. Plan of Management

The group home premises must be operated as per the approved Plan of Management, titled Management Statement of Proposed Usage of 109 Homebush Road, Strathfield, prepared by Nationwide Care Plus, with receipt date: 8 October 2021.

32. Maximum Occupancy

The maximum occupancy of the group home must be limited to six (6) occupants, comprising of five (5) residents and one (1) overnight staff / employee at any time.



The maximum occupancy only relates to any person/s staying overnight within the group home premises. It does not relate to any temporary visitors (including friends, family members and relatives) to the premises who are not staying overnight.

33. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

34. Resident Parking Permits

The owner, occupier/s and any visitor/s of the group home are not eligible for any resident or visitor parking permit, under any existing or future residential parking schemes.

Note: this condition has been imposed to reduce parking impacts on the neighbourhood.

35. Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

36. Loading & Unloading of Vehicles

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

37. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction. Under any circumstances, no vehicles are permitted to travel across the centre line of Albyn Road (on the wrong side of the road and opposite the direction of travel) to gain access to the premises.

38. Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

39. Requirement for a Construction Certificate



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

40. 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.

41. 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.

42. 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.

43. 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.

44. 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

45. Clause 97A – BASIX Commitments

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



46. 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.

47. 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.

48. 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](#).

49. Clause 98F – 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 or 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 or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVISORY NOTES

i. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.



iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

v. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

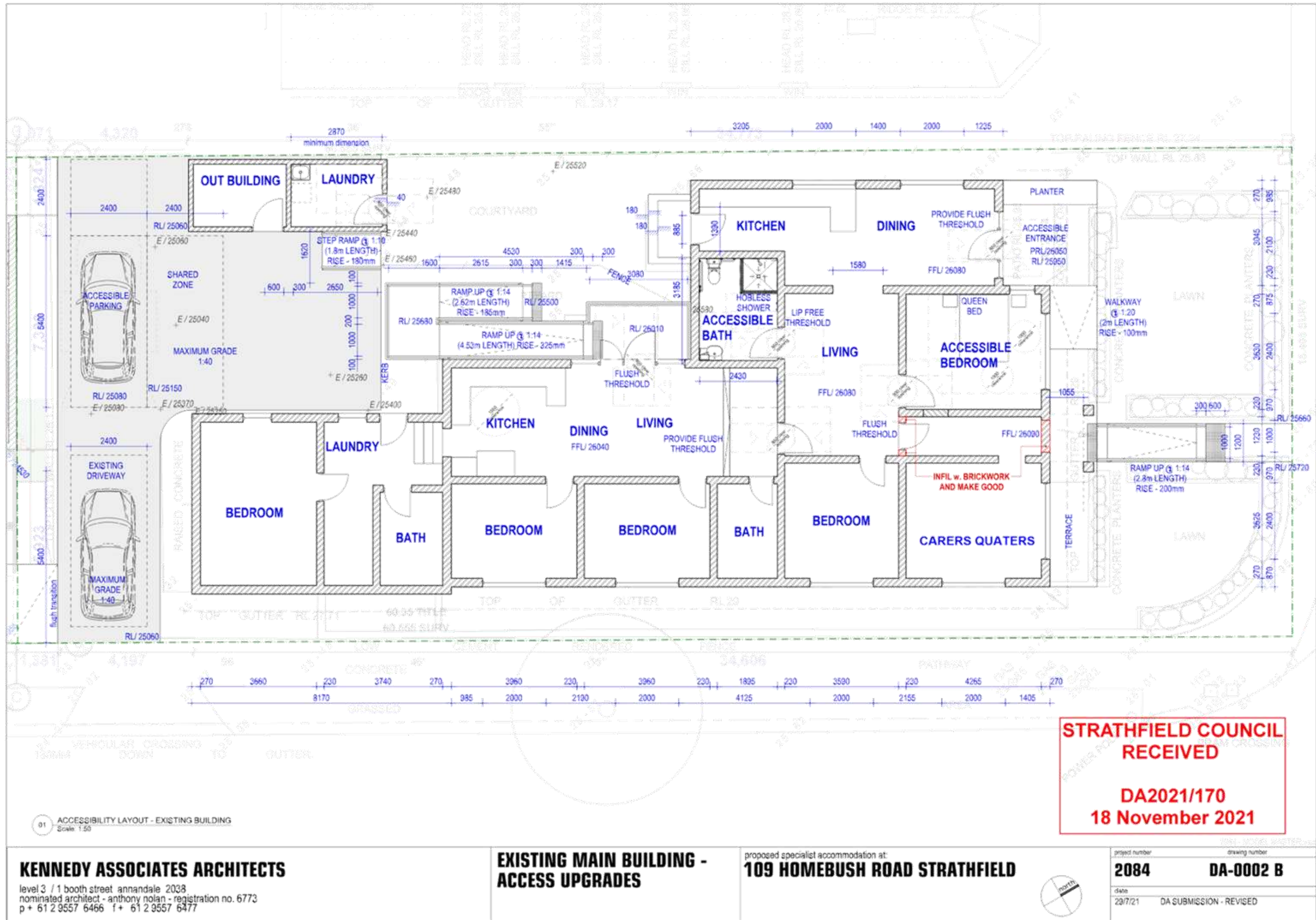
vi. Disability Discrimination Act

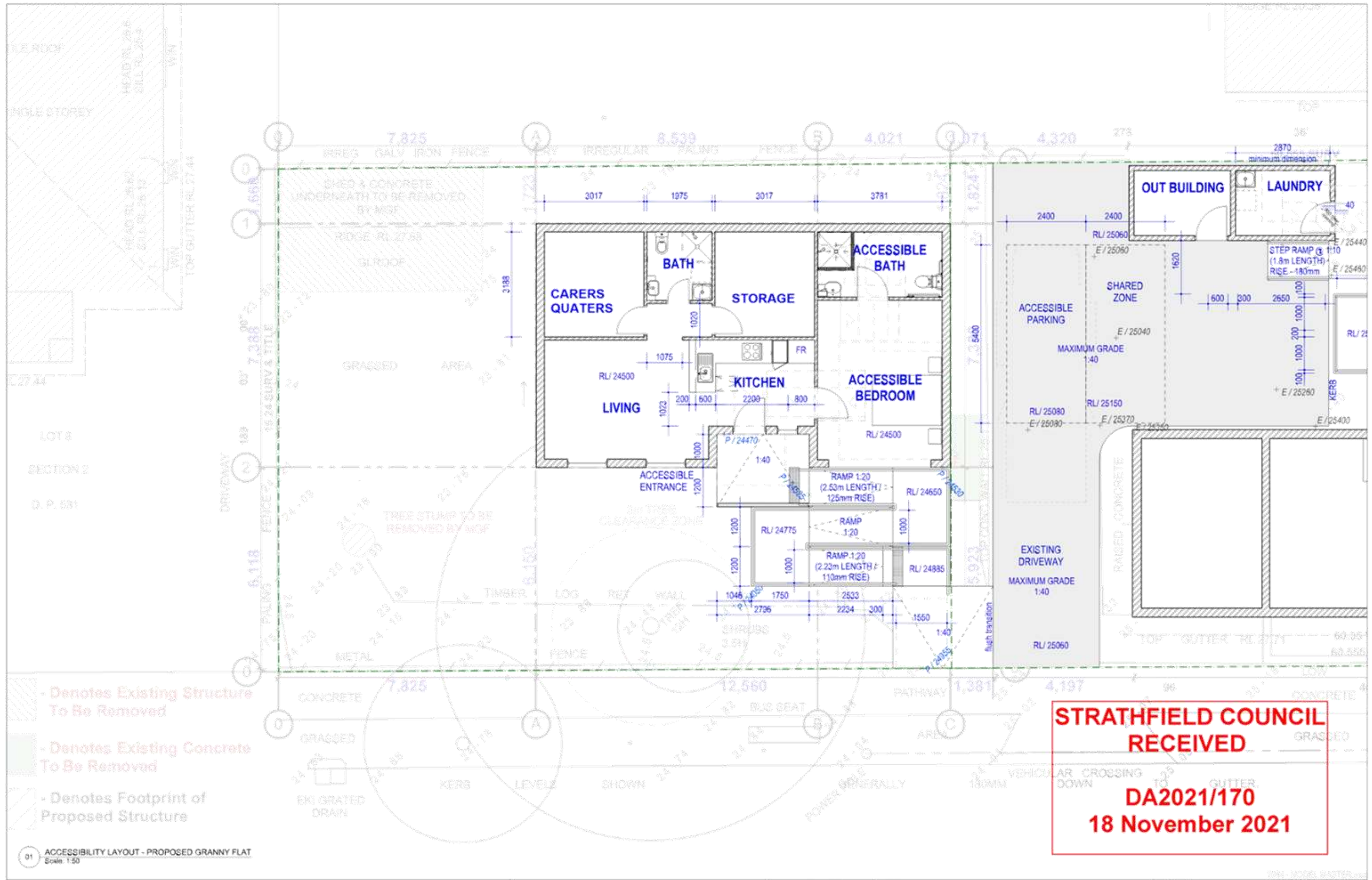
This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).





<p>KENNEDY ASSOCIATES ARCHITECTS level 3 / 1 booth street annandale 2038 nominated architect - anthony nolan - registration no. 6773 p + 61 2 9557 6466 f + 61 2 9557 6477</p>	<p>EXISTING GRANNY FLAT</p>	<p>proposed specialist accommodation at 109 HOMEBUSH ROAD STRATHFIELD</p>	<p>project number 2084 drawing number DA-0003 A date 27/6/21 DA SUBMISSION</p>
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STRATHFIELD COUNCIL
RECEIVED

DA2021/170
8 October 2021

**MANAGEMENT STATEMENT OF THE PROPOSED USAGE OF
109 Homebush Road, Strathfield**

Executive Summary

The dwelling is proposed to be used as a group home (shared living) to accommodate clients with disability under the National Disability Insurance Scheme, not exceeding 6 residents capacity. The group home is a private residence for young adults who cannot live with their families due to obvious reasons, or people with chronic disabilities who require guidance in order to care for themselves if left alone.

The group home will be staffed with experienced Disability Support Workers and a Team Leader to ensure smooth operation of the day to day provision of supports to the clients. The group home will be manned 24hrs a day with experience Disability Support Workers in 8hr shift intervals. The group home has capacity for accommodating no more than 6 residents at any one time. Nationwide Care Plus, will establish a roster system where 2 additional support workers will be assisting the clients during the hours of operation (i.e 9am- 8pm, 365 days per year). There will be a maximum of 3 support works during the hours of operation and 1 support work to be present during sleep over time frame (i.e 8pm- 8am).

Clients seeking permanent accommodation entry to the group home will be screened to meet specific criteria that the home accommodates for and the services provided. This ranges from their level of disabilities to their mental health status. One criterion is that the clients must be able to move around independently and only requiring supervision from staff with mobility and that they do not exhibit unmanageable challenging behaviour. These clients will not require special care and do not require physical assistance in conducting their normal activities and to evacuate the building in an emergency, without the assistance of our trained professional.

Clients will be orientated to the home upon entry and staff will on an ongoing basis supervise their safety and safety of the home. Such safety would include fire safety procedures and emergency procedures. Staff and clients will be trained on an ongoing basis with these procedures to ensure proficiency especially for staff to enable them to act promptly and properly in the event of an emergency. The home will have AS3786 smoke alarms installed in accordance with the requirements of the Building Code of Australia and will be regularly maintained to ensure proper operation. The home will also be installed with the appropriate firefighting equipment such as fire blankets and fire extinguishers as a minimum. The firefighting equipment will be serviced regularly by an accredited service provider such as Comsafe to ensure their functionality. There will be emergency evacuation plan and procedures developed and in place to guide staff. Staff will also be competency assessed in emergency management on a regularly basis by the in-house Operations Manager. The home will also have the required signage to indicate the emergency exits in an appropriate fashion that does not destroy the "home-like" atmosphere.



Entry procedure

1. To access the services of Nationwide Care Plus a person or a family member/advocate must first make a request for service and be determined as eligible to receive support under NDIS requirements.
2. Requests for service can be made in the following ways:
 - Phone or email request
 - On-site visit to Nationwide Care Plus
 - A general enquiry via the Contacts page through the Nationwide Care Plus website.
3. From the initial contact the person's eligibility will be determined and arrangements negotiated for the person, their family members/carers and other significant people from their support network to meet with Nationwide Care Plus staff. This may take place at the person's home, school, or other community venue suitable to the person and their stakeholders.
4. The Operations Manager will assess the information provided by the person and provide a recommendation to the Chief Operations Officer in regard to the suitability of the person's needs and request for supports and services. If the service is able to meet their goals and needs, the Chief Operations Officer will approve the request for access.
5. The person will be notified of their acceptance to Nationwide Care Plus in writing from the Operations Manager or Chief Operations Officer. The person and/or their family/carer will receive a service Welcome pack.
6. If the person and/or their family/carer accepts the offer of supports and service by Nationwide Care Plus a transition will commence.
7. Where a person is transitioning from school or is transferring from another service provider, Nationwide Care Plus will seek consent from the person and/or their family/carer to contact other providers e.g. school, NDIA or other services to discuss or obtain support requirements, schedules, plans, and person-centred goals to assist in development of a transition. Where a person is transitioning or transferring with an NDIS Support Plan Nationwide Care Plus will:
 - i. Determine if it is able to provide service specific to the support/s the person is eligible to receive supports through. Nationwide Care Plus will seek consent from the person and/or their family/carer to view and discuss the plan with a previous provider or planner about the person's goals to assist in the development of a transition.
 - ii. Consult with the person and their family/carer to obtain the person's NDIS Participant Number, date of birth and obtain the person's NDIS Support Plan (or portion of the plan related to supports that Nationwide Care Plus has been engaged to provide.)



- iii. Once the person and or their family/carer accept the request for service the Chief Operations Officer will initiate the required service.
- iv. Nationwide Care Plus staff will develop a Service Agreement with the participant based on the supports identified and person's needs using the information obtained at the initial meeting with the person and their family/carer and other members of their support network.

Provision of Support at the Home

This home is predominantly catering for clients with mild to moderate disability and not requiring full assistance with physical mobility. This is screened on enquiry and if client requiring full assistance with mobility then they are referred to other service provider with such capacity in which Nationwide Care Plus has a network of disability service providers in different LGA. Clients that require 24hr special care or assistance in an evacuation, will be placed in accommodation that is suitable for their needs.

Clients residing at the home will be provided with some form of supports with Activities of Daily Living (ADL) such as personal hygiene, meals preparation, shopping etc that improves their daily living. If and when a client's condition is no longer suitable to be residing and should it be reasonably foreseeable by onsite carers that a client's condition has deteriorated such that they are unable to evacuate unassisted, actions and assistance will be taken to arrange for alternative accommodation for the client by the staff at Nationwide Care Plus at the home, assistance with alternative accommodation will be sought for the client by the staff at Nationwide Care Plus.



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9 August 2021

Statement of Environmental Effects

Change of Use to a Permanent Nine (9) Bedroom Group Home with
Associated Alterations and Additions.

109 Homebush Road, Strathfield
Lot 7 Section 2 DP 581

Prepared for: IP Properties

CPS Project No: D982

Date: July 2021

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109 Homebush Road, Strathfield

July 2021

Document Control

Creative Planning Solutions works to a stringent Quality Assurance Program.

If this document has not been signed for review and approval then it is deemed a preliminary draft.

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1.0 Introduction

The Statement of Environmental Effects ('SEE') has been prepared to accompany a Development Application ('DA') for a change of use to a permanent nine (9) bedroom group home with associated alterations and additions under the relevant provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('ARH SEPP') at 109 Homebush Road, Strathfield.

This DA is being lodged for consideration by Strathfield Council ('Council') pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* ('the Act') by Creative Planning Solutions Pty Limited ('CPS').

Clause 43 (1) (b) of the ARH SEPP allows for permanent group homes to be undertaken with consent in prescribed zones. The subject site is zoned R2 Low Density Residential under the *Strathfield Local Environmental Plan 2012* ('SLEP 2012'). This zone is classified as a 'prescribed zone' under clause 42 of the ARH SEPP. Group homes are also permitted with consent within the R2 zone under SLEP 2012.

This SEE also describes the site, its environs and the proposed development, and includes an assessment of the proposal pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000* ('the Regulations').

2.0 The Site

2.1 Site Description

The legal description of the subject land is Lot 7 Section 2 in Deposited Plan 581, and is known as 109 Homebush Road, Strathfield NSW 2135.

The subject site is located in the suburb of Strathfield, approximately 10 kilometres west of the Sydney Central Business District ('CBD'). The site is located within the Strathfield Local Government Area ('LGA'). Refer to **Figure 1** for a locality map of the subject site.

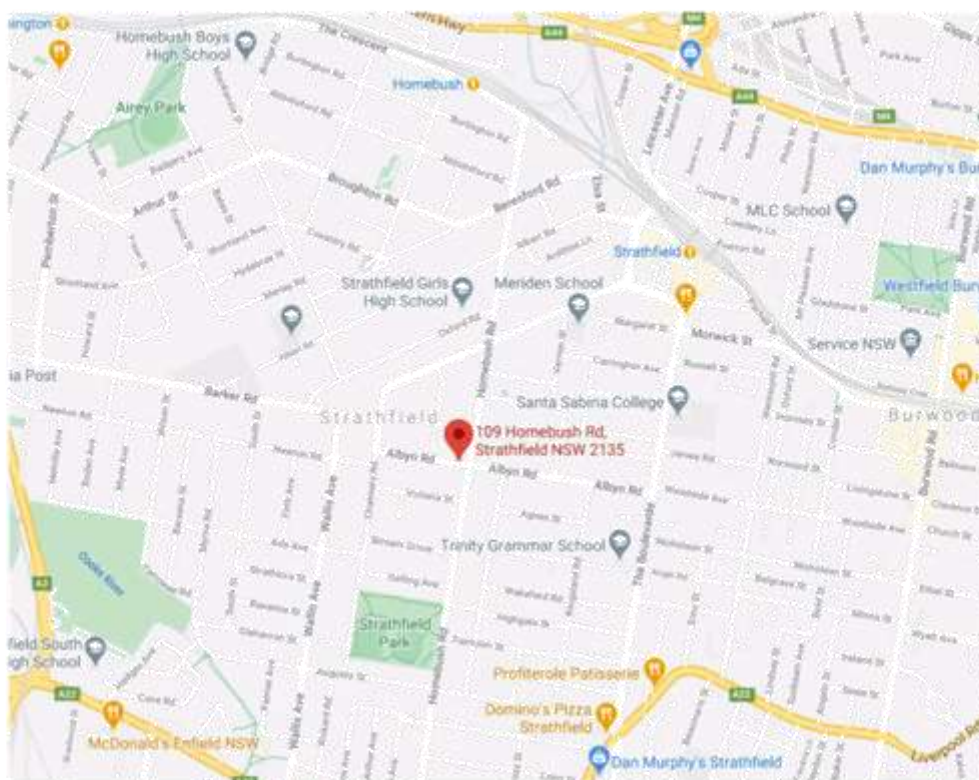


Figure 1: Locality map – 109 Homebush Road, Strathfield
Source: google.com.au

The subject site is a corner allotment with a site area of 927.8m²; the primary frontage of the site is oriented to the east and adjoins Homebush Road, while the secondary frontage is oriented to the south and adjoins Albyn Road. The site is sloped in an east-to-west direction towards 65 Albyn Road.

Development on the subject site consists of a single storey detached dwelling house constructed of brick render with a tile roof. The rear setback area is oriented towards the west of the site and is mostly

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landscaped with the exception of a secondary dwelling, outbuilding, open/at grade car parking area, and a disabled access ramp connecting the car parking space to the rear of the dwelling.

A single-width driveway crossover provides vehicle access to the site from the secondary frontage, Albyn Road. The driveway from Albyn Road leads to the open/at grade car parking area. The site is sparsely vegetated with one (1) tree found within the rear setback and two (2) trees located along the Albyn Street Council verge.



Figure 2: Aerial photograph of subject site (identified by the red border) and surrounding sites
Source: Nearmap, 6 December 2020

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Figure 3: The view of the subject site from Homebush Road
Source: Google, October 2020



Figure 4: The view of the subject site from Albyn Road
Source: Google, October 2020

The site is not mapped as being affected by any significant affectations such as bushfire, flooding, and biodiversity significance; nor does the site contain a heritage item or located within a heritage conservation area.

2.2 Adjoining Development and Surrounding Locality

The site is located within an established residential area characterised predominantly by low density residential development (i.e. dwelling houses).

The adjoining property to the north of the subject site is 107 Homebush Road which contains a single storey dwelling house constructed of rendered brick with a tile roof (**Figure 5**). Significant vegetation is located adjacent to the common boundary with the subject site. Adjoining to the west of the site is 65 Albyn Road which comprises a double storey dwelling house constructed of brick with a tile roof (**Figure 6**).

Located to the south (i.e. on the opposite side of Albyn Road) is 111 Homebush Road, which contains a double storey dwelling house constructed of rendered brick with a tile roof (**Figure 7**). Also to the south is 70 Albyn Road, which contains a double storey dwelling house constructed brick with a tile roof (**Figure 8**).

To the east of the site (i.e. on the opposite side of Homebush Road) is 118-120 Homebush Road, which contains a single storey dwelling house constructed brick with a tile roof (**Figure 9**).



Figure 5: 107 Homebush Road, Strathfield
Source: Google, October 2020

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Figure 6: 65 Albyn Road, Strathfield
Source: Google, October 2020



Figure 7: 111 Homebush Road, Strathfield
Source: Google, October 2020

109 Homebush Road, Strathfield

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Figure 8: 70 Albyn Road, Strathfield
Source: Google, October 2020



Figure 9: 118-120 Homebush Road, Strathfield
Source: Google, October 2020

3.0 Proposed Development

Pursuant to Section 4.12 of the Act, consent is sought from Strathfield Council for a change the use to a permanent nine (9) bedroom group home.

Associated alterations and additions to an existing secondary dwelling is also required to facilitate the proposed change of use that are detailed below:

- Replace existing single attached garage with an accessible bedroom and bathroom including new walls, ceiling, flooring, doorways, windows, lighting, and fixtures and fittings.
- New accessible entrance.
- Construct an access ramp.
- Construct a walkway.
- Construct a concrete landing.
- Extend entry doorway.

4.0 Planning Assessment

4.1 Section 4.15(1) - Matters for Consideration

In accordance with Section 4.15(1) of the Act, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the DA, specifically:

- (a) *the provisions of:*
 - (i.) *any environmental planning instrument, and*
 - (ii.) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii.) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv.) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v.) *(Repealed)*
- that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered within Part 4 of this SEE.

4.2 Environmental Planning Instruments – Section 4.15(1)(a)(i)

4.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance with the applicable provisions of Part 2, Division 1 (In-fill affordable housing) of the ARH SEPP is demonstrated below.

The DA is being lodged pursuant to clause 43(1)(b) of the ARH SEPP that allows for permanent group homes to be undertaken with consent in prescribed zones.

The subject site is zoned R2 Low Density Residential under the provisions of the SLEP 2012 which is land that is classified as a prescribed zone pursuant to clause 42(1) of the ARH SEPP. For reference, the definitions for prescribed zones and permanent group homes are as follows:

“prescribed zone means:

- (a) any of the following land use zones or a land use zone that is equivalent to any of those zones:
- (i.) Zone R1 General Residential,
 - (ii.) Zone R2 Low Density Residential,**
 - (iii.) Zone R3 Medium Density Residential,
 - (iv.) Zone R4 High Density Residential,
 - (v.) Zone B4 Mixed Use,
 - (vi.) Zone SP1 Special Activities,
 - (vii.) Zone SP2 Infrastructure, and
- (b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.”

“permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.”

The following demonstrates how the proposal meets the key components of the above definition:

- The proposed use is defined as a ‘permanent group home’. The building contains an accessible parking area, single main point of entry, no self-contained rooms, and living areas (that have been converted to common areas such as living/dining areas) and common outdoor areas that are shared by residents,
- The permanent group home is continually staffed by suitably qualified carers and/or support staff,
- The purpose of this permanent group home is to provide permanent accommodation for persons with a disability (i.e. those afflicted by “...an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.”, as defined by the ARH SEPP), and
- The permanent group home is not a land use to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (‘Seniors SEPP’) applies, as it is not a ‘residential care facility’, ‘hostel’ and/or a ‘self-contained dwelling’ (as defined by the Seniors SEPP).

4.2.2 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land applies to the site. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding sites are located within a well-established residential area that has been both zoned and used as such for an extended period of time. Further, there is no information to suggest that the site has become contaminated, and the use and proposed works involve minimal ground disturbance (i.e. significant demolition, excavation, etc.).

With regard to the above, the site is considered to be suitable in its present state for the proposed development, and no further investigations of site contamination is warranted.

4.2.3 Strathfield Local Environmental Plan 2012

Permissibility and zone objectives

The subject site is located within an R2 Low Density Residential zone under SLEP 2012 (Figure 10). Aside from being permissible under Division 7 of the ARH SEPP, Group homes are also a permissible land use within the R2 zone under the SLEP 2012.

The proposal will also satisfy the objectives of the R2 zone, which for reference are as follows:

- 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.



Figure 10: SLEP 2012 zone map extract
Source: legislation.nsw.gov.au

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The proposed use will cater for the specific housing needs of people with a disability within a building that was previously constructed as a dwelling house with a secondary dwelling. The proposal will have no impact on the ability of surrounding sites to provide facilities and/or services to meet the day to day needs of residents. Further, the former dwelling will not be drastically physically altered by the proposal and no tree removal is proposed; the building and subject site will therefore continue to be in harmony with the surrounding heritage items and conservation areas.

Applicable development standards

Clause 6.1 – Acid Sulfate Soils

The subject site is mapped to be affected by Class 5 Acid Sulfate Soils. Minimal ground disturbance will occur as part of the development. Therefore, no further consideration of this clause is required.



Figure 11: SLEP 2012 acid sulfate soils map extract
Source: www.legislation.nsw.gov.au

4.3 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There are no draft planning instruments which apply to the subject site.

4.4 Development Control Plans - Section 4.15(1)(a)(iii)

4.4.1 Strathfield Consolidated Development Control Plan 2005

An assessment of the proposal against SCDCP 2005 is contained within the table below. As the proposal is for a change of use to a permanent nine (9) bedroom group home with minimal building works, there are limited provisions within the DCP that apply. As such, the following table only considers provisions that are of relevance to the proposal.

Strathfield Consolidated Development Control Plan 2005		
Part H Waste Minimisation and Management		
Provisions	Proposed	Complies
Comment: A Waste Management Plan accompanies the DA and demonstrates that the proposal is compliant with the relevant waste requirements.		
Part I Provision of Off Street Parking		
3.0 Part C – Parking Schedule		
3.1 Residential		
3.1.1 Dwelling Houses		
(a) Parking		
(i) 2 parking spaces shall be provided behind the building line.	<p>Parking rates for group homes are not specified within the SCDCP 2005; comparisons are to therefore be made with a similar purpose.</p> <p>Given that the proposed group home is of a similar purpose to a dwelling house, its terms of residential functionality and build form, the proposal has drawn upon dwelling house car parking requirements.</p> <p>Car parking rates for dwelling houses require two (2) parking spaces. At present, two (2) off-street car parking spaces are provided within the open/at grade car parking area and driveway.</p> <p>The site is also in close proximity to public transport services, with the nearest bus stops (serviced by the 407 and 480 bus routes, which provide direct services to Burwood, Strathfield Station, Central Pitt Street and Enfield respectively) being located less than 100 metres walking distance from the site.</p> <p>In regards to vehicle ingress and egress, vehicles will be able to enter the site in a forward direction however vehicles will be required to reverse into Albyn Road. This system is being retained and is considered safe given the location the egress point being on a quiet road as well as the arrangement being consistent with vehicular movements of the surrounding dwellings.</p>	Yes

4.5 Planning agreements - Section 4.15(1)(a)(iiia)

No planning agreement has been found to apply to the subject site.

4.6 The Regulations - Section 4.15(1)(a)(iv)

The pertinent considerations identified within the Regulation relate to conformity with the Building Code of Australia (BCA). The proposed works are capable of satisfying the Regulations (i.e. conforming with the BCA).

4.7 Likely Impacts of the Development – Section 4.15(1)(b)

4.7.1 Impact on the Natural Environment

The proposed development will utilise an existing dwelling house and secondary dwelling. No impacts on trees, vegetation and/or landscaped areas are proposed. As no major works are proposed, there will be no soil or water impacts.

As the building is not proposed to be significantly modified as a result of the use, the proposal would not change streetscape character and/or the amenity of surrounding residences. Given the location and orientation of the site on a corner allotment, good access to natural sunlight living and private open space areas is provided; the development will also have no impacts on surrounding allotments or the public domain in terms of solar access, visual privacy and views.

The proposed use of the site will continue to remain consistent with that of the existing dwelling, in that it will be used to accommodate members of the community in a manner that is consistent with surrounding development. The group home does not accommodate persons requiring a high level of care, and as such its operation will minimise staff movements and associated noise-generating activities. The group home is therefore not a noise-generating activity that would adversely affect the amenity of the surrounding residential area.

As such, the proposal will not have any significant impact on the natural environment.

4.7.2 Impact on the Built Environment

The change of use and alterations and additions would utilise an existing residential development that is already adequately serviced by existing infrastructure and utilities. The proposed amendments to the building would not substantially change the external appearance of the building and would not substantially change the streetscape and the built character of the area, especially when considering that all proposed external materials and finishes will remain consistent with the current materials and finishes.

The proposed alterations and additions to the existing secondary dwelling must be assessed on merit given its undefinable land use which is too large to be assessed as a secondary dwelling and too small to be assessed as a dwelling house.

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An outline of the key bulk and density controls that result from the proposed alterations and additions to the existing secondary dwelling are as follows:

Particular	Dimension
Gross Floor Area	80.35m ²
Setbacks	Front: 40.16m Secondary frontage: 4.92m Side: 1.71m Rear: 7.8m
Height	Single storey
Landscape	Additional tree plantings and replacement turf is proposed. The landscaped area and deep soil area is to remain unchanged.
Private Open Space	To remain unchanged.

An outline of the key bulk and density controls as a result of the combined development (proposed secondary dwelling and group home) are as follows:

Particular	Dimension
Gross Floor Area	301.23m ² (220.88m ² + 80.35m ²)
Floor Space Ratio	0.32:1 (301.23m ² / 927.8m ²)
Setbacks	Front: 6.24m (existing) Secondary frontage: 1.48m (existing) Side: 900mm (existing) Rear: 7.8m (existing)
Height	Single storey
Landscape	Additional tree plantings and replacement turf is proposed. The landscaped area and deep soil area is to remain unchanged.
Private Open Space	To remain unchanged.

As per the tables above, the proposal responds appropriately to bulk and density and avoids any adverse impacts on nearby allotments and the public domain.

Council must be considerate of the fact that group homes are designed in a manner that best services the needs of disabled residents in which these homes are centred on providing a purpose built home that fosters freedom and independence for residents with significant functional impairments and / or very high support needs.

The alterations and additions are also proposed to achieve compliance with Specialist Disability Accommodation Design Standards so as to be enrolled with the National Disability Insurance Scheme.

Accordingly, group homes do not always resemble a definable land use such as a dwelling house or secondary dwelling in which a merit based assessment is warranted.

The proposal will not have any significant impact on the built environment.

4.7.3 Social Impacts

The more supportive housing model considers that people with a disability have a right to live in a community, and to participate fully in that community. Group homes provide people with the support they need to increase their independence, achieve personal goals and to live both full and productive lives. The proposal will therefore provide specialised and suitable housing for members of the community with disabilities. The location of the group home within the locality enables its residents to have access to local facilities and associated community participation opportunities. Further, the group home and associated care activities will provide tailored and supportive accommodation with higher levels of privacy, flexibility and amenity.

No adverse social impacts are anticipated as a result of the proposed development. The development provides and contributes to diversity in housing choice.

The proposed development will:

- Assist in meeting significant demand for supported accommodation in the Strathfield LGA, and within the area more broadly,
- Provide more accessible housing,
- Provide additional employment opportunities for carers and other relevant medical staff, and
- Not adversely affect the surrounding area or locality more broadly.

Accordingly, it is not considered there would be any adverse impacts on the social significance of the locality for present or future generations. In this regard, the proposal will have a positive social impact on the surrounding locality.

4.7.4 Economic Impacts

No adverse economic impacts are likely to result from the proposed development. The proposed development will beneficially contribute to a range of economic benefits within the Strathfield LGA and surrounding areas through:

- A more efficient use of land resources, through the utilisation of an existing structure that is adequately designed for the proposed use,
- Additional employment opportunities through the hiring of specially qualified carer and support staff to facilitate the group home's operation, and
- Enhanced consumption of local goods and services as a result of accommodating residents and the attendance of staff at the site.

4.8 Suitability of the Site for the Development – Section 4.15(1)(c)

The proposed group home and associated alterations and additions to an existing secondary dwelling is both a permissible land use within, and would satisfy the objectives of, the R2 Low Density Residential zone.

The existing dwelling is well suited to the proposed use as a group home, as all habitable areas are located on a single level and access for persons with disabilities is provided. Further, the site contains an oversized private open space area that is both well located and oriented to maximise amenity and encourage use by residents. The location of the site is close to local services including public transport, shops and supporting social and community infrastructure for use by residents.

Accordingly, it is considered that the subject site is suitable for the proposed development.

4.9 Public Submissions

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

4.10 Public Interest – Section 4.15(1)(e)

The proposal provides the local area with housing infrastructure on a site inherently suitable for such a use as it is a permissible form of development under the ARH SEPP and SLEP 2012. Further, the proposal will increase the diversity of housing resources for persons with disabilities within the Strathfield LGA.

Accordingly, the proposed use would provide a service to the broader community, as it would:

- Provide shelter, support and care for people with a disability,
- Improve opportunities for people with a disability to remain as independent and healthy as possible,
- Provide additional employment opportunities for specialised staff, and
- Provide residents with the support and care provided by a group home, including the provision of suitably-qualified support staff during the day that enables residents to live with adequate support within residential areas.

5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the Act. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible within the R2 zone under both the ARH SEPP and SLEP 2012.
- The proposal is consistent with the relevant aims and objectives of SLEP 2012.
- The proposal is consistent with relevant development controls and requirements within SCDCP 2005.
- Appropriate operational management measures are in place to ensure that the residents occupying the proposed group home are cared for according to their needs in a manner that does not adversely affect the amenity of the surrounding community.
- It is considered there are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Strathfield Council support and approves this DA.

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**DA2021.170
9 August 2021**

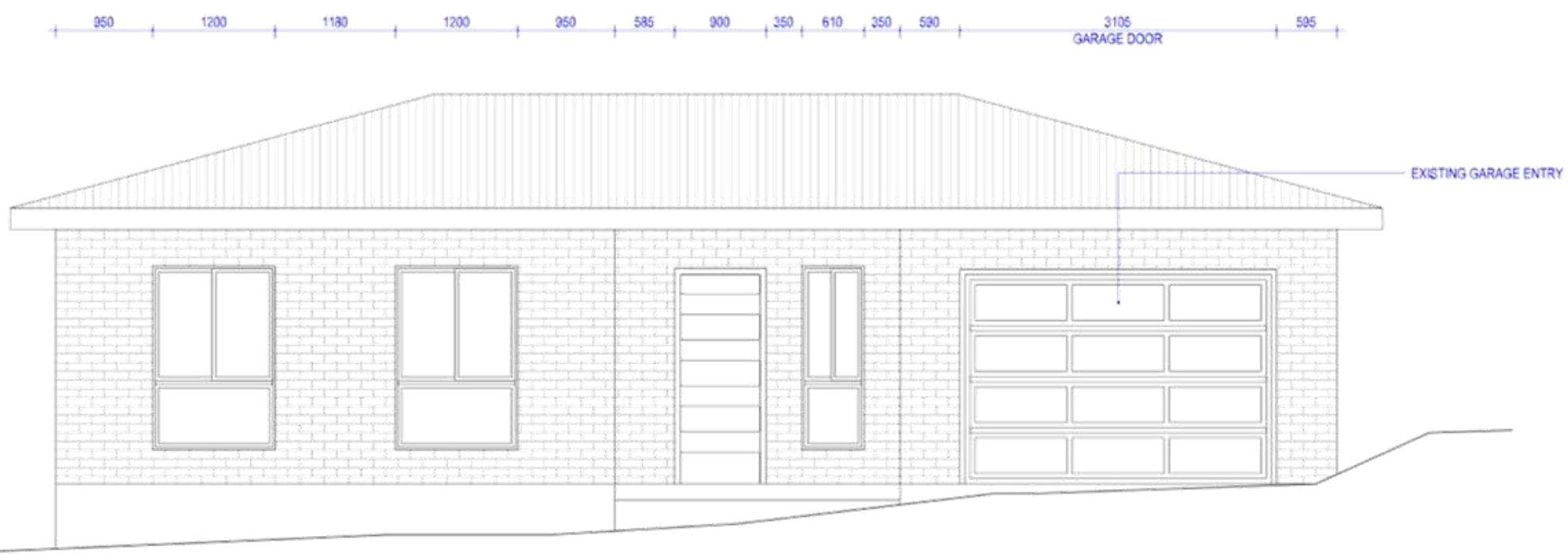


KENNEDY ASSOCIATES ARCHITECTS level 3 / 1 booth street annandale 2038 nominated architect - anthony nolan - registration no. 6773 p + 61 2 9557 6466 f + 61 2 9557 6477	SITE PLAN	proposed specialist accommodation at: 109 HOMEBUSH ROAD STRATHFIELD	project number 2084	drawing number DA-0001 B
			date 30/7/21	DA SUBMISSION - REVISED



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**DA2021.170
9 August 2021**



1 NORTH ELEVATION - EXISTING GRANNY FLAT
Scale: 1:25



2 NORTH ELEVATION - EXISTING GRANNY FLAT - PROPOSED ACCESS RAMP
Scale: 1:25

KENNEDY ASSOCIATES ARCHITECTS level 3 / 1 booth street annandale 2038 nominated architect - anthony nolan - registration no. 6773 p + 61 2 9557 6466 f + 61 2 9557 6477	ELEVATION - GRANNY FLAT	proposed specialist accommodation at: 109 HOMEBUSH ROAD STRATHFIELD	project number 2084	drawing number DA-0004 A
			date 29/7/21	DA SUBMISSION

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 38
SUBJECT: 33 MACKENZIE STREET HOMEBUSH LOT: 2 DP: 1035608
DA NO. 2021.235

SLPP REPORT

Property:	33 Mackenzie Street HOMEBUSH Lot 2 in DP 1035608 DA 2021/235
Proposal:	Demolition of existing structures and construction of four (4), three-storey townhouses above a single basement level, associated driveway and landscaping works.
Applicant:	Danny Elias (Developer Entity Pty Ltd)
Owner:	Developer Entity Pty Ltd
Date of lodgement:	10 September 2021
Notification period:	16 September 2021 to 30 September 2021
Submissions received:	Four (4) Submissions
Assessment officer:	G I Choice
Estimated cost of works:	\$1,784,799.00
Zoning:	R3-Medium Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	Yes: 303.2m ² (30.3%) variation to minimum lot size
RECOMMENDATION OF OFFICER:	REFUSAL



Figure 1: Subject site aerial photograph (highlighted in yellow)

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)**EXECUTIVE SUMMARY**

Development consent is being sought for the demolition of existing structures and construction of four (4), three-storey townhouses above a single basement level, associated driveway and landscaping works.

Site and Locality

The site is identified as No. 33 Mackenzie Street, Homebush and has a legal description of Lot 2 in DP 1035608. The site is rectangular in shape and has an area of 696.8m². The locality surrounding the subject site contains a mixture of two-storey townhouse development and single-storey and two-storey dwelling houses.

Strathfield Local Environmental Plan

The site is zoned R3-Medium Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal fails to achieve key objectives and provisions under the LEP (discussed in more detail below).

Development Control Plan

The proposed development does not comply with several objectives and controls of the Strathfield Consolidated DCP 2005. This is discussed in more detail in the Assessment section of this report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 16 September 2021 to 30 September 2021, where four (4) submission/s were received raising the following concerns:

- Overdevelopment of the site ;
- Overshadowing and privacy impacts;
- Impacts to on-street parking and safety of vehicle entrances; and
- Raised levels.

Issues

- Excessive floor space ratio (FSR), building height, bulk, scale and massing;
- Non-compliant basement parking; and
- Excessive excavation.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/235 is recommended for refusal subject to the attached reasons of refusal.

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures and construction of four (4), three-storey townhouses including one (1) adaptable dwelling - above a single basement level, associated driveway and landscaping works.

More specifically, the proposal includes;

Basement level:

- Eight (8) residential parking spaces and one (1) visitor parking space
- Storage area
- Bin room
- Internal lift access
- Internal stair access

Ground floor level:

- Townhouse 1 (TH1 adaptable dwelling)
 - Open plan living/kitchen/dining
 - Separate WC
 - Separate laundry
 - Internal lift
 - Private courtyard
- Townhouse 2 & Townhouse 3 (TH2 & TH3)
 - Open plan living/kitchen/dining
 - Single bedroom
 - Separate bathroom
 - Separate laundry
 - Private courtyard
- Townhouse 4 (TH4)
 - Open plan living/kitchen/dining
 - Separate WC
 - Separate laundry
 - Private courtyard

First floor level:

- Townhouse 1 (adaptable dwelling)
 - Two (2) bedrooms
 - Bathroom
 - Study
 - Internal lift

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- Townhouse 2 & Townhouse 3
 - Two (2) bedrooms
 - Bathroom
 - Study
- Townhouse 4
 - Three (3) bedrooms
 - Bathroom

Second floor level:

- Townhouse 1 (adaptable dwelling)
 - Single bedroom
 - Bathroom
 - Internal lift
 - Balcony
- Townhouse 2 & Townhouse 3
 - Single bedroom
 - Bathroom
 - Balcony
- Townhouse 4
 - Single bedroom
 - Bathroom
 - Balcony

External works:

- Associated landscaping

Figures 2 to 9 illustrate floor plans and elevations of the proposal.

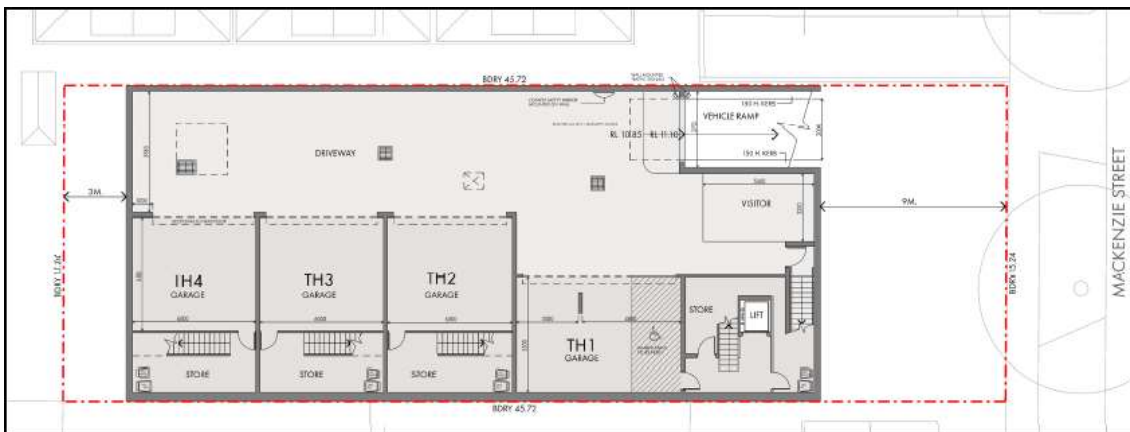


Figure 2: Proposed basement plan

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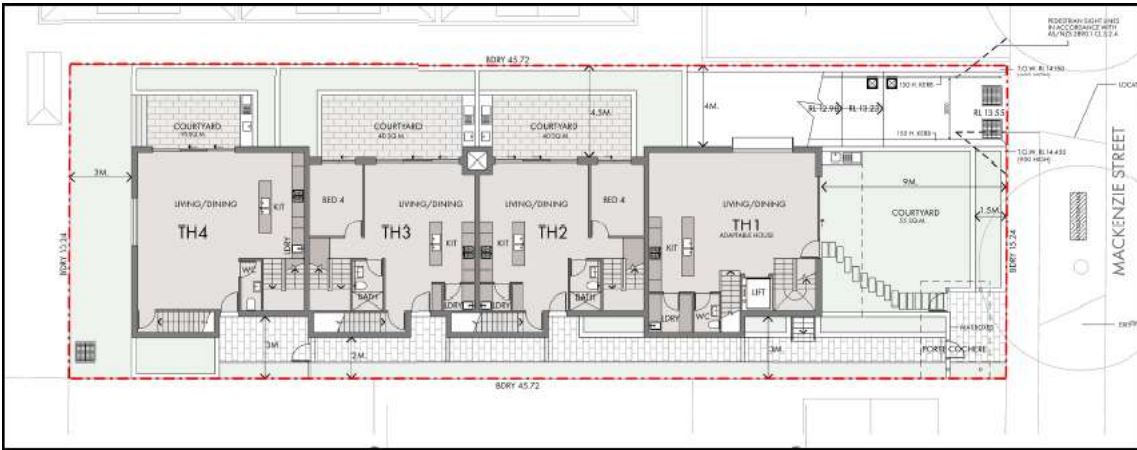


Figure 3: Proposed ground floor plan



Figure 4: Proposed first floor plan



Figure 5: Proposed second floor plan



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Figure 6: Proposed east elevation



Figure 7: Proposed north elevation



Figure 8: Proposed west elevation



Figure 9: Proposed south elevation

The Site and Locality

The subject site is legally described as Lot 2 in DP 1035608 and commonly known as No. 33 Mackenzie Street, Homebush. It is located on the western side of Mackenzie Street between The Crescent to the north; Bridge Road to the south-east; Badgery Avenue to the south; and Bates Street to the east. The site is the smallest of three (3) allotments zoned R3 Medium Density Residential under the SLEP 2012 as shown in Figure 10 below.

The site is rectangular in shape and has a front (east) and rear (west) boundaries of 15.24m; side boundary lengths of 45.72m; and an area of 696.8m². The topography of the site is relatively flat with a slight east-west slope of 1-2⁰.

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Existing development on the subject site comprises a split level 1 and 2 storey dwelling house with attached carport, rear swimming pool, pergola and garden shed. Vehicular access is provided to the site via existing driveways on either side boundary from Mackenzie Street.

The subject site is bound on two sides (north and rear) by a two-storey villa-townhouse development at 31 Mackenzie Street: a large t-shaped lot with dual frontages to Mackenzie Street and Bates Street. The site also has a common boundary on the south side with the rear boundaries of 1A & 1B, 3 and 5 Badgery Avenue. Development on 1B Badgery Avenue comprises a single storey dwelling house closest to the subject site and a two-storey dwelling house on the Bates/Mackenzie corner at 1A Badgery Avenue. Existing development on 3 and 5 Badgery Avenue comprises a single storey dwelling house on each lot.



Figure 10: Subject site zone mapping (highlighted in yellow) SLEP 2012

The current streetscape is characterised by a mix of single-storey and two-storey housing of different traditional architectural styles with pitched and hipped roofs, and a variety of low-set fencing including several open construction masonry fences with decorative metalwork. The Hwa Tsang Monastery is located at 29 Mackenzie Street. Large established brushbox trees are prominent on both sides of the street.

The surrounding area is characterised by low density residential housing development, with the villa-townhouse development at No. 31 Mackenzie Street appearing as an anomaly within this streetscape; though, reflective of this site being contained within remaining R3-zoned land that is surrounded by R2-zoned land (refer to Figure 10).

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)



Figure 11: Subject site (left) adjoining boundary with 31 Mackenzie Street (right)



Figure 12: Subject site (right) adjoining boundary with 1B Badgery Avenue (left)

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Figure 13: Existing dwelling at 1A Badgery Avenue



Figure 14: Existing dwelling at 3 Badgery Avenue

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Figure 15: Existing dwelling at 5 Badgery Avenue



Figure 16: Subject site adjoining streetscape

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Figure 17: Adjacent Mackenzie Street streetscape



Figure 18: Adjoining streetscape 31 Mackenzie Street & 40 Bates Street (Bates Street side)



Figure 19: Existing development at 1A (left) and 1B (right) Badgery Avenue

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)**Background**

September 10 2021	The subject DA was lodged.
20 September 2021	The Applicant submitted a photographic survey of the subject site via e-mail.
30 September 2021	End of neighbour notification period. Four (4) submissions were received during this time.
8 October 2021	An additional information request letter was issued by Council to the Applicant identifying the following issues:

Variation to Minimum Lot Size

- i. The Clause 4.6 statement request for a 303.2m² variation to the minimum 1000m² lot size for multi-dwelling housing was not supported

Floor Space Ratio and Density

- ii. A merit assessment of the estimated 0.87:1 FSR had determined that the proposed density with regard to FSR was inappropriate and will result in an overdevelopment of the site.
- iii. The building ridge height of 9.645m exceeded the maximum allowable 9.5m as per SLEP 2012 and was not supported
- iv. The proposed number of storeys (3) was not supported because:
 - the subject site is not located within a three-storey Density Sub-Zone as included in Appendix 1 of Part C of the SCDCP 2005; and
 - The resulting structure presented significant impacts to the existing streetscape and amenity of adjoining properties.
- v. The proposed mansard-style roof did not relate to the prevailing roof form of the adjoining R2 or R3 zoned neighbourhood style and pitch.
- vi. The proposed first floor south elevation did not provide sufficient modulation and articulation and would result in significant visual impacts of bulk and massing to the adjoining properties of 1 to 5 Badgery Avenue.
- vii. A merit assessment of the proposed side setbacks and the proposed basement footprint is not supported as it significantly exceeded the ground floor development footprint and posed significant impacts to adjoining properties.
- viii. Insufficient information was been provided to determine how trees on adjoining properties would be impacted by of the proposed excavation.

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- ix. With regard to the acoustic privacy, the site layout and building design did not ensure that bedrooms of one dwelling did not adjoin living rooms of adjacent dwellings.

Traffic

- x. Insufficient information was provided to indicate a minimum clearance to the existing utilities in accordance to Council's Engineering Specifications for Driveways.
- xi. A traffic signal system and convex mirrors was necessary to ensure the safety for pedestrians & traffic moving along the driveway.
- xii. There is insufficient information to determine if the design provides the 2.0m x 2.5m sight triangle at the property boundary to maintain sight distance to pedestrians.
- xiii. The swept path images provided were not sufficient to demonstrate that all vehicles can enter and exit the basement in a forward direction.
- xiv. The width of driveway at the property boundary exceeded the maximum 3m driveway width at the property boundary.
- xv. The basement entries within the property exceeded the maximum 3.5 width for ramps and driveways.
- xvi. It was unclear if adequate on-site parking was provided to satisfy AS2890.6. Insufficient information was provided to determine required height clearances, site parking provisions as well as the disabled parking arrangement associated with the other garages was acceptable.

*On the basis of a preliminary assessment by the Assessing Officer, the proposal was considered to be of a density and scale that was unsuitable for the site and the Applicant was advised that the subject application was unlikely to be supported.

- 26 October 2021 A photographic survey of the existing streetscape was completed by the Assessing Officer.
- 27 October 2021 Amended plans were submitted to show a compliant building height, as well as a revised swept path analysis and Clause 4.6 statement via the NSW Planning Portal.
- 17 November 2021 All internal referral responses to additional information received.

NOTE: Due to NSW government Health Order following the COVID-19 outbreak in greater Sydney, the Assessing Officer was unable to attend the site and subsequently relies on the site inspection photos taken by the Applicant and provided on 20 September 2021. The application has been assessed utilising a thorough suite of photographic evidence including a streetscape analysis by

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

the Assessing Officer on 26 October 2021. Council's geographic information systems data and other available information relating to the existing site conditions.

Referrals – Internal and External**Building and Compliance**

The proposal was referred to Council's Building Surveyor who raised no objections to the proposed development.

Stormwater

The proposal was referred to Council's Development Engineer who has assessed the stormwater drainage concept plan prepared by Quantum (dated 23 August 2021). From an engineering perspective, the concept plan is feasible and no objections were raised.

Traffic

The proposal was referred to Council's Traffic Engineering Officer who offered the preliminary comments:

"[T]he applicant is required to demonstrate that all vehicles can enter and exit the basement in a forward direction. Alternatively a turning bay shall be nominated to allow adequate manoeuvring...It is unclear if adequate onsite parking are allocated to satisfy AS2890.6. Further clarification is required on height clearances, site parking provision as well as the disabled parking arrangement associated with the 4 garages."

Council's TEO has assessed the amended Swept Path Analysis prepared by Ross Howieson Architects (dated 11 October 2021) and provided the following comment:

"The swept path shown is not showing adequate room to manoeuvre a vehicle into the Visitor's and TH1 spaces."

Accordingly, Council's TEO provided objections to the proposal with regard to safe and appropriate vehicular access and parking.

Tree Assessment

The proposal was referred to Council's Tree Management Coordinator who provided the following comment:

"Basement excavations may impact on trees/ shrubs...on neighbouring properties, these are not significant. Basement excavations would have to locate a minimum 1 metre of the side boundary to retain this vegetation."

Subject to addressing the above, Council's Tree Management Coordinator provided no objections to the proposal.

Waste

The proposal was referred to Council's Environmental Project Officer (Waste) who raised no objections to the application.

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Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
(i) any environmental planning instrument,

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
Sydney Regional Environmental Plan (Sydney harbour Catchment) 2005	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

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

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

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

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The objectives outlined within SEPP 55 are considered to be satisfied.

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 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 was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

The aims and objectives outlined within the SEPP are considered to be satisfied.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development**Clause 2.1 – Land Use Zones**

The subject site is zoned R3-Medium Density Residential and the proposal, being a townhouse development, is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.1A Minimum subdivision lot size (excl. strata subd.)	Multi-dwelling housing 1000m ²	Site area: 696.8m ²	No – see Clause 4.6 discussion
4.3 Height of Buildings	Maximum HOB 9.5m	9.5m	Yes
4.4 Floor Space Ratio	N/A	0.87:1 (86.9%)	N/A - see Clause 4.6 discussion

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 subject site has a total area of 696.8m². The area of non-compliance relates to a 303.2m² shortfall to the minimum 1000m² lot size requirements for multi-dwelling housing within the R3 Medium Density zone as per Clause 4.1A of the SLEP 2012. The 303.2m² represents a 30.3% variation to the development standard.

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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.”

The applicant has provided a written request (The Statement) that seeks to justify the proposed contravention of the Clause 4.1C development standard as discussed in the following section:

Clause 4.6(3)(a): That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In assessing whether compliance with the standard is unreasonable or unnecessary, it is appropriate to apply the approach adopted by Preston CJ in ***Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827*** (referred to hereafter as *Wehbe*) in which His Honour identified five pathways that could be applied to establish whether compliance is unreasonable or unnecessary.

The Statement employs the first (i), third (iii) and fourth (iv) ways of *Wehbe v Pittwater Council [2007]* to address sub-clause 4.6(3)(a).

- i. The objectives of the standard are achieved notwithstanding noncompliance with the standard*

The Statement provides the following comments against the relevant cl 4.1A objectives:

- (i) The objective of this clause is to achieve planned residential density in certain zones.*

The objective of the minimum lot size is the same as in Kasif, namely, to achieve the planned residential density in certain zones.

- The Court accepted the applicant’s argument in Kasif that the zoning and floor space ratio control are the best indicators of what the planned residential density for the site is: [118] and [76].*

Assessing officer’s comment: *Kasif v Georges River Council [2020] NSWLEC 1068* bares little to no relevance to the subject variation request. Given the subject site has no FSR control, the proposal does not have the instrumental grounds to justify an FSR of 0.87:1.

- The proposed development is consistent with the objectives of the R3 zone...There is no floor space ratio development standard under SLEP 2012 that applies to the site. This is*

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not an anomaly. The minimum lot size is considered the anomaly in this instance as SLEP 2012 maps show 560m² in this R3 zone precinct that consistent with previous minimum lot controls referred to previously in the Strathfield Planning Scheme Ordinance 1969 - Clause 41; whilst other R3 zones are shown on the SLEP 2012 maps with 1000m² minimum lot size requirement. Neither the subject site nor the adjoining R3 zoned and R2 zoned sites are subject to an FSR control under SLEP 2012.

However, the development complies with all of the building envelope controls that apply to the site under SC DCP 2005. This is discussed further in paragraph 5.23 - 5.29 below.

Assessing officer's comment: The Statement claim that the development is both consistent with the objectives of the R3 zone, and compliant with all controls for building envelope is unsubstantiated as discussed elsewhere in this report.

- The development also has well-articulated facades with a range of materials where its scale and form are congruous with a medium density scale and with the character of its setting. The development is an appropriate response to the site and its context and will be in unity with the planned residential density envisaged for the site despite the shortfall in site area.*

Assessing officer's comment: The Statement claim that the proposal is an appropriate response to the site and its context is unsubstantiated as demonstrated elsewhere in this report.

- Further, as in Kasif, where the site in that case was surrounded by not only residential flat buildings but dwelling houses and townhouses³, the subject site adjoins multi dwelling housing to the north and the west at 31 Mackenzie Street and 40 Bates Street, respectively, and low density residential development to the south. (It is noted that the low density residential provides the same height requirement as the subject site, namely 9.5 m).*

Assessing officer's comment: *Kasif v Georges River Council [2020] NSWLEC 1068* is an inappropriate comparison in the case of the subject variation request. Adjoining development at the subject site of 33 Mackenzie Street is a mix of low density and medium density residential development two a maximum of two-storeys. A two-storey development would be more appropriate in the context of the site.

- In considering the zoning in this context, it is not only the zone objectives that is of relevance (consistency with the R3 zone objectives is discussed in paragraphs 6.5 to 6.18 below, but also the development permissible within the R3 zone.*

Assessing officer's comment: The permissibility of townhouses within the R3 zone is not disputed in this report.

- Critically, like the Kasif case, one of the key points to consider is that the other forms of residential development permissible on the site that do not require a minimum lot size of 1000 m² are not forms of medium density residential, they are forms of low-density housing that are permissible in the R2 Low Density Zone e.g., attached dwellings, dwelling houses, secondary dwellings, semi-detached dwellings.*

Assessing officer's comment: The Statement claim and comparison to low-density forms of residential development in the R2 zone is irrelevant to the subject application. Further, Dual

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Occupancies are prohibited in the R2 zone (with the exception of Greenacre). The subject site could achieve a high quality dual occupancy development and satisfy the minimum lot requirement for such a development.

- *The Council has suggested that a dual occupancy development which requires a minimum lot size of 560 m² would provide an appropriate variety of housing to satisfy the objectives of the R3 zone. However, such a development would not involve the orderly and economic development of land in accordance with section 1.3(c) of the EP&A Act and would not be consistent with the zone objectives having regard to the area of the site, which is 696.8 m² and having regard to the other townhouse development approved by the council at 31 Mackenzie Street and 40 Bates Street, Homebush.*

Assessing officer's comment: The Statement claim is unsubstantiated. A dual occupancy development would increase the density of the land. Further, the allotments of 31 Mackenzie Street and 40 Bates Street both satisfy the minimum 1000m² lot size requirements for multi-dwelling housing.

- *It is noted that Part B of SCDCP 2005 Dual Occupancy Housing section 2.2 Site Requirements relevantly provides that:*

Generally, dual occupancy developments should take place on allotments that are appropriate for dwelling houses.

Having regard to its zoning and its size, the site is not appropriate for a dwelling house.

Also it is noted that Part B of SCDCP 2005 Dual Occupancy Housing section 2.2 Side and Rear Boundary Setbacks provides that a dual occupancy only requires:

- 2. A 900mm minimum setback from side and rear boundaries for walls of less than 3.0 metres in height.*
- 3. A 1.5 metre minimum setback from side and rear boundaries for walls greater than 3 metres in height.*

The setbacks of the proposed development are compliant with the multi-unit dwelling envelope in SCDCP 2005 and range between 4-4.5 metres to the northern boundary and 2-3 metres to the southern boundary and 3 metres to the western boundary.

Assessing officer's comment: The Statement claim that the site is not appropriate for a dwelling house is undermined by the very existence of a dwelling house on the site. Further, the assertion of compliance with a single SCDCP control does not substantiate the overall appropriateness of a three-storey townhouse development on the subject site.

- *Other controls in SCDCP 2005 that indicate that a dual occupancy development is appropriate for a site much smaller than the subject site including Section 2.3, Density, Bulk and Scale:*
 - (a) 1. The maximum floor space ratio for dual occupancy developments (attached and detached) is 0.5:1; and*

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(b) 3. A detached dual occupancy must have a maximum floor space of 100 m².

Assessing officer's comment: The FSR for sites between 600-699m² in the R2 zone is 0.6:1. Council has been consistent in approving Dual Occupancy developments in the Greenacre area with FSR greater than 0.5:1. It is reasonable for Council to use the above FSR as guidance when considering a proposal for a R3-zoned property with no FSR control and a similar lot size. In this instance, the proposed FSR of 0.87:1 is well above this density and fails to demonstrate sufficient planning and design merit. It is evident that the proposed built form and massing represent an overdevelopment of the site that is poorly balanced and this is further exacerbated by the conservative land size.

- *These controls limit the size of any new dwellings on the site and the ability to achieve consistency with the objectives of the R3 zone to provide for the housing needs of the community and to provide a variety of housing types. In contrast, there is no FSR control that applies to multi dwelling housing on the site either under SLEP 2012, or SCDCP 2005, and the unit size control in Part C, section 2.3 of SCDCP 2005 provides minimum unit sizes, not maximum unit sizes.*

Assessing officer's comment: The subject site is bound by townhouses to the north and west; and single detached dwelling houses to the south. A dual occupancy development would comply with the minimum lot size requirements for such a development in the R3 zone and provide a variety of housing type, therefore satisfying the objectives of the R3 zone.

- *The building envelope provides an overall parameter for the design of the development as set by the SLEP height control. The proposal complies in its amended form with the SLEP height restriction of 9.5 metres and the SCDCP 2005 envelope controls. Although the site does not satisfy the 30 m width requirement in section 2.2 of the SCDCP 2005, it nonetheless achieves the objective of being a site with sufficient width to permit adequate and safe vehicular access inside boundary setbacks.*

Assessing officer's comment: Compliance with one or development standards and/or DCP controls does not demonstrate how the proposal achieves planned density for the site.

- *Further, the density of the site is dictated by compliance with the setbacks within the SCDCP 2005 building envelope, minimum unit sizes, parking compliance and primary landscape area controls (including building footprint). As a general rule of thumb, NSW Department of Planning and Environment planning guidelines advise that in considering FSR controls, "Small sites with a single building may have greater floor space capacity than larger sites with multiple buildings". The proposal demonstrates compliance with these controls and therefore ensures that development aligns with the optimum capacity of the site and is consistent with the desired density of the R3 zone.*

Assessing officer's comment: The Statement claim of compliance with setbacks, parking controls and optimum capacity is unsubstantiated as discussed elsewhere in this report.

- *An equivalent lot size in an R2 low density zone would achieve a maximum FSR of 0.6:1. The density of the proposed development at 0.86:1 is suitable for land zoned R3 zone. It is noted that an FSR that is significantly higher than 0.86:1 has been already developed*

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in the most recently built site within the immediate R3 zone precinct at 40 Bates Street Homebush which has an FSR based on a preliminary assessment of approximately 1.1:1.

Assessing officer's comment: The Statement claim that the site is suitable for a three-storey townhouse development with an FSR of 0.87:1 is unsubstantiated and such an FSR is considered to contribute to the overdevelopment of the site as discussed elsewhere in this report.

- *Despite the non-compliance, the proposed development complies with all other statutory planning controls and SCDCP 2005 controls (except for minimum lot size and the street frontage numerical control), including in relation to building envelope and side and rear setbacks and will provide additional housing stock and housing choice, including generous bedroom sizes, and housing types in a location that is in close proximity to good public amenities and services.*

Assessing officer's comment: The Statement claim of total compliance is unsubstantiated as discussed elsewhere in this report.

It is considered that The Statement has not effectively demonstrated how the objectives of the standard are achieved notwithstanding noncompliance with the standard.

The Statement provides the following comments for *Wehbe v Pittwater (iii)* against the relevant cl 4.1A standard:

- iii. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*
- *If compliance with the minimum lot size of 1000 m² was required, the underlying purpose of the density standard would be thwarted. The site would be an isolated medium density residential site not able to be amalgamated with any R3 zone land. The other R3 zone land in the immediate locality at 31-33 Mackenzie and 40 Bates Street, Homebush have already been developed for townhouses. Land to the south is zoned R2 Low Density Residential and townhouses are prohibited on R2 zoned land.*

Assessing officer's comment: See comment regarding suitability of site for dual occupancy.

- *The strategic objective of developing the subject site for townhouses can be achieved without generating any unreasonable environmental impacts.*

Assessing officer's comment: The Statement claim of a *strategic* objective of developing the subject site for townhouses is unsubstantiated.

- *The proposed townhouses provide an appropriate form of medium density residential development on the site. The development has been designed having regard to the site area and offers a high level of amenity for future residents without compromising on the level of amenity to neighbouring properties. It will provide a well-designed small townhouse development of four dwellings, one of which is adaptable and two of which provide for a fourth bedroom and bathroom at ground level, thus ensuring that housing is accessible to older people and people with mobility disabilities; the proposed development responds to*

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the width of the site and the site area, complies with the height control in clause 4.3 of SLEP 2012 and the building envelope controls in Part C of the SCDCP 2005, including in relation to setbacks and landscaping.

- The townhouses are grouped in a single block of four (4) dwellings and the proposed building form consists of recessed and articulated building elements, including a mix of building materials which reduces any perceived massing of the building; .*
- Pathways and landscaping further break the building mass and provide permeability through the site. The townhouses are a terrace style as the garages are not visible from the street and incorporated into a basement structure. This eliminates a predominance of garages on the street frontage and provides a higher quality-built form.*
- The material palate is contemporary and uses a mix of building materials, colours and finishes including face brickwork, metal roof cladding and gutters (dark colour) to compliment the overall form and scale of the townhouse development.*
- The building is provided with aluminium framed glass windows to promote the use of natural light entering living areas and bedrooms as well as to create a more open expansive environment.*
- Each townhouse is afforded private open space in the form of a small courtyard above NGL. Townhouse 4 is provided with a small court facing north while a secondary private courtyard is located at the rear, which is accessible from the upper level courtyard.*
- Townhouse 1 is provided with a generous courtyard within the front setback, which is screened from the street by a brick fence. These individual courtyards serve as private recreational areas as well as providing an outlook for occupants from the townhouses. They are to be well landscaped and will provide a high level of amenity for future residents.*
- The deep soil areas at the front and rear of the site are afforded good, landscaped plantings. The combined effect of lush landscaping and contemporary designed townhouses will provide a desirable, attractive streetscape and urban fabric.*
- This form of medium density Residential development would be thwarted if compliance with the 1000 m² minimum lot requirement was required.*

Assessing officer's comment: The comments above are considered to be a mere promotion of the proposed design features of the development. These do not demonstrate how the underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

- The Council's suggestion of a dual occupancy development on the site would not involve the orderly and economic development of land in accordance with section 1.3(c) of the EP & A Act and would not be consistent with the zone objectives having regard to the area of the site, which is 696.8 m² and having regard to the other townhouse development approved by the Council at 31 Mackenzie Street and 40 Bates Street, Homebush. It would allow the site to provide only two dwellings or as a proposed development would provide for four dwellings. This also results in a lower FSR or density that could be achieved for the*

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equivalent site area in an R2 low density zone (refer to 4.4C Exceptions to floor space ratio (Zone R2) of SLEP 2012).

Assessing officer's comment: See previous comments on suitability of dual occupancy and adjoining property compliance with minimum lot size for multi-dwelling development.

- *Therefore, compliance with the minimum lot size for multi dwelling housing would undermine the provision of increased density in this neighbourhood.*
- *in addition, approval of the lot size contravention in this instance would not create an undesirable precedent as the subject proposal is the last site left within the immediate locality zoned R3.*

Assessing officer's comment: It is considered that The Statement has not effectively demonstrated how the underlying object or purpose of the minimum lot size standard be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

The Statement provides the following comments for *Wehbe v Pittwater (iv)* against the relevant cl 4.1A standard:

- iv. 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 minimum lot size standard has been thwarted by the Council's own actions such that compliance would be unnecessary and unreasonable. **[and]**.
 - The site is an isolated site, being surrounded by R2 Low Density Residential zoned land to the south and cannot be amalgamated with any adjoining land to achieve the 1000 m² development standard. It is the last remaining parcel of R3 zoned land in this immediate locality yet to be developed for multi dwelling housing. **[and]**.
 - The villa development at 31-33 Mackenzie Street and 38 Bates Street Homebush, involved the subdivision of 33 Mackenzie Street with the rear of 33 Mackenzie comprising the tennis courts being developed for villas.⁸ It satisfied the minimum controls for multi-unit housing at the time of assessment including the 15 metre frontage control and 560 m² minimum lot size. **[and]**.
 - When development consent was granted for the adjoining site on 5 June 2001 it was intended that 33 Mackenzie Street be developed as a multi-unit development in the future. **[and]**.
 - The subject site also benefits from an easement to drain storm water in its favour that aims to facilitate future development of the site (while the *Kasif* case benefited from a driveway easement to facilitate future development to the site). In both instances, the easements aim to facilitate future development of the smaller isolated site to avoid their sterilisation in order to meet their medium density objectives. **[and]**.

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- It is also noted that 31-33 Mackenzie Street and 40 Bates Street, have street frontages that would not comply with a 30 m street frontage requirement in the SCDCP 2005. The townhouse development at 31 Mackenzie Street has a primary frontage of 15.24 m on Mackenzie Street and a secondary street frontage of 14.02 m on Bates Street. The site immediately to the west, 40 Bates Street has been developed for townhouses on a 15.24 m street frontage. **[and]**.

Assessing officer's comment: The Statement does not offer a single Development Application within the Strathfield LGA whereby a townhouse development has been approved with a variation to Clause 4.1A minimum lot size. The Statement has not demonstrated the Clause 4.1A 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 not considered to be unnecessary and unreasonable in this case.

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The approach by which a cl 4.6 written request should demonstrate that there are sufficient environmental planning grounds to justify contravening the standard discussed by Preston CJ in **Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118**. Preston CJ identified that there are two respects in which an Applicants' cl 4.6 written request needs to be 'sufficient' in relation to the environmental planning grounds so as to justify the contravention of a development standard. These are:

- i) *"the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole."*
- ii) *the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31]."*

The Statement proposes nine (9) reasons as the basis for demonstrating the sufficiency of environmental planning grounds used to justify the contravention of the minimum lot size development standard. The assessment of each of these reasons in relation to the requirements of cl 4.6(3)(b), are cognisant of the guidance provided by Preston CJ in *Initial Action*, is as follows:

With regard to 4.6(3)(b) and sufficient environmental planning grounds, The Statement provides the following comments:

- *The proposed development achieves the planned residential density for the R3 Medium Density Residential zone notwithstanding that it does not meet the 1000 m² standard*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. See comments on non-compliance.

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- *The site is an isolated R3 Medium Density Residential site and cannot be amalgamated with any adjoining R3 zoned land to achieve the minimum lot size of 1000 m². The other R3 zone land in the immediate locality at 31-33 Mackenzie and 40 Bates Street, Homebush have already been developed for townhouses. Land to the south is zoned R2 Low Density Residential and medium density dwellings are prohibited on R2 zoned land.*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. The fact that the subject site cannot be consolidated is no grounds for a variation to minimum lot size.

- *When development consent was granted for the adjoining site and 38 Bates Street, Homebush at 31-33 Mackenzie Street on 5 June 2001 it was intended that the balance of 33 Mackenzie Street would be developed as a multi-unit development in the future.*

Assessing officer's comment: This reason, as based on anecdotal evidence only, of an historical intention to develop the subject site is considered insufficient to justify the variation to the standard.

- *The proposal will provide 4 townhouses to the local housing market, which is consistent with a Plan for Growing Sydney and adopted and District Plans for this region, which promote quality housing stock and choice in an accessible established neighbourhood. The site is in a highly desirable location given its accessibility to public transport, retail, sporting and community facilities, active open space and a range of services. Medium density housing in such a location optimises the number of people able to take advantage of such a desirable location and reduces the demand for housing in far less accessible fringe areas of the Metropolitan Area. This would not be able to be provided if compliance with the minimum lot standard was required.*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard.

- *Other forms of residential development permissible on the site that do not require a minimum lot size of 1000 m² are not forms of medium density residential, they are forms of low-density housing that are permissible in the R2 Low Density Zone e.g., attached dwellings, dwelling houses, secondary dwellings, semi-detached dwellings. Those forms of development on the R3 zoned site would not be the orderly and economic development of the land in accordance with section 1.3(c) of the EP&A Act, having regard to its site area of 696.8 m²*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. See previous comments on dual occupancy development.

- *A dual occupancy development would not involve the orderly and economic development of land in accordance with section 1.3(c) of the EP & A Act and would not be consistent with the zone objectives having regard to the area of the site and other townhouse development approved by the Council at 31-33 Mackenzie Street and 38 Bates Street, Homebush, 40 Bates Street, Homebush. A dual occupancy development would reflect a density that is lower than an equivalent lot size in the R2 zone. That is, SDCP 2005 controls impose a maximum FSR of 0.5:1, or 100m² for a detached dual occupancy. Whereas, an equivalent lot size in an R2 zone generates a higher maximum FSR of 0.6:1 (refer to clause 4.4C of SLEP 2012). This results in a lower maximum GFA in the R3 zone when compared to the*

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same lot size in an R2 zone. Therefore, objectives of zone are defeated or thwarted (Wehbe 3)

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. See previous comments on dual occupancy development.

- *The proposed development complies with the 9.5 m height requirement and although there is no floor space ratio control that applies to the site, provides an effective FSR of 0.86:1, which is not excessive in a medium density residential zone*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. See previous comments on dual occupancy development and site suitability.

- *The proposed built form and setbacks comply with the SCDCP 2005 building envelope controls which regulate density on the site.*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. Other residential development types could be achieved on the site that are of a high-quality design and compliant with SCDCP 2005 development controls as such.

- *The Council's contention that a high quality residential development could be achieved without a variation to the minimum lot size is not a relevant consideration under clause 4.6 (3)(b).*

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard and is contrary to the relevant case law advice as discussed by Preston CJ *in Initial Action Pty Ltd v Woollahra Municipal Council [2018]*

The development reasons offered by The Statement, as well as the general promotion of several of the proposal compliant design features are not considered sufficient environmental planning grounds to justify contravention of the standard. A high quality dwelling house or dual occupancy could be achieved that is compliant with all relevant SLEP and SCDCP controls. Compliance with any one SLEP or SCDCP control is not considered to be a sufficient environmental planning ground to justify non-compliance with another development standard.

As established in *Peric v Randwick City Council [2018] NSWLEC 1509*, in order for reasons put forth by The Applicant to be sufficient such that the contravention of the development standard is justified, the cl 4.6 request should include a clear rationale supporting the assertion that the variation of the development standard represents the orderly and economic use of the subject site. It is considered that the cl 4.6 statement submitted with the proposal is lacking in this clear rationale.

The Statement's assertion of compliance with a selection of SLEP and SCDCP controls does not sufficiently justify why the significant shortfall to the minimum lot size is required to achieve a medium density development that is appropriate within the unique context of the site. It is considered that the Statement has not adequately addressed Clause 4.6(3)(b).

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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)

(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.

(iii) 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.

With regard to Clause 4.6(4)(a)(i), the assessment references ***Brigham v Canterbury–Bankstown Council [2018] NSWLEC 1406***, in which the Senior Commissioner emphasised that a 4.6 Request should have the following features:

- It should address each element of clause 4.6(3) in the order that it is read. This checklist approach helps to avoid legal error and ensure that all relevant subclauses are referred to in the written document
- It must make specific reference to the particular subclause being addressed, rather than using a general topic heading
- It should not paraphrase but rather, use the precise wording from the relevant clause when addressing particular considerations in respect of the development
- It should be direct and to the point. The request should not include discussions of irrelevant matters such as the historical case law or comments by a commissioner or judge.

The submitted Clause 4.6 request exhibits a structure as set out in *Brigham*, however, it is considered that the Clause 4.6 statement has not adequately addressed the matters required to be demonstrated by subclause (3). The Statement repeatedly cites *Kasif v Georges River Council [2020] NSWLEC 1068* to support the variation request, however, the said LEC judgement is considered inappropriate in the context of the proposal. This is generally because the case does not provide a directly comparable example and does not set any precedent for development within the Strathfield LGA.

Although the subject site is located within the R3 Zone and the Clause 4.4 FSR standard does not apply to the site, it is necessary in this case to consider the seclusion of the R3 pocket of land in the context of the surrounding locale. In this regard, it is considered that the proposal seeks to

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exploit the instrumental conditions of the site (or lack thereof) in a manner that is unsympathetic to development on adjoining properties and the existing streetscape and character of the area.

The Statement has not demonstrated how the objectives of the standard are achieved notwithstanding non-compliance with the standard; nor has it provided sufficient environmental planning grounds to justify contravention with the standard.

With regard to Clause 4.6(4)(a)(ii) the objectives of the SLEP 2012 R3 Medium Density Residential zone are as follows:

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

The Statement has measured the proposal against the relevant objectives of the R3 zone and Clause 4.1A of SLEP 2012. The statement makes the following assertions:

To provide for the housing needs of the community within a medium density residential environment.

- *The proposed townhouse development provides for the housing needs of the community within a medium density residential development by providing for new dwellings in a townhouse format in proximity to public transport, retail, sporting and community facilities and active open space.*
- *Medium density housing in such a location optimises the number of people able to take advantage of such a desirable location and reduces the demand for housing in far less accessible fringe areas of the Metropolitan Area.*
- *It represents an appropriate response to the type of medium density housing promoted throughout the Strathfield local government area and meets the substantial demand for centralised development comprising quality residential accommodation.*
- *It provides for the construction of a boutique townhouse development comprising 1 x 3 bedroom and 3 x 4 bedroom townhouses, with associated private open space, landscaping and 8 garage car parking spaces in the basement car park, including 1 accessible space and 1 visitor space.*
- *The habitable rooms of each townhouse are accessible from the secured basement garage my internal stairs to the upper levels. Townhouse 1 is designed as an adaptable unit, including the provision of the lift from the basement up to Level 2. Townhouses 2 and 3 are each provided with a bedroom and bathroom at ground floor level which ensures that the housing is accessible to older people and people with mobility disabilities.*

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- *The urban design of the proposed development has been developed in response to the assessment of a number of site characteristics and design parameters which have been determined following a comprehensive site analysis and an evaluation of the existing built environment, particularly the bulk and scale of existing development adjoining the site. The siting and design of the townhouses is in response to the sloping topography of the site by providing a built form that follows the east-west contours of the site towards the west.*
- *The proposed development complies with the 9.5 m height requirement, which is also the same height requirement that applies to adjoining development on sites zoned R3 and R2.*

To provide a variety of housing types within a medium density residential environment.

- *The proposed development provides a variety of housing types. It provides for the construction of a 1 x 3 bedroom and 3 x 4 bedroom townhouses, catering for a variety of households, with associated private open space, landscaping and 8 garage car parking spaces in the basement car park, including 1 accessible space and 1 visitor space. All dwellings are more than 120 m² which is larger than existing neighbouring townhouse developments.*
- *The habitable rooms of each townhouse are accessible from the secured basement garage my internal stairs to the upper levels. Townhouse 1 is designed as an adaptable unit, including the provision of the lift from the basement up to Level 2. Townhouses 2 and 3 are each provided with a bedroom and bathroom at ground floor level which ensures that housing is accessible to older people and people with mobility disabilities.*
- *Each townhouse is provided with 2 garaged car spaces, with Townhouse 1 provided with an accessible space. The additional cars will generate a small number of additional traffic movements to that of the existing dwelling house on the site. The increase in traffic movements will easily be able to be absorbed into the local road network and the site contains no significant trees worthy of retention.*
- *The proposed development site, along with the sites to the north (31 Mackenzie Street) and west (40 Bates Street) were specifically rezoned to permit townhouses. As depicted in **Figure 2** all land surrounding the R3 zone is zoned R2 Low Density Residential. It was clearly the Council's strategic vision to allow all of those parcels of land zoned R3 to be developed for medium density housing in the form as that proposed.*

Additional comments are provided by applicant as follows:

- *The consent authority can be satisfied that the proposed townhouse development is consistent with the objectives of the minimum lot size development standard and the objectives of the R3 zone and that accordingly, the proposed development will be in the public interest.*
- *Although not strictly required by the terms of clause 4.6, there would be no public benefit in maintaining the minimum lot size development standard. because requiring compliance with the standard would result in the sterilisation of the subject land for any form of medium density housing. This would be inconsistent with the objectives of the minimum lot size development standard, the objectives of the R3 Medium Density Residential zone, and the*

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objective for the orderly and economic use of land in accordance with section 1.3(c) of the EP&A Act.

Assessing officer's comments: The Statement claim that maintenance of the minimum lot size standard would result in the sterilisation of the subject site is unsubstantiated. The subject site is currently occupied by an existing dwelling house and, as this report asserts, could be improved with a higher-density residential development such as a dual occupancy.

As the subject demonstrates, the proposed three-storey development is of a storey height, bulk and scale that are inappropriate in the context of the existing locale. The proposed basement carpark is not supported due to poor access and manoeuvrability. Further, the basement cannot be realised due to the recommended setback of excavation from the south side boundary. Although the properties of 31 Mackenzie Street and 40 Bates Street are both compliant with the minimum lot size requirements for townhouse development, and therefore not directly comparable; appropriate medium density residential development can be achieved as evidenced by these neighbouring sites.

Supporting the proposed variation in combination with the excess built form and massing of the townhouse development, would result in an overdevelopment of the site as well as poor design and planning outcome that will likely set an undesirable precedent for future development in the Strathfield LGA.

With regard to Clause 4.6(4)(b), Council may assume the concurrence of the Director-General under the Planning Circular PS 08003 issued in May 2008.

In conclusion, the Clause 4.6 request is considered to be inadequate and the departure from the development standard is contrary to the public interest. On this basis, it is recommended that the development standard relating to the minimum lot size for the site not be varied in the circumstances as discussed above

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 of the SLEP 2012 are applicable to the proposal.

Part 6 – Additional Local Provisions**Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation is not wholly contained within the ground floor above and extends the entire width of the site (north to south boundaries). A 1m setback has been recommended by Council's Tree Management Coordinator to prevent root damage to the existing tree at the adjoining property (5 Badgery Avenue). Insufficient information has been provided to

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determine if alternative measures could be employed to avoid damage to adjoining vegetation. Therefore, the works are considered unsatisfactory with regard to the objectives of this clause, specifically:

(d) *the effect of the development on the existing and likely amenity of adjoining properties and*

(h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

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

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Part C - Multiple-Unit Housing (SCDCP 2005)

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Density, Bulk and Scale			
Site Requirements	1. Multiple-unit housing shall not be permitted on allotments less than 1000m ² in area and 30 metres in width.	Lot size: 696.8m ² Lot width: 15.24m	No No See discussion
Building Envelope (Height, Scale and Setbacks)	Front setback: 9m	9m	Yes
	Minimum side setbacks: 4m	North side: 4m South side: 2m	No – see discussion
Open Space and Landscaping			
Landscaping / Deep soil Provisions:	40% Total landscaped area: 278.7m²	410m ² (incl. driveways etc)	Accepted
	70% of total landscaped area unpaved: 195.1m²	195m ²	Accepted
	35% of req. landscaped	111.5m ²	Yes

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	area deep soil: 97.6m ²		
Private Open Space	A least one area 40m ² minimum 4m x 4m per dwelling	TH1: 55m ² TH2: 40m ² TH3: 40m ² TH4: 95 m ²	Yes Yes Yes Yes
Fencing			
Height (overall/piers):	900mm (maximum)	1.7m - 2m Solid brick	No - see discussion
Access and Parking			
Parking rates	3 bedrooms or more = 2 spaces on-site parking (Minimum)	Two (2) spaces per dwelling	Yes
	On-site visitor parking = 1 space	1 space provided	Yes
	Disabled parking = 1 space	1 space provided	Yes – see discussion

Part C Discussion**Streetscape Analysis (context)**

The subject site is the smallest of three (3) allotments zoned R3 Medium Density Residential under the SLEP 2012 as shown in Figure 10. The prevailing streetscape and surrounding locale, however, is characterised by low-density residential development. In this regard, the proposed development has been assessed against the controls of Part C with consideration given to four (4) factors:

- i. The subject site – (R3 zone);
- ii. 31 Mackenzie Street and 40 Bates Street (R3 zone): Properties to the adjoining north and adjacent west, comprising two-storey townhouse developments;
- iii. 1A & 1B, 3 – 5 Badgery Avenue (R2 zone): Properties to the adjoining south, comprising single-storey and two-storey dwellings; and
- iv. Surrounding context: Predominantly R2 Low Density Residential zone

The townhouse developments of 31 Mackenzie Street and 40 Bates Street – as shown in Figure 11, 16 and 18 – have been designed to provide higher density residential development that is of a storey height, bulk and scale which minimises impacts to streetscape and is generally in-keeping with the low-density character of the surrounding locale. In this regard, it is considered a strong relationship is apparent between neighbouring R2 and R3 allotments that the proposed development should seek to maintain this relationship. Unlike the above existing medium density residential development, the design, built form and scale of the proposed development are considered inappropriate and not responsive to the prevailing streetscape and character of the immediate locality.

Building Height and Scale

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The subject site is not located within a three-storey Density Sub-Zone as included in Appendix 1 of Part C of the SCDCP 2005. It is considered that the proposed three-storey building is of an inappropriate storey height, scale and density in the immediate context. Although the townhouses are of a compliant building height of 9.5m, the development would create a structure within a range of 2 to 4m higher than residential development on adjoining properties which will significantly disrupt the rhythm of the prevailing roof form. The incorporation of a mansard style roof would further exacerbate the departure from the existing character of the locale. It is considered that the overall design lacks consideration of scale, bulk and mass of the existing streetscape and will introduce an inappropriate contrast that detracts from the quality of the streetscape. On this basis, it is considered that the proposal does not provide adequate justification for a three-storey development on the site.

Building Envelope and Side and Rear Setbacks

With regard to Part C controls relating to *Building Envelope and Side and Rear Setbacks*, provides specific matters for consideration to determine if the proposed building envelope and setback are considered appropriate. The proposed development has been assessed against these matters as follows:

1. *Buildings shall be sited within a building envelope determined by a plane projected at an angle of 45 degrees over a site from a height of 3.5m above natural ground level along the side and rear boundaries of the land, subject to the matters listed below [controls 2, 3 & 4 of this section].*
2. *Departures from the building envelope will be considered for characteristic design elements, such as chimneys, vents and eaves, and for other features such as dormer windows and aerials where it can be demonstrated that no significant non-compliances are likely to occur with the privacy and overshadowing provisions of this Plan.*

Assessing Officer's Comment: The proposed development complies with matters 1 and 2 of this control, but has lesser regard for matters 3 and 4 as discussed below.

3. *Buildings should be sited in a manner which is consistent with the principles contained in the Streetscape Analysis included in Appendix 2, and should maintain or enhance the existing streetscape, particularly where there is an established building line.*

Assessing Officer's Comment: The proposed three-storey building is of an inappropriate storey height, scale and density which lacks regard for the existing streetscape and represents an unacceptable overdevelopment of the site (as discussed elsewhere in this report). The three-storey structure will disrupt the prevailing roof form and is considered excessive in comparison to the adjoining mix of townhouses and single detached dwellings that contribute to an established building line.

4. *Side and rear setbacks are intended to maintain a reasonably consistent relationship between buildings, allotment boundaries and adjacent development, limit potential for overlooking of neighbouring properties and allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring dwellings.*

Within the building envelope, developments are required to comply with the following side and rear setback controls:

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- (i) *A minimum side setback of 4 metres each side shall be provided in all development. Minor encroachments to this minimum setback shall be considered on their merits for elements such as eaves, pergolas, electricity or gas meters, steps, ramps or the like.*
- (ii) *Side and rear setbacks for buildings containing 2 or more storeys shall be determined by the building envelope, and the ability of the development to comply with Solar Access and Privacy requirements as set out in sections 2.3 and 2.6 of this Plan. Encroachments to the building envelope and setback controls will be considered on sites with frontage to a public place (including road or open space area), and will be determined on their merits.*
- (iii) *Exceptions to the side and rear setback controls will also be considered for sites with frontage to a major noise source, such as an arterial road or the railway line. The extent and nature of variations will be determined on the merits of the case.*

Assessing Officer's Comment: The proposed 2m to 3m south side setback does not comply with the minimum 4m side setback, however it is compliant with the recession plane measure as *projected at an angle of 45 degrees over a site from a height of 3.5m above natural ground level along the side boundary of the land.* The Statement of Environmental Effects prepared by Caladines (dated September 2021) asserts that compliance with the building envelope (projected plane) is the prevailing determinant; however greater consideration should be given to the cumulative impacts of design elements incorporated to increase amenity for the proposed development, and how they may impact on the existing streetscape and adjoining properties.

The side setback non-compliance extends beyond elements such as eaves and includes the entire ground and first floor southern elevation. The proposed townhouses are designed with minimal glazing to the south elevation in order to limit overlooking into the rear adjoining yards of 1 – 5 Badgery Avenue. This will result in a poorly modulated southern elevation, which presents large sections of blank wall when viewed from the same adjoining properties. In this regard, an increased south side setback may reduce the impacts of bulk and massing to the adjoining southern properties, however this would compromise on the size and solar access of courtyards on the north side of the development.

It is considered that the proposed development does not adequately address matters 3 and 4 pertaining to building envelope and side and rear setbacks. Consideration must be given to the intended effect of Part C controls for density, bulk and scale which ensure that the amenity, character and environmental quality in the immediate context is maintained. In this regard, it is considered that the proposal is of density, bulk and scale that fails to achieve a balance of medium-density development within a low-density setting as such a unique site requires.

Solar Access

With regard to Part C - 2.4.2 of the SCDP 2005, larger setbacks are incorporated onto the northern side (4m to 4.5m) in order to achieve adequate solar access to the private courtyards of the proposed townhouses, The south side setback has been reduced to between 2m to 3m, which will result in additional overshadowing to the private open space of the adjoining property at 1B Badgery Avenue, however the development is generally considered acceptable with regard to solar access.

Streetscape and Building Orientation

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The proposed townhouses are considered to be incompatible predominant character and architectural detail of existing residential development particularly when viewed from the street as discussed elsewhere in this report. It is apparent that the proposal incorporates a mansard-style flat-top roof design in order to achieve a three-storey development and increase the vertical GFA, while complying with the 9.5m maximum building height. This design element is considered to be unsympathetic to the prevailing roof form of Mackenzie Street. The proposed flat front façade and façade glazing is of a proportion that creates an appearance that is less like a residential dwelling and more like a public building or modern style place of worship. In this regard, it is considered that the proposed townhouse design does little to reflect the prominent design elements of that characterise the surrounding locale.

Front Fences

The proposed development includes a solid brick fence ranging from 1.7m to 2m in height. There are no examples of solid brick fences along Mackenzie Street that are a similar height. It is apparent that this design feature is incorporated in order to provide a secure private open space within the front setback of the site for TH1. It is considered the solid fence would conflict with the streetscape and fences on adjoining properties. The proposal has not demonstrated how the fence is of a height, bulk or mass that adds significant contribution to the interest of the frontage façade when viewed from the street. Therefore the front fence is considered unacceptable.

Open Space and Landscaping

Part C – 2.7.11 of the SCDCP 2005 requires development design to any potential impacts on trees and shrubs on adjoining properties. Council's Tree Management Coordinator has recommended that excavation not encroach within 1m of the southern side boundary to minimise the impacts to existing trees and shrubs on adjoining properties.

Privacy and Security

Part C – 2.8.3 of the SCDCP 2005 requires the acoustic privacy of all development to be considered in the context of the proposed development and its relationship to the surrounding environment. In this regard, it is noted that Bed 4 of TH2 and TH3 adjoin the kitchen/living areas of TH1 and TH4 respectively. The RFI response letter prepared by Caladines (dated 27 October 2021) asserts that:

“The condition could be framed so that suitable wall types and materials are used to meet best practice standards to suitably mitigate noise between bedrooms that adjoin living rooms” (p.5)

The abovementioned non-compliance relates to TH2 and TH3 which include four (4) bedrooms with study, three (3) bathrooms and kitchen/living area. It is considered that non-compliance with this control, is an indication of the overdevelopment of the site.

Access and Parking

An assessment of the proposed basement parking plan and submitted swept paths by Council's Traffic Engineering Officer has determined that the proposal does not provide sufficient manoeuvring areas to enable vehicles to enter and leave the site in a forward direction as per the requirements of Part C - of the SCDCP 2005. A failure to provide adequate parking facilities for the proposed townhouse development is considered to be an indication of overdevelopment of the site.

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)**Excavation of Sites**

The proposal includes excavation works for the provision of a basement, driveway ramps and ancillary works extends beyond. The proposed basement excavation extends beyond the ground floor above to both north and south side boundaries. A 1m setback has been recommended by Council's Tree Management Coordinator to prevent root damage to the existing tree at 5 Badgery Avenue. Part C - 2.12.1 of SCDCP 2005 requires all areas of excavation to be setback from property boundaries in accordance with the building setbacks required in Section 2.2 of the same DCP. No cut should be made to the ground within the required setbacks. The above-ground impacts of the proposed ground floor south side setbacks are discussed elsewhere in this report.

In summary, it is considered that the proposed three-storey building fails to satisfy the objectives of Part C of the SCDCP 2005. The proposed development fails to regard the particular streetscape characteristics of the immediate area and will generate significant visual impacts due to the excessive bulk, scale and massing. The proposed basement plan does not ensure an adequate number of functional on-site car parking spaces are provided for residents and visitors.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is not considered to be of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is considered to pose significant impacts on the natural and built environment of the locality.

(c) the suitability of the site for the development,

It is considered that the proposed development is of a scale and design that is unsuitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. Four (4) submissions were received raising the following concerns:

1. **Overdevelopment of the site:** It was asserted that the proposed development is out of proportion for the site and was insufficient in minimum lot size and site width for a townhouse development.

Comment: This issue has been addressed as outlined above, in the Assessment section of this report.

2. **Overshadowing:** Concerns were raised over the proposed building height of 9.5 metres, impacts to visual amenity and solar access for adjoining properties on Badgery Avenue.

Comment: This issue has been addressed as outlined above, in the Assessment section of this report.

3. **Privacy impacts:** Concerns were raised over potential overlooking from first floor windows and second floor balconies into private spaces of adjoining properties.

Comment: Appropriate conditions could be imposed to minimise the impacts of overlooking such as fixed obscure glazing and privacy screens.

4. **Impacts to on-street parking:** Concerns were raised over the impacts to on-street parking with only one (1) visitor parking space.

Comment: As per the reasons outlined above, the proposed basement plan is not supported. It is noted that an amended design that achieves compliance with the minimum parking rates for the development is considered reasonable outcome.

5. **Safety of vehicle entrances:** Safety concerns were raised over the increased frequency of vehicles entering and exiting the basement car parks via the driveways of 31 and 33 Mackenzie Street on the common boundary.

Comment: A traffic signal system and convex mirrors would be conditioned with any consent to ensure the safety for pedestrians & traffic moving along the driveway.

6. **Courtyard levels:** A concern was raised over potential privacy impacts due to the paved courtyard and ground floor being raised from the current ground level (stairs leading up from ground level) and further impinges on my privacy.

Comment: The proposed courtyard RLs at 13.75 are similar to that of the verandah of the existing dwelling house on the subject site. As such any privacy impacts in relation to the courtyards are considered reasonable and acceptable.

(e) the public interest.

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

The proposed development is of an inappropriate scale and character that will conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the *Environmental Planning and Assessment 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).

As the subject application is recommended for refusal, development contributions have not been calculated.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/235 should be refused subject to the attached reasons for refusal.

Signed:**Date: 23/11/2021****G I Choice
Planner**

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.

Signed:**Date: 24/11/2021****Miguel Rivera
Senior Planner**

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

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 justification for the non-compliance with the development standard contained in Clause 4.1A – Minimum lot sizes for multi dwelling housing and residential flat buildings of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2021/235 for Demolition of existing structures and construction of four (4), three-storey townhouses above a single basement level, associated driveway and landscaping works be **REFUSED** for the following reasons:

Under Section 4.16(1)(b) of the Environmental Planning and Assessment (EP&A Act, 1979, this consent is **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 proposal fails demonstrate achieving a high quality urban design as its bulk, scale and overall design are not reflective of the desired future character of the surrounding locality.
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 objectives of 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 desired future 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 satisfy the objectives of the R3 Medium Density Residential zone. As the basement carpark plan is not supported, the proposal fails to provide for the housing needs of the community within a medium density residential environment.
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 minimum lot size for multi-dwelling development under Clause 4.1A of the Strathfield Local Environmental Plan 2012. The proposal will also set an undesirable precedence in facilitating and encouraging incompatible built forms that breach the maximum height provision.
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*. The proposed excavation for the entire width of the site is not supported as it will impact on the assets of adjoining properties and does not therefore satisfy the aims of Clause 6.2

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

(Earthworks) of the Strathfield Local Environmental Plan 2012.

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 satisfy the development controls for Clause 2.2 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed development is considered to be excessive in FSR, and is of a storey height, bulk, scale and massing that will impact negatively on the amenity, character and environmental quality of the immediate locale.
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 satisfy the development controls for Clause 2.5 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed townhouse development and front fence is of a type, height and scale that is generally incompatible with the appearance of existing buildings and will contribute negatively to the future character of the street.
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 satisfy the development controls for Clause 2.8.3 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed development does not ensure acoustic privacy by separating bedrooms from adjoining living areas which is considered to be indicative of the overdevelopment of the site.
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 satisfy the development controls for Clause 2.9 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed basement carpark does not provide sufficient manoeuvring areas to access the site and required parking spaces.
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 satisfy the development controls for Clause 2.12 of Part C of the Strathfield Consolidated Development Control Plan 2005. The proposed excavation is not properly setback from the southern boundary to protect private assets on adjoining properties.
11. 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 built form, streetscape and amenity of adjoining properties.
12. 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 including significant shortfall of minimum lot size, earthworks, excessive FSR, and inappropriate storey height. The proposal is considered an overdevelopment of the site.
13. 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; Strathfield Local Environmental Plan 2012 and the

33 Mackenzie Street Homebush Lot: 2 DP: 1035608 (Cont'd)

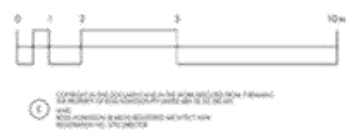
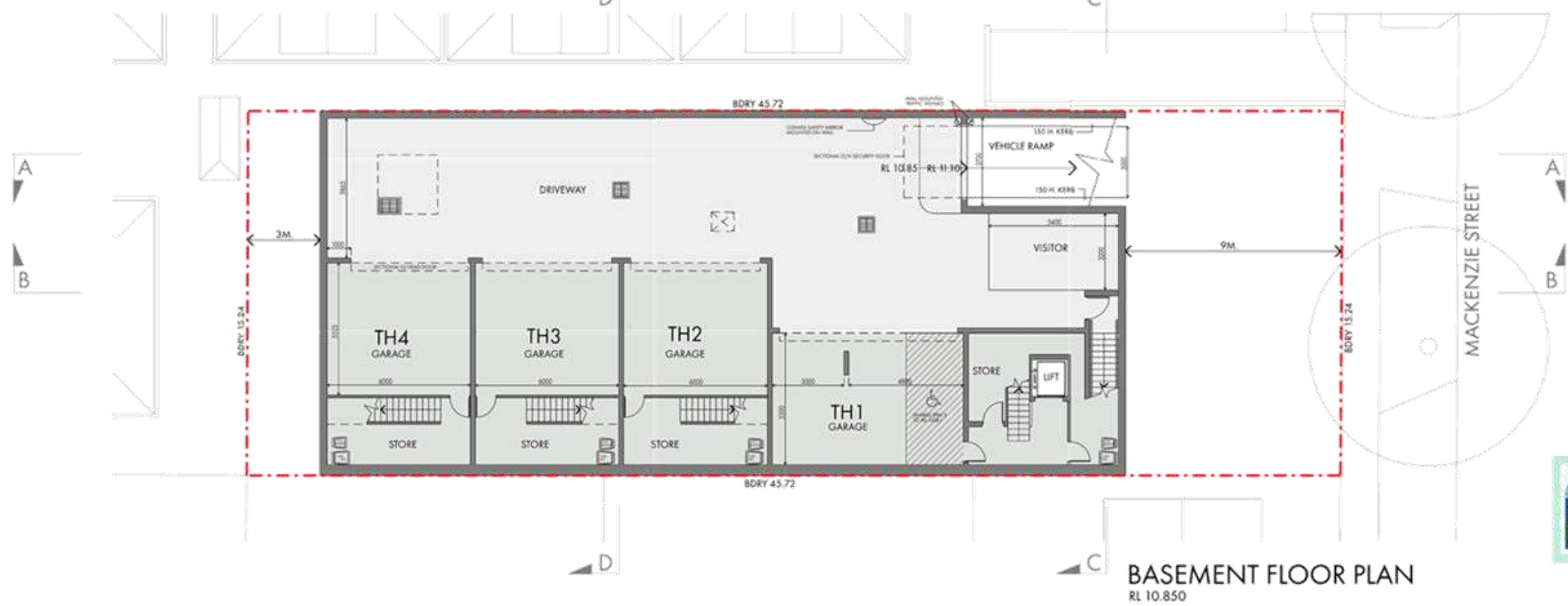
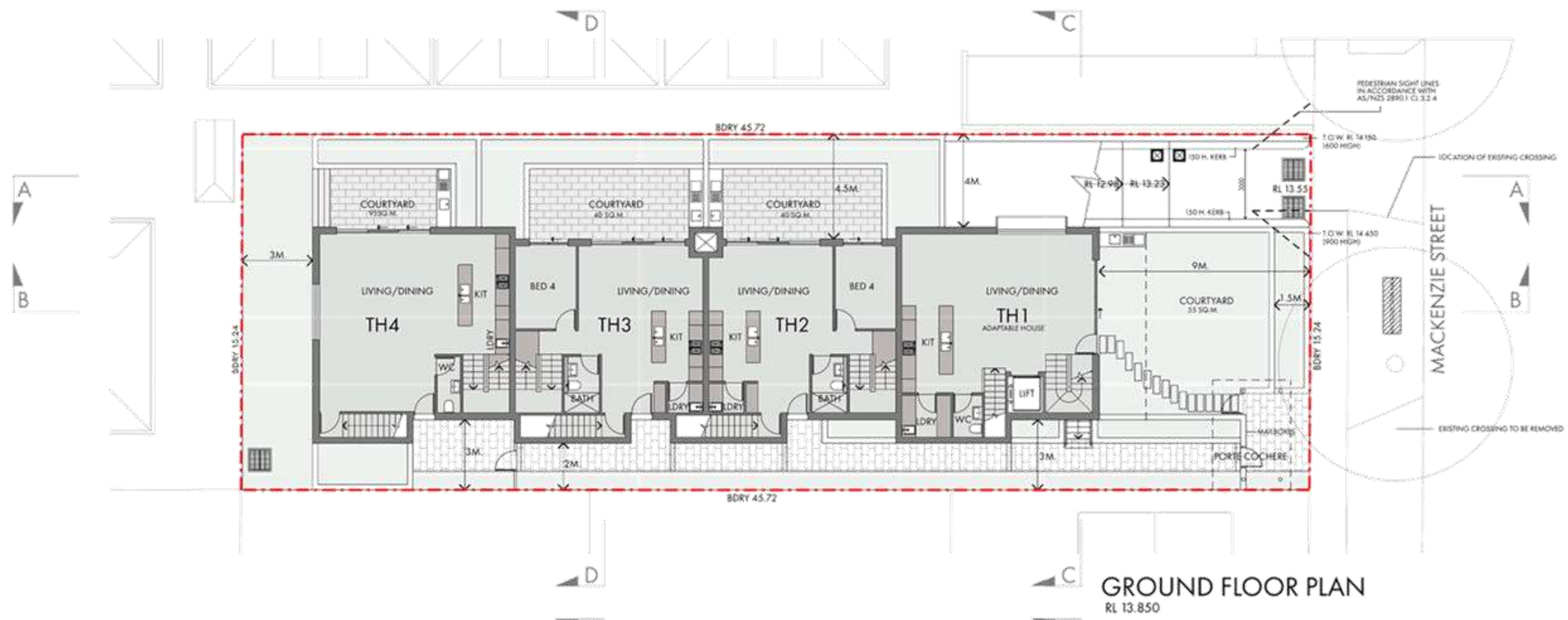
Strathfield Consolidated Development Control Plan 2005; and will have unacceptable adverse impacts.

ATTACHMENTS

1. Site Map
2. Architectural Plans
3. Landscape Plan
4. Survey Plan

Site Location Map
DA2021.235- 33 Mackenzie Street Homebush





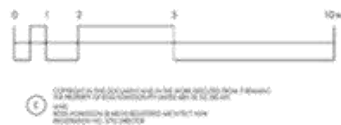
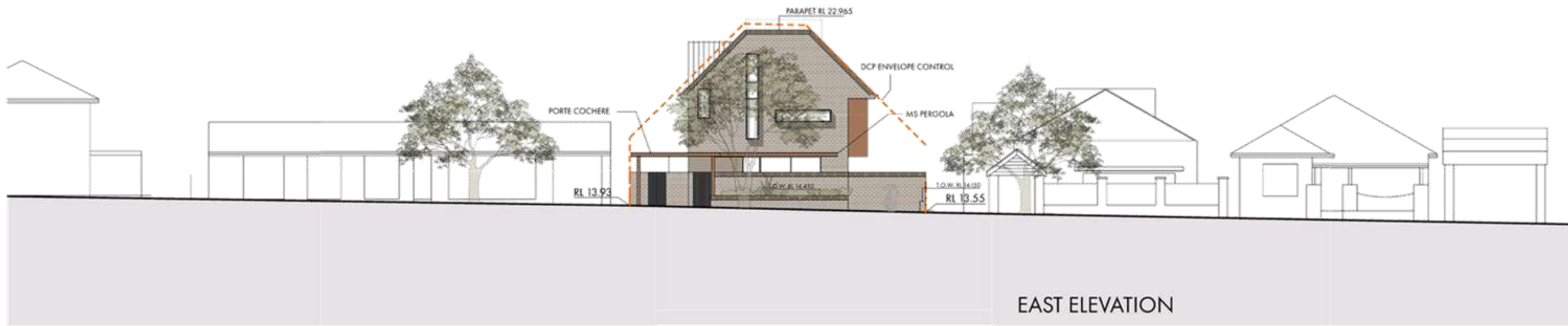
ROSS HOWIESON ARCHITECTS
1402/1 STERLING CIRCUIT CAMPERDOWN 2050
PO BOX 133 BUCKLEWORTH ROOF
ROSS HOWIESON PTY LIMITED
ABN 58 333 380 892
TEL: 02 9571 3444 FAX: 02 9571 3444
E: INFO@HOWIESONARCH.COM AU WWW.HOWIESONARCH.COM AU
NOMINATED ARCHITECT: ROSS HOWIESON ABB REGISTRATION NO. 3792
DESIGN PRACTITIONER: NIG MCDONNELL REGISTRATION NO. 2702



33 MACKENZIE STREET HOMEBUSH

DRAWING TITLE
BASEMENT + GROUND PLAN

PROJECT	DWG NO	REVISION	DATE
497	201	DA-B	11.10.2021



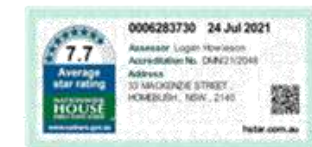
ROSS HOWIESON ARCHITECTS
 1402/1 STERLING CIRCUIT CAMPERDOWN 2050
 PO BOX 333 BUCKLEWARY ROAD
 ROSS HOWIESON PTY LIMITED
 ABN 58 333 380 892
 TEL: 02 9571 3444 FAX: 02 9558 9144
 WWW.RHARCH.COM.AU
 DESIGN: REACTORWORKS PTY LTD 0875500090



33 MACKENZIE STREET HOMEBUSH

DRAWING TITLE
 NORTH + EAST ELEVATION

PROJECT	DWG NO	REVISION	DATE
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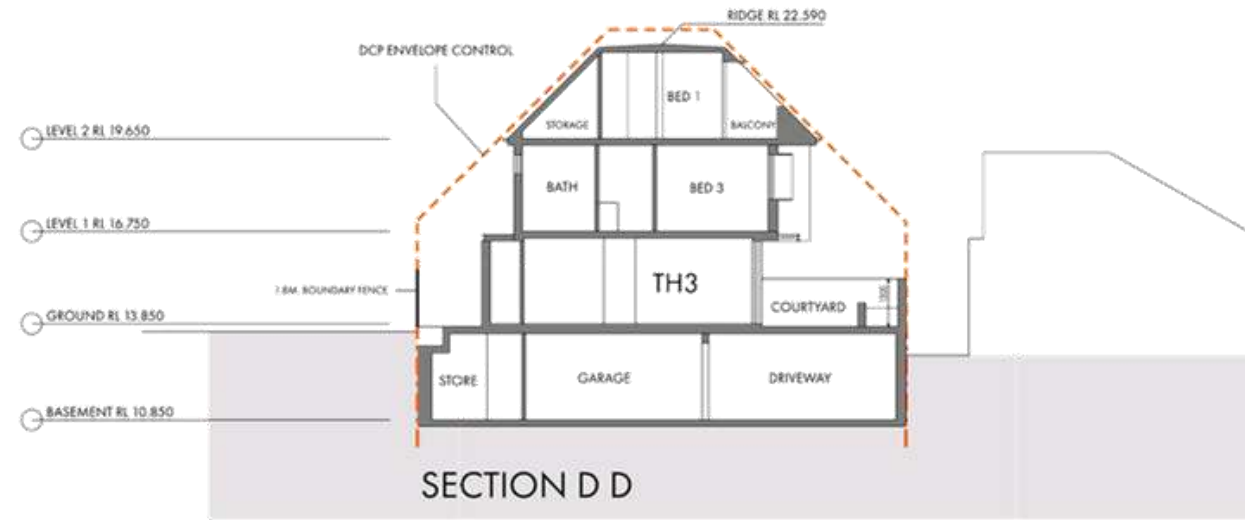
ROSS HOWIESON ARCHITECTS
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 PO BOX 133 BRICKLAKEN NSW
 ROSS HOWIESON PTY LIMITED
 ABN 58 333 380 893
 TEL: 02 9571 3444 FAX: 02 9571 3444
 WWW.RHARCH.COM.AU
 REGISTERED ARCHITECTS ROSS HOWIESON AND REGISTRATION NO. 2792
 DESIGN PRACTITIONER REG NO. 0810001090



33 MACKENZIE STREET HOMEBUSH

DRAWING TITLE:
SOUTH + WEST ELEVATION

PROJECT	DWG NO.	REVISION	DATE
497	302	DA-B	11.10.2021



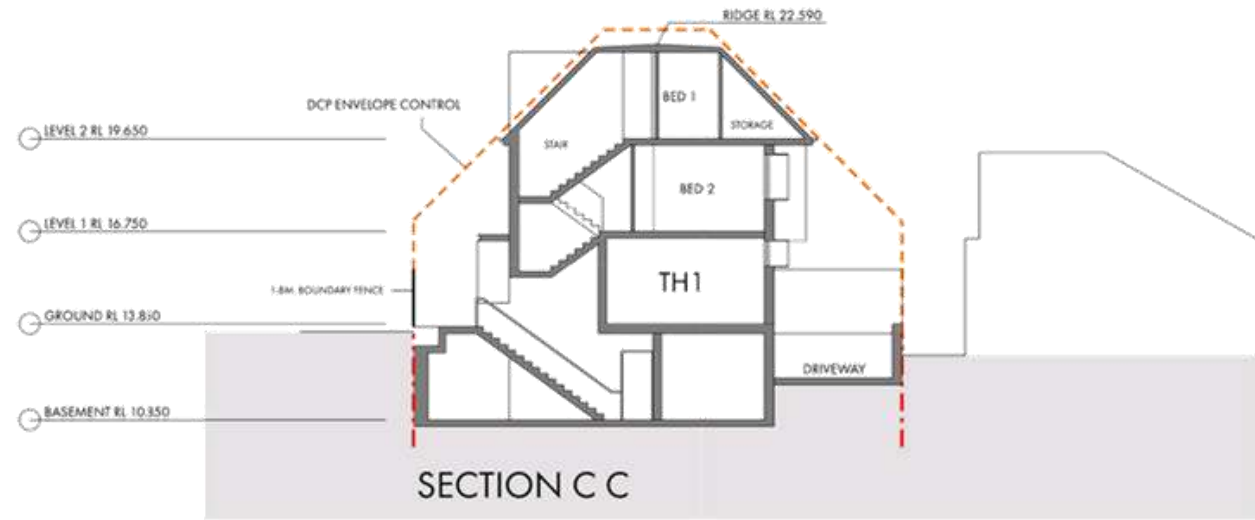
ROSS HOWIESON ARCHITECTS
 1402/1 STERLING CIRCUIT CAMPERDOWN 2050
 PO BOX 133 BUCKLEWYHAY NSW
 ROSS HOWIESON PTY LIMITED
 ABN 58 333 380 892
 TEL: 61 61 2 9571 3444. E: R.HOWIESON@RHA.COM.AU WWW.RHA.COM.AU
 DESIGN REACTOR: R.HOWIESON AEC REGISTRATION NO. 2792
 DESIGN REACTOR: R.HOWIESON AEC REGISTRATION NO. 2792



33 MACKENZIE STREET HOMEBUSH

SECTION A A + SECTION D D

PROJECT	DWG NO.	REVISION	DATE
497	401	DA-B	11.10.2021



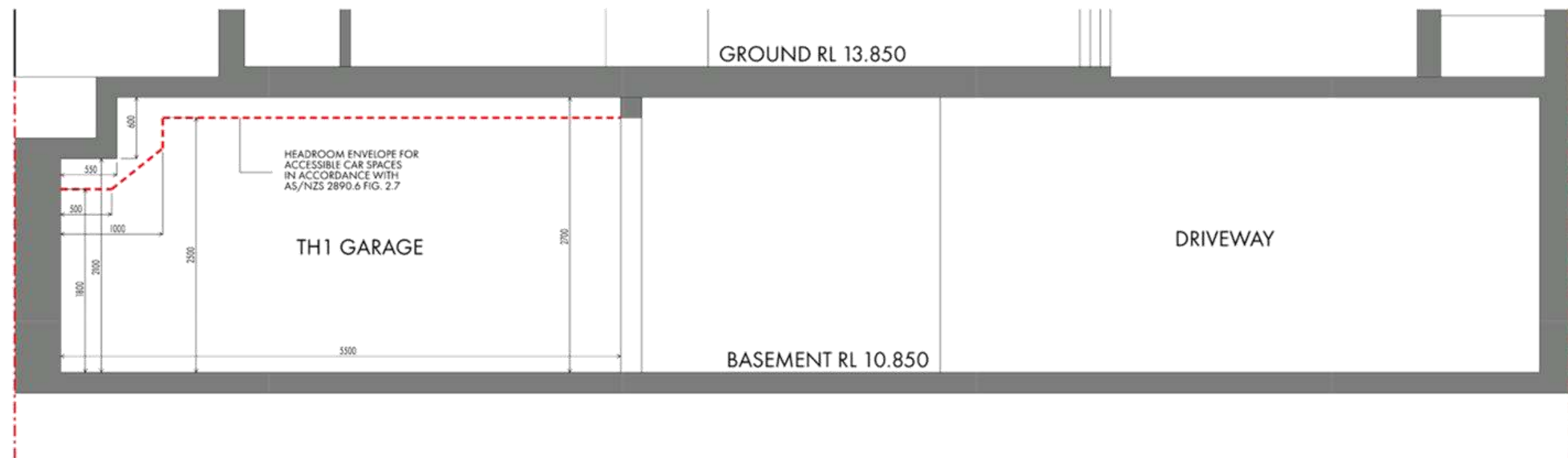
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 1402/1 STERLING CIRCUIT CAMPERDOWN 2050
 PO BOX 333 BRACKENRYE NSW
 NSW HOMESON PTY LIMITED
 ABN 58 333 380 893
 TEL: 61 61 2 8571 3444 FAX: 61 61 2 8571 3444
 WWW.RHARCH.COM.AU
 NOMINATED ARCHITECT ROSS HOWIESON ABB REGISTRATION NO. 2792
 DESIGN PRACTITIONER REG. NO. 08100001090



33 MACKENZIE STREET HOMEBUSH

DRAWING TITLE
 SECTION B B + C C

PROJECT	DWG. NO.	REVISION	DATE
497	402	DA-B	11.10.2021



SECTION THRU ACCESSIBLE CAR SPACE AND SHARED ZONE



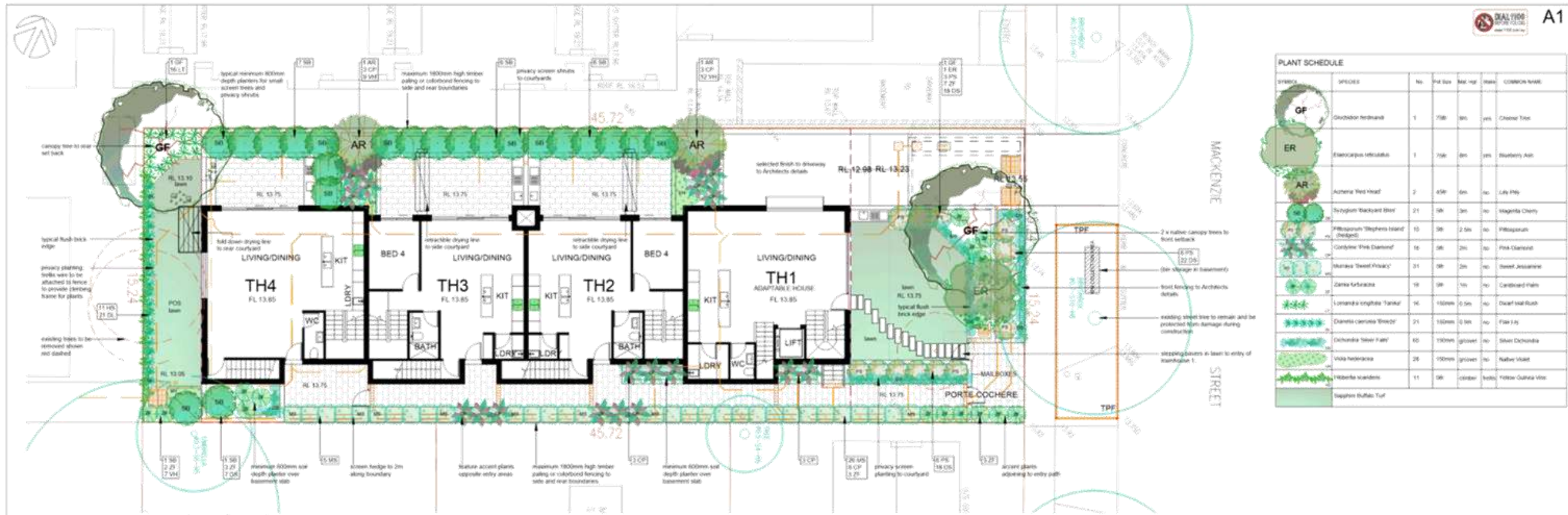
ROSS HOWIESON ARCHITECTS
 1402/1 STERLING CIRCUIT CAMPERDOWN 2050
 PO BOX 133 BUCKLEWYHAY NSW
 9055 HOWIESON PTY LIMITED
 ABN 58 333 380 892
 TEL: 61 61 2 9571 3444 FAX: 61 61 2 9571 3444
 WWW.RHARCH.COM.AU
 REGISTERED ARCHITECT ROSS HOWIESON ABA REGISTRATION NO. 2792
 DESIGN: REACTORWORKS AIG NO. 0819550190



33 MACKENZIE STREET HOMEBUSH

SECTION THRU TH1 GARAGE

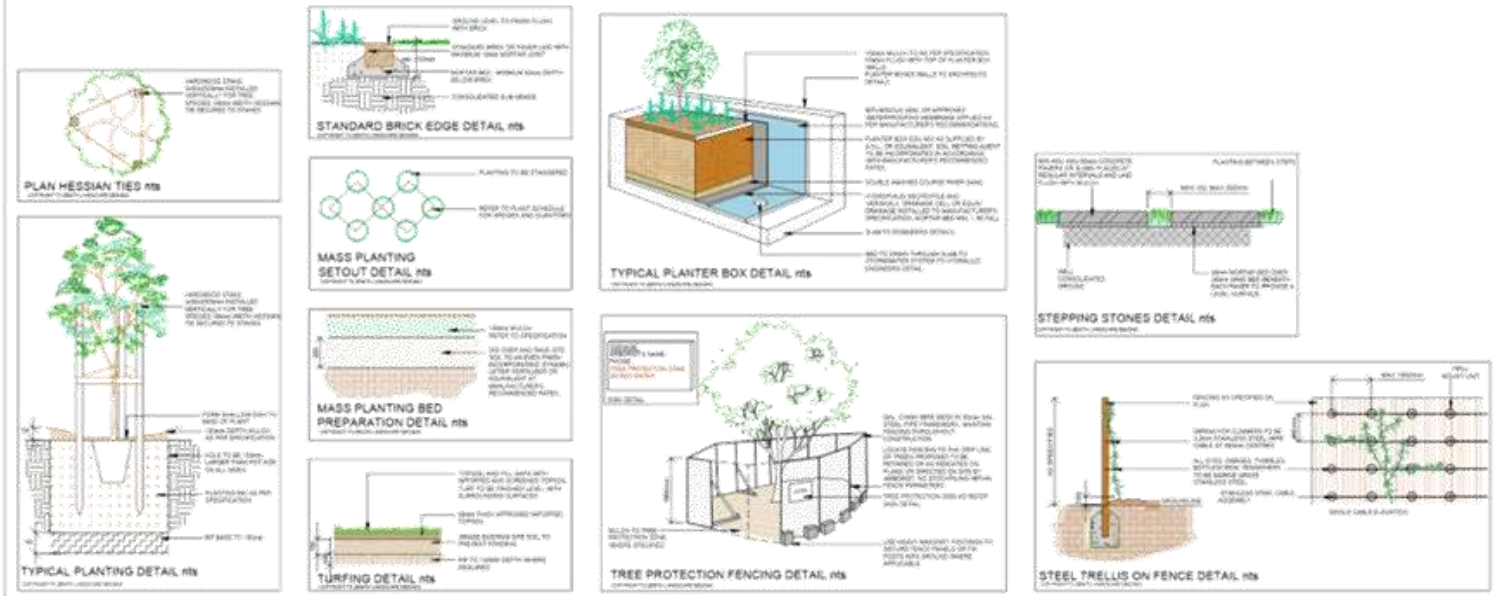
PROJECT	DWG. NO.	REVISION	DATE
497	403	DA-B	11.10.2021



SYMBOL	SPECIES	No.	PLT SIZE	PLT HGT	CLASS	COMMON NAME
GF	Quercus hederaifolia	1	750	800	yes	Creeping Elm
ER	Elaeagnus reticulata	1	750	800	yes	Ruscus Ash
AR	Acmena Red Head	2	450	600	no	Lily Pilly
	Swygart 'Blackcap Blue'	21	50	300	no	Magenta Cherry
	Pittosporum 'Stephens Island' (Height)	10	50	2.5m	no	Pittosporum
	Cordyline 'Pink Diamond'	10	50	2m	no	Pink Diamond
	Marrubium 'Sweet Privacy'	31	50	2m	no	Sweet Anemone
	Zamia furcata	10	50	1m	no	Cardboard Palm
	Lomandra longipes 'Tanker'	10	100mm	0.5m	no	Deer Tail Rush
	Diarrhea caryota 'Buckley'	21	100mm	0.5m	no	Flax Lily
	Chlorophytum 'Palm'	60	100mm	100mm	no	Silver Dumbbells
	Viburnum heterocarpum	20	100mm	100mm	no	Natter Violet
	Hibiscus scandens	11	50	100mm	no	Yellow Guinea Vine
	Syntherisma fluffula Turf					

- LANDSCAPE GUIDELINES**
- GENERAL:**
 - 1.1 The Contractor shall undertake themselves with the site prior to tender.
 - 1.2 The Contractor shall be held responsible for any damage to utility services, pipes, building structures, paving surfaces, fencing, boundary posts and existing plant material.
 - 1.3 The site to be left in a clean and tidy condition at the completion of works to the satisfaction of the Superintendent.
 - 1.4 No work involving an excavation shall be undertaken unless approval is first obtained from the Superintendent.
 - 1.5 No materials or materials shall be stored unless approval is given by the Superintendent.
 - 1.6 The Contractor shall continuously maintain all areas of the Contract during progress of the works specified.
 - PREPARATION:**
 - 2.1 Prepared sub-grade to be free of stones larger than 100mm diameter, cement, rubbish and any other foreign matter that could hinder plant growth.
 - PLANTING AREAS:**
 - 3.1 Once area of work is completed, grade and details, soil grade should be cultivated to a minimum depth of 100mm incorporating Dynamic Earth or equivalent at the manufacturer's recommended rate.
 - 3.2 Details shall be constructed by a combination of chemical and hand removal techniques.
 - 3.3 All plant material to be hardened off, disease and insect free and free to sprout, type and variety. Plants are to be well grown but not over branched and shall comply with 'Guide to Purchasing Landscaping Trees'.
 - 3.4 All plants are to be removed from their containers prior to planting with an 80% distance to the root system as possible.
 - 3.5 Planting shall not be carried out in dry soil or extreme weather conditions.
 - 3.6 Plants should be planted at the same depth as the plants were in the containers and allow for a shallow layer of soil to be forced around the plant to aid the penetration of water.
 - 3.7 All plant material should be watered thoroughly immediately after planting.
 - 3.8 The Contractor shall be responsible for the future plants during construction, except for acts of vandalism.
 - 3.9 Labels shall be removed within 7 days of planting.
 - STAKING:**
 - 4.1 Stakes should be firmly attached to the stakes, in a way to avoid damage to the plant while allowing a small degree of movement.
 - 4.2 Turf areas should be collected before staking by tipping or harrowing.
 - 4.3 After completion of laying the whole area shall be thoroughly rolled and kept moist till the completion of landscaping works.
 - IRIGATION:**
 - 5.1 Irrigation for areas planted shall be 1 year or more with 7 part Urganol Garden Soil as supplied by A.N.L. or equivalent.
 - 5.2 Soil mix for planter boxes and planting over shall be 'Planter Soil Mix' as supplied by A.N.L. or equivalent.
 - MAINTENANCE:**
 - 6.1 These works shall be in within the construction contract.
 - 6.2 The Contractor shall commence and fully implement the short-term maintenance after Practical Completion has been confirmed by the Superintendent.
 - 6.3 The Contractor shall carry out maintenance works for a minimum period of 20 weeks.
 - 6.4 Maintenance works shall include the following works:
 - a. Mow lawns and other areas each 10 days in summer and each 14 days in winter.
 - b. Water all planting and lawn areas in order to ensure adequate soil moisture at all times.
 - c. Remove any weed growth from all planting areas.
 - d. Spray and control weeds and diseases as required.
 - e. Replace plants which fail with plants of similar size and quality as originally planted.
 - f. Adjust lawns to be as necessary.
 - g. Maintain grass areas in a clean and tidy condition to the depth as originally specified.
 - h. Water good care details or lawns arising from irrigation performance.

- TREE PROTECTION GUIDELINES**
- WORK NEAR TREES:**
 - 1.1 GENERAL: All existing trees which are to remain undisturbed are indicated on the drawings and shall be adequately protected for the duration of the contract as specified by the client. Any variation from this specification or omission regarding the protection of the trees to be retained shall be referred to Council's Landscape Officer or Tree Preservation Officer for approval and advice. REQUIREMENTS: Trees shall not be removed or topped unless specific instruction is given in the Superintendant. All tree protection works shall be carried out before excavation, grading and site works commence.
 - PROTECTION:**
 - 2.1 Protection specified or shown to be retained from damage by ground works. Take necessary precautions including the following:
 - 2.1.1 Method Fence off the root zone of all existing trees to be retained in accordance with the Tree Protection Code. Protection fencing is to be erected prior to the completion of all building and hard landscaping construction. Fencing is to be located at a minimum of 1.5m from the trunk of the tree. A layer of organic mulch 100mm thick shall be placed over the protected area within existing garden beds are not already present. Where building works are required within the root zone of existing trees these works must be supervised by a qualified arborist.
 - 2.1.2 Handful materials: Do not store or otherwise place bulk materials and harmful materials under or near trees. Do not place spoil from excavations against tree trunks. Remove all soil materials such as cement from formwork and plants. Provide concrete wash or other substances from entering the protection zone.
 - 2.1.3 Storage: Store materials in a safe place. Do not store materials against the tree trunk or the fence.
 - 2.1.4 Check water flows: Do not allow or remove liquid within the drip line of the tree. If necessary to encircle within the drip line use hand methods such that root systems are preserved intact and undamaged. Open up excavations under tree canopy for as short a period as possible.
 - 2.1.5 Stakes: Do not use tree roots exceeding 100mm diameter unless protected by a qualified arborist.



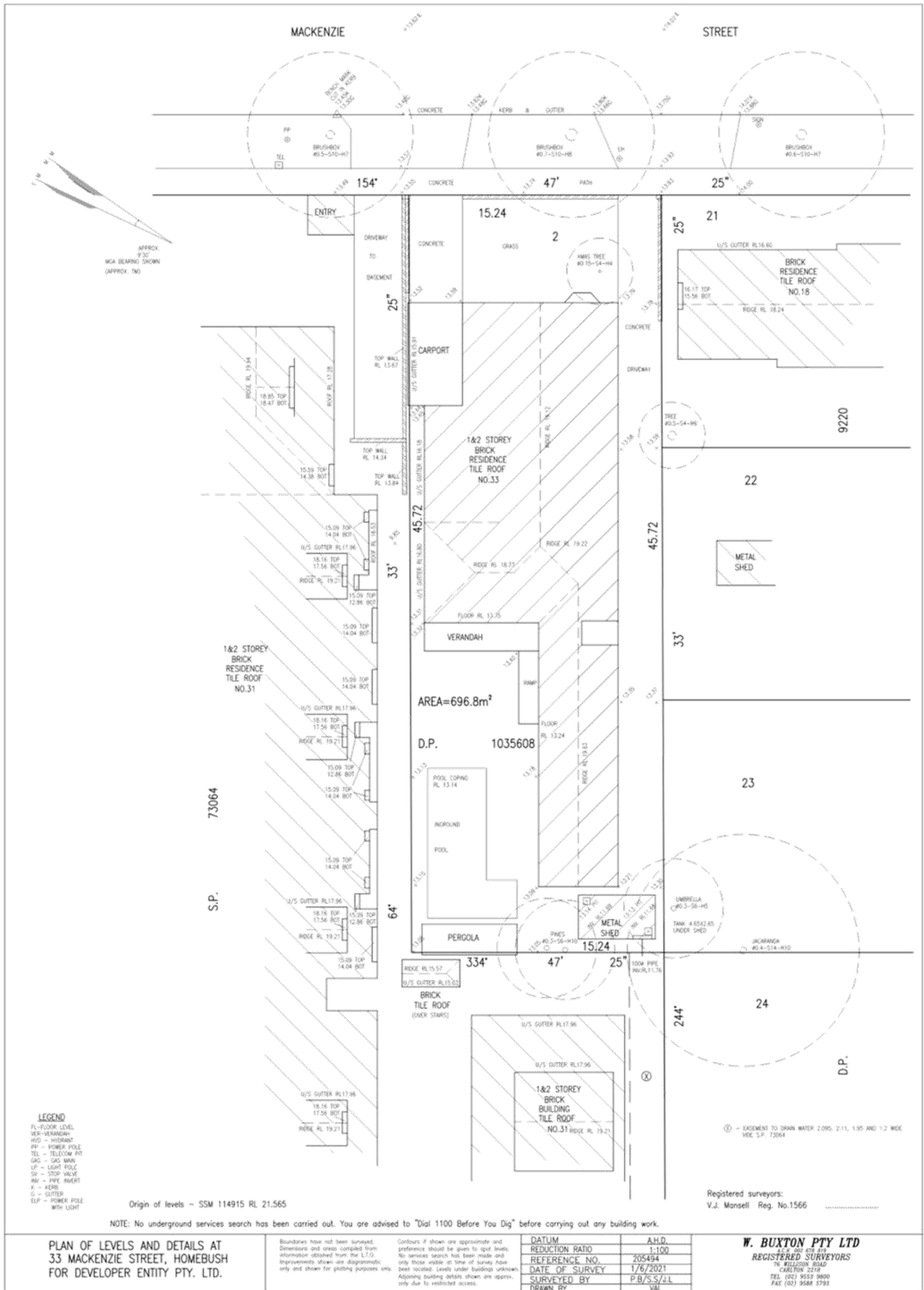
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ARCHITECT: ROSS HOWESON ARCHITECTS
 SURVEY: W. BLIXTON
 HYDRAULIC: QUANTUM ENGINEERS
 AILD M

ZENITH
LANDSCAPE DESIGNS
Ph: 9545 5200 info@zenithlandscapes.com.au

33 MACKENZIE STREET
HOMEBUSH
CLIENT: DEVELOPER ENTITY PTY LTD

FILE: LANDSCAPE PLAN	SCALE: 1:100
STATUS: DA	SHEET 1 OF 7
CHECKED: MFG	REVISION:
DRAWN: MAG	21-4500 LO1
DATE: 13.08.2021	



TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 39
SUBJECT: 2-34 DAVIDSON STREET, GREENACRE- LOT: 1 DP: 1022436
DA NO. DA2021.52

SLPP REPORT

Property:	2-34 Davidson Street GREENACRE Lot: 1 DP: 1022436 DA 2021/52
Proposal:	Demolition to part of existing structures, site preparation works, construction of three (3) new warehouses and ancillary offices and operational use of proposed warehouses.
Applicant:	T Lythall
Owner:	AGIT Investment Pty Ltd c/- Fife Capital Pty Ltd
Date of lodgement:	26 March 2021
Notification period:	16 April 2021 to 7 May 2021
Submissions received:	1
Assessment officer:	G I Choice
Estimated cost of works:	\$16,246,257.00
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	Yes
RECOMMENDATION OF OFFICER:	REFUSAL



Figure 1. Location map – subject site (outlined in yellow) and surrounding context

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition to part of existing structures, site preparation works, an extension of the existing warehouse, construction of a new warehouse and ancillary offices and operational use of the proposed warehouses.

Site and Locality

The subject site is legally described as Lot: 1 DP: 1022436 and commonly known as 2-34 Davidson Street Greenacre and is located on the western side of Davidson Street between Centenary Drive to the east and the Hume Highway to the south. The site is irregular in shape and has an area of 4.729 hectares.

Strathfield Local Environmental Plan

The site is zoned IN1-General Industrial under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal is inconsistent with several objectives contained within the LEP.

Development Control Plan

The proposed development is inconsistent with a number of key controls under Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 16 April 2021 to 7 May 2021, where one (1) submission was received raising the following concerns;

- Landscape maintenance and alternative species planting

Issues

- Building height
- Insufficient information provided for earthworks and stormwater
- Significant tree removal and insufficient landscaping
- Impacts to streetscape
- Inappropriate hours of operation

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/52 is recommended for refusal subject to the attached reasons of refusal.

REPORT IN FULL

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

Proposal

Council has received an application seeking development consent for the demolition to part of existing structures, site preparation works, an extension of the existing warehouse, construction of a new warehouse and ancillary offices and operational use of the proposed warehouses. More specifically, a detailed breakdown of the proposal is provided below.

Warehouse 1 (existing warehouse):

- Partial demolition of existing two-storey office,
- Extension of existing warehouse footprint (west wall), and
- New west end loading zone with three (3) new roller shutter doors.

Office 1 (existing office to be retained):

- New entrance, lift access and stairs to first floor (west elevation)
- New ground floor amenities added

Warehouse 2 (New warehouse):

- Four (4) lane freezer storage room,
- Two (2) lane chiller storage room,
- Seven (7) lane ambient storage room,
- New loading zone and awning,
- 14 new roller shutter doors, and
- Amenities room.
-

New Office 2A (Located within north-western corner of Warehouse 2):

Ground floor

- Open plan office
- Separate office
- Kitchen/break room
- Outdoor break area
- Comms room

First floor

- Open plan office
- Three (2) separate offices
- Separate meeting room
- Board room
- Separate M/F/NB toilets

New Office 2B (Located at eastern end of Warehouse 2)

Ground floor

- Reception area
- Kitchen/break room
-

First floor

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

- Open plan office
- Separate M/F toilets
- Storage room

External works:

- Vegetation clearing
- New full hardstand perimeter vehicle access
- New western loading dock
- New northern recessed loading dock
- New car parking areas on south-east; east; and north-west boundaries
- Installation of new on-site stormwater detention system (north-west bounds)
- Erection of two (2) new pylon signs (site entrance and internal carpark)
- Perimeter landscaping
- New retaining walls along north and western boundaries

First Use of Warehouse 2:

- Development Consent is sought for warehousing and distribution use. Warehouse 2 is seeking 24/7 operational hours; however, warehouse 1 will be subject to standard operating hours of existing consent.

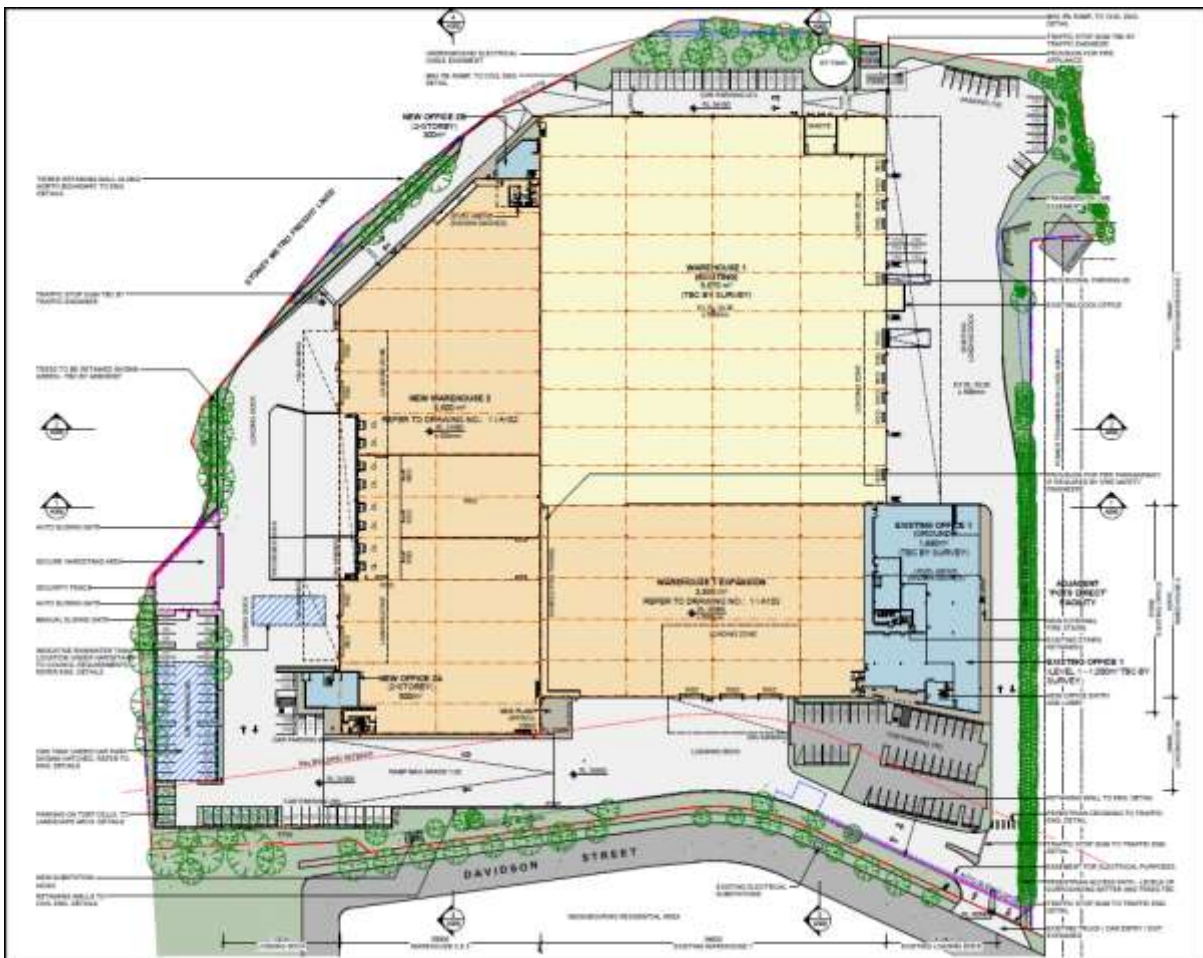


Figure 2: Proposed site plan

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

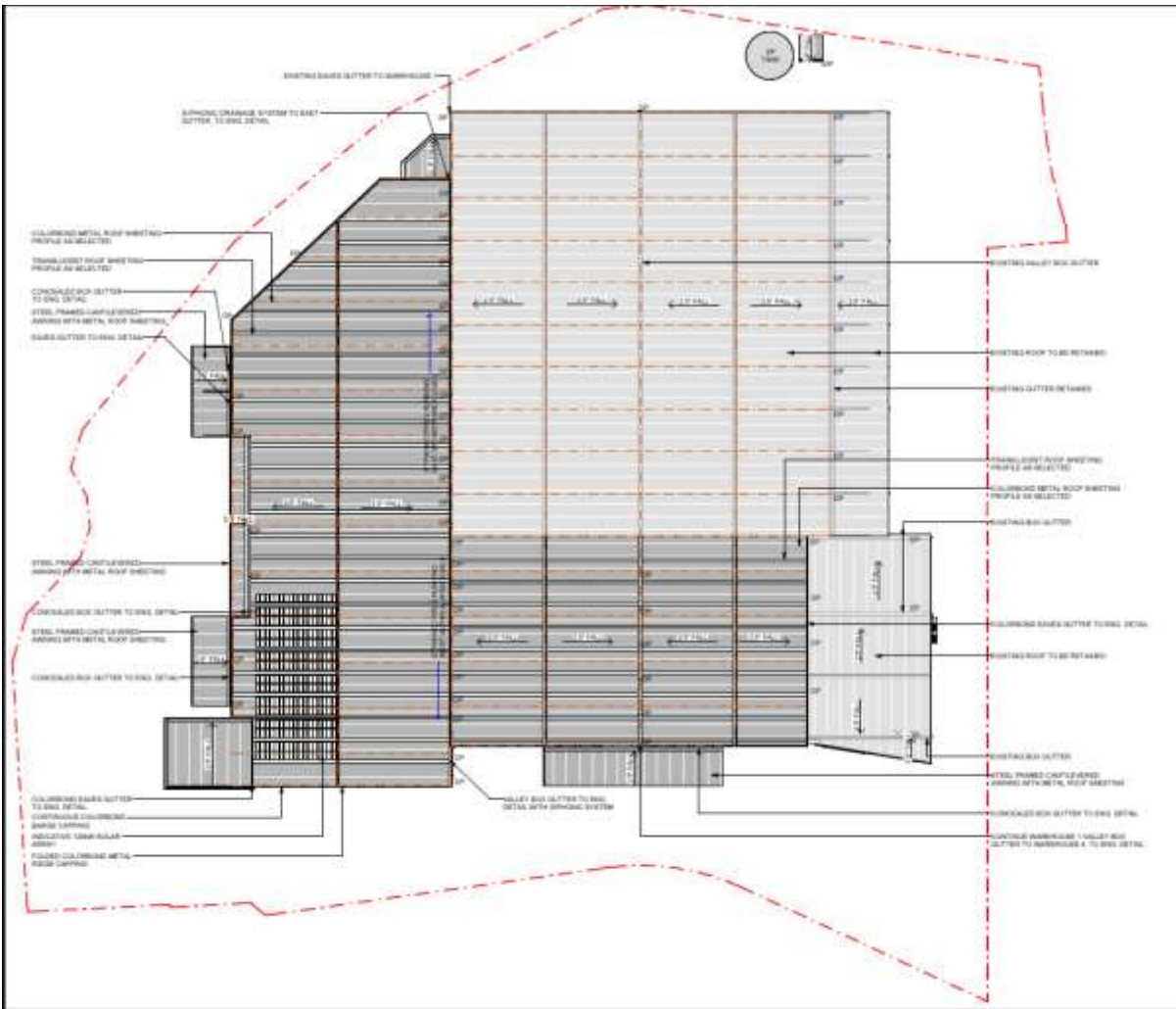


Figure 3: Proposed roof plan

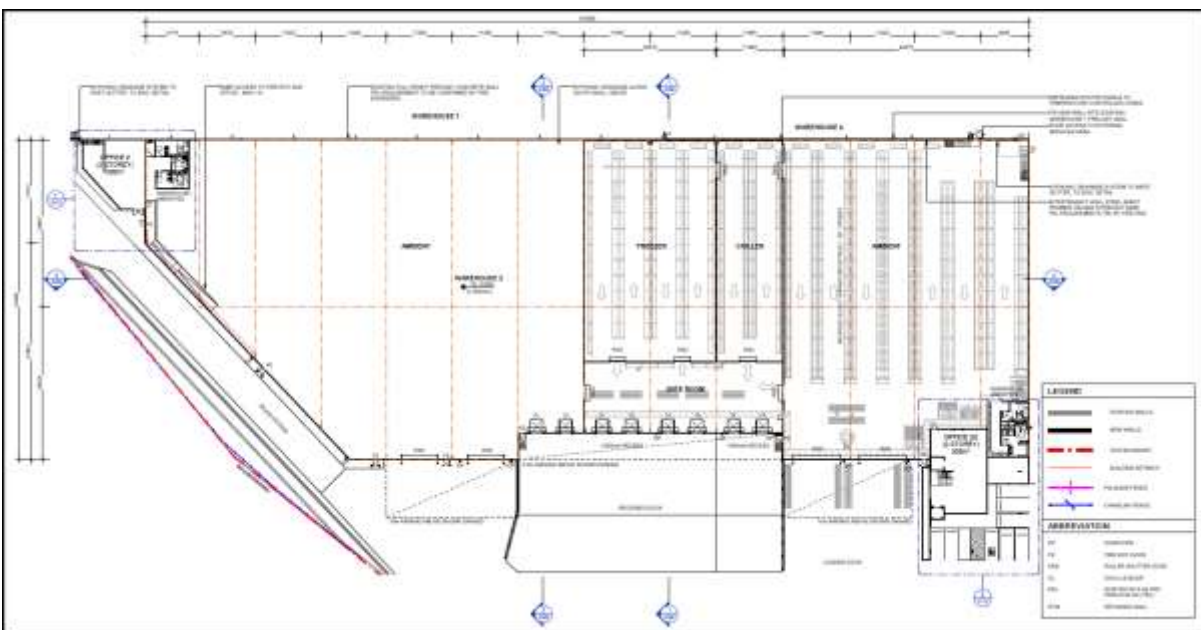


Figure 4: Proposed warehouse 2 plan

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

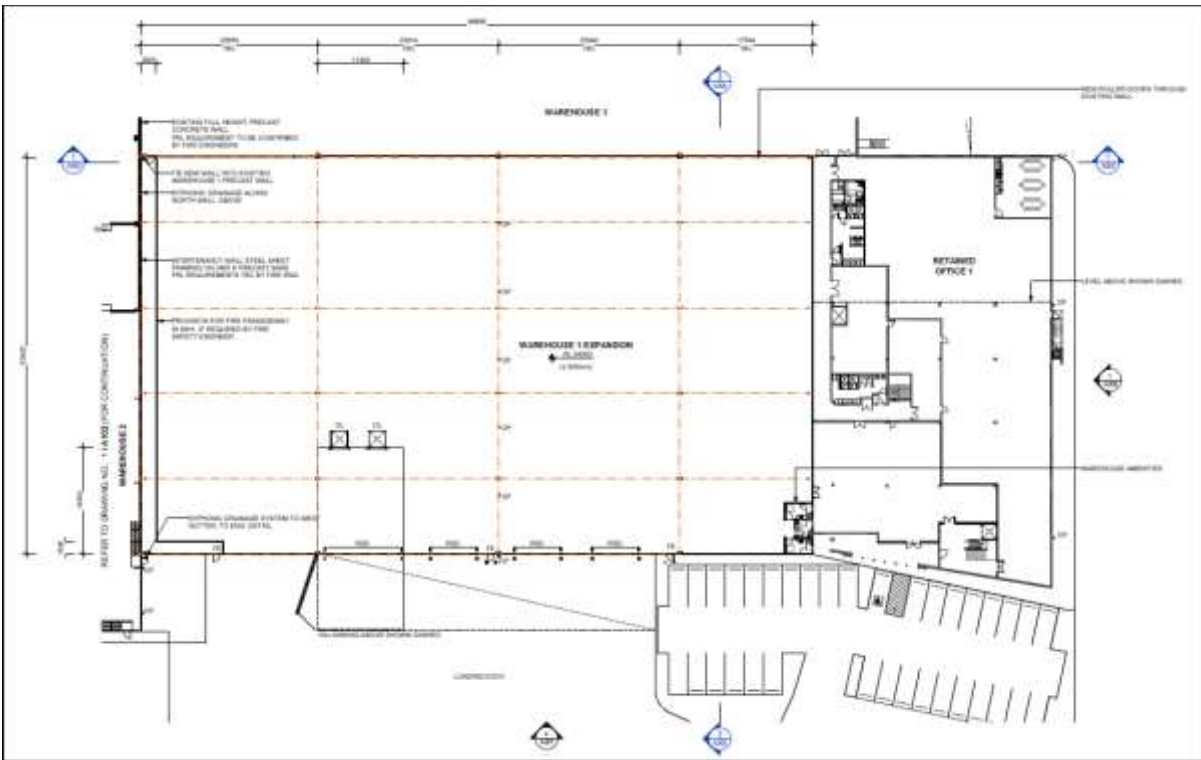


Figure 5: Proposed warehouse 1 expansion plan

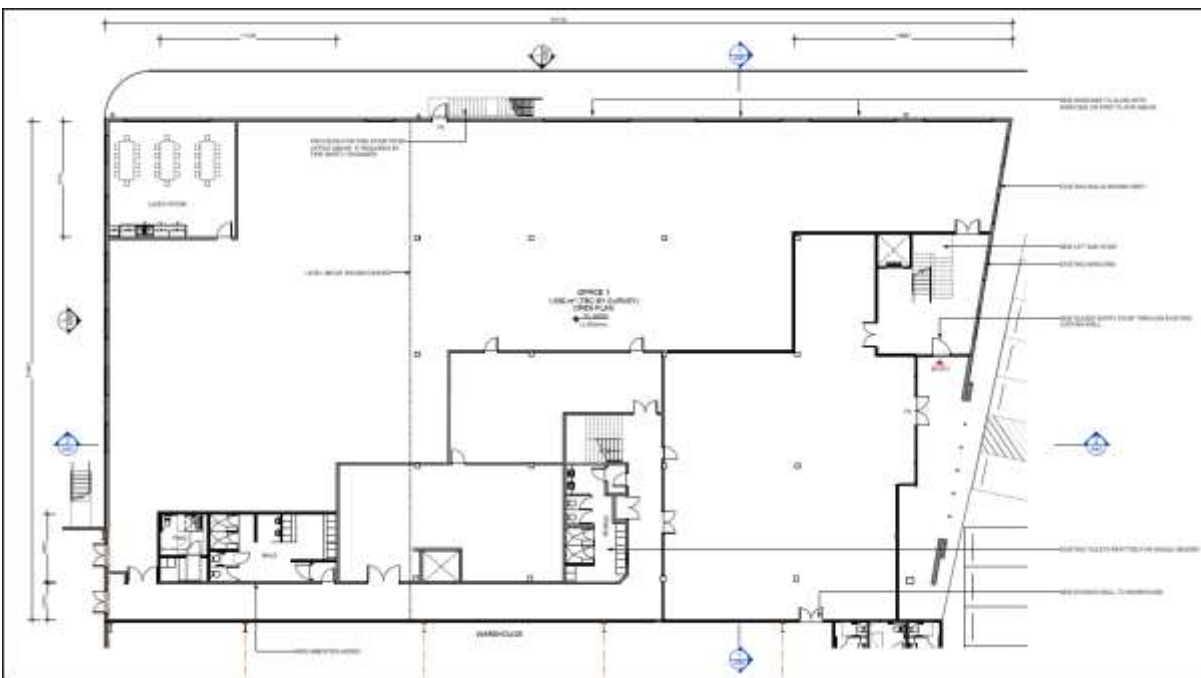


Figure 6: Proposed Office 1 ground floor plan

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

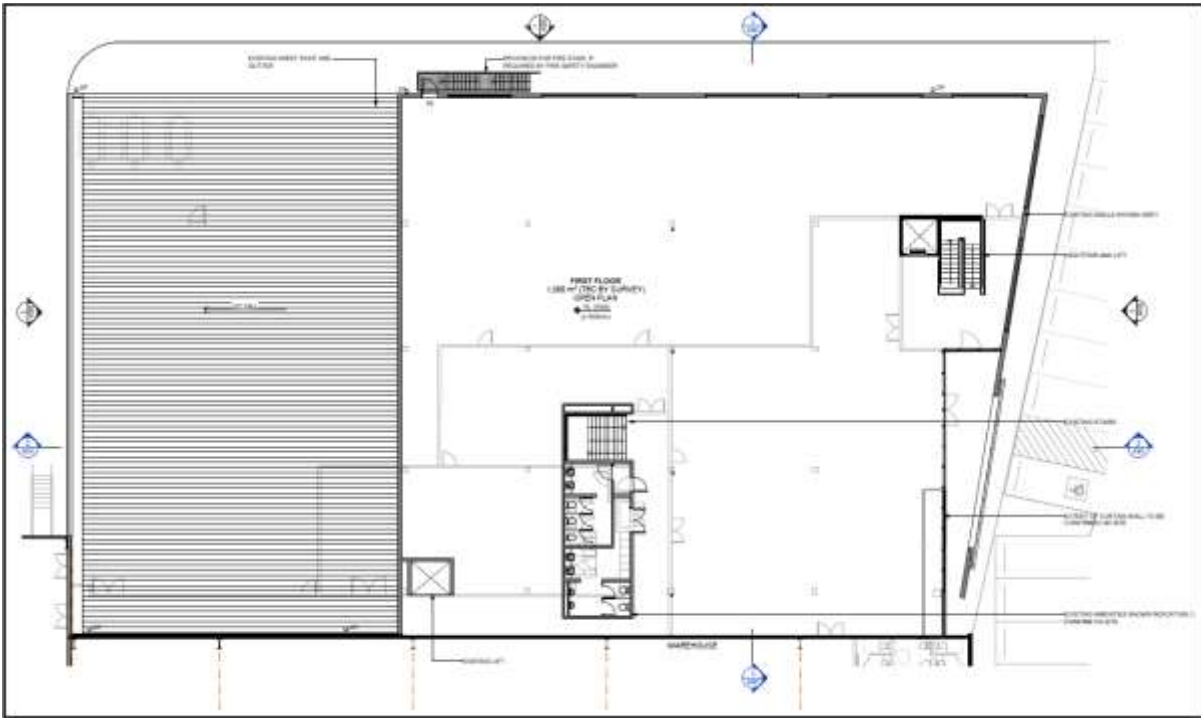


Figure 7: Proposed Office 1 first floor plan



Figure 8: Proposed Office 2A & 2B floor plans

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	distribution centre with ancillary offices for the purpose of a warehousing assembly, repair and distribution of electronic and electrical equipment and retailing activities was approved.
30 March 2020	<p>An advisory letter was issued to Fife Capital following a teleconference on 27 March 2020 for Pre-DA 2020/09 application for alterations and additions to an existing industrial warehouse at the subject site.</p> <p>Relevant issues pertaining to the subject site at Davidson Street in the Pre-DA are summarised as follows:</p> <ul style="list-style-type: none"> i. Building Height The maximum building height is 12m under Strathfield Local Environmental Plan 2012. ii. Site Operation Details Details of day -o-day site operation must be submitted with any Development Application: <ul style="list-style-type: none"> - Staff numbers - Hours of operation - Consideration for adjoining properties and how impacts will be minimised - Truck movements, frequencies, loading/unloading zones. iii. Environmental Health Matters <ul style="list-style-type: none"> - The following matters were to be addressed with any Development Application: <ul style="list-style-type: none"> - Design for noise mitigation - Loading docks were to be located on eastern and northern sides of the building - Proposed operations 24 hours, 7 days a week were not supported without any indication of the activities to be conducted. - Revised Noise Assessment - Hours of operation consistent with adjacent businesses - Method for automatically monitoring and recording number and type of truck movements into and out of the site. iv. Traffic Matters <ul style="list-style-type: none"> - A traffic impact assessment (TIA) would be required - Swept paths for the largest vehicle accessing the site should be provided. - A potential second vehicle entrance was not supported

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

	<ul style="list-style-type: none"> v. Building and compliance <ul style="list-style-type: none"> - BCA Report and a Disable Assess Report were required vi. Stormwater Matters <ul style="list-style-type: none"> - Stormwater drainage concept plan vii. On-Site Waste Collection <ul style="list-style-type: none"> - Waste Management Plan (WMP) required viii. Landscaping <ul style="list-style-type: none"> - An amended landscape plan was required to show: <ul style="list-style-type: none"> - The entire western boundary of the site to be embellished with deep soil planting where possible. - Any parking, vehicular manoeuvring areas, garbage areas, storage areas visible from the street front to be screened with evergreen shrubs and trees. -
26 March 2021	The subject DA 2021/52 was lodged for the demolition to part of existing structures, site preparation works, construction of three (3) new warehouses and ancillary offices; second vehicle entrance, acoustic barrier wall, and operational use of proposed warehouses.
21 April 2021	DA 2021/52 site inspection and photographic survey by the Assessing Council Officer.
21 April 2021	External concurrence was sought by Council via the NSW Planning Portal with the following agencies: <ul style="list-style-type: none"> - NSW Roads and Maritime Service - Australian Rail Track Corporation - Ausgrid -
7 May 2021	End of neighbour notification period. One (1) submission was received during the notification period.
11 May 2021	A Council request for additional information (RFI) was issued to the Applicant identifying the following issues: <ul style="list-style-type: none"> i. Signage <ul style="list-style-type: none"> - Additional information was required for the proposed internal business signage - ii. Building Height <ul style="list-style-type: none"> - A discrepancy was noted between the proposed building height of 13.5m and the assessment

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

	<p>calculation of 15.09m by the Assessing Officer.</p> <p>-</p> <ul style="list-style-type: none"> - The proposed variation to the maximum 12m building height was not supported as the submitted Clause 4.6 statement did not provide sufficient environmental planning grounds to justify the variation. <p>-</p> <p>iii. Tree Management</p> <ul style="list-style-type: none"> - The removal of 126 trees and subsequent impact to an additional 150 trees was not supported. <p>-</p> <ul style="list-style-type: none"> - A Tree Survey and Impact Statement and Tree Management and Protection Plan was required to inform the assessment. <p>-</p> <p>iv. Building & Compliance</p> <ul style="list-style-type: none"> - The proposed hours of operation to 24 hours/ 7 days a week was not supported and were to remain as per the DA 9900/57 approved hours as discussed elsewhere in this report. <p>-</p> <ul style="list-style-type: none"> - Council required clarification on a discrepancy between the assumptions of truck movements within the acoustic report prepared by Acoustic Logic (dated 3 February 2021 p.28); and the Statement of Environmental Effects (p.8). <p>-</p> <ul style="list-style-type: none"> - A method statement for automatically monitoring and recording the number and type of truck movements was requested. <p>-</p> <p>v. Traffic and parking</p> <p>-</p> <ul style="list-style-type: none"> - The proposed second driveway was not supported due to potential impacts on the surrounding residential development. <p>-</p> <ul style="list-style-type: none"> - Internal circulation was to be amended to allow all vehicles ingress to and egress from the site via the existing driveway only. <ul style="list-style-type: none"> - Swept path analysis were requested to demonstrate internal circulation was achievable for all vehicles using the site. <ul style="list-style-type: none"> - A traffic analysis of the existing driveway was requested to demonstrate how all anticipated traffic could be safely managed without delay on the external road network.
--	--

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

	<ul style="list-style-type: none"> - Additional treatments to the existing driveway were recommended to ensure pedestrian safety along the Davidson Street frontage and footpath. - <p>vi. Streetscape</p> <ul style="list-style-type: none"> - The proposed acoustic barrier along the Davidson street frontage was not supported as it conflicted with the SDCP 14 guidelines as specifically noted in the Pre-Development Application Meeting (dated 30 March 2020).
12 May 2021	An extension was granted to allow the Applicant to submit all additional information by 11 June 2021.
24 May 2021	A meeting was requested by the Applicant to discuss Traffic related matters as outlined in the additional information request.
27 May 2021	A meeting was held at Council Chambers including the Assessing Officer, Council's Traffic Manager, the Applicant and Traffic Consultant (Willow Tree Planning), members of Fife Capital (Landlord) and a representative of the presumptive new tenant (Two Providores) of the subject development.
28 May 2021	Additional comments were provided to the Applicant. Council advised that a widening of the existing vehicle entrance would be considered, if all other traffic-related matters were adequately addressed.
28 May 2021	A second extension was granted to allow the Applicant to submit all additional information by 25 June 2021.
14 July 2021	Due to COVID 19 restrictions, a third extension was granted to allow the Applicant to submit all additional information by 23 July 2021.
20 July 2021	All external concurrence letters were received.
12 August 2021	Some Additional information was submitted via the NSW Planning Portal by the Applicant including amended plans and a Traffic Impact Assessment, Visual Impact Assessment.
16 September 2021	Further Additional information was submitted via the NSW Planning Portal by the Applicant including a revised Arborist Report.
12 October 2021	A second RFI was issued (via e-mail) regarding a discrepancy with the proposed building height following an assessment of the amended architectural plans.

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

14 October 2021	The subject site was inspected by Council's newly appointed Tree Management Coordinators.
27 October 2021	The subject site was inspected by Council's Environmental Projects Officers to identify threatened species within the proposed areas of vegetation to be cleared. No significant species were identified.
2 November 2021	A directions meeting was held with the Assessing Officer, Council's Tree Management team and Council's General Manager for Planning, Environment & Urban Services.
2 November 2021	A second set of amended plans were requested to correct the building height discrepancy as well as an amended cl 4.6 statement.
3 November 2021	<p>A second set of amended plans and revised Clause 4.6 statement were submitted by the applicant via the NSW Planning Portal. Amened plans, subject to this assessment, incorporated the following design changes:</p> <ul style="list-style-type: none"> - Alternative site preparation measures to lower the proposed building height - Deletion of the proposed second vehicle entrance - Addition of internal ramp - Consolidation of proposed new Warehouse '2' and '3' to create 'Warehouse 2' - Consolidation of existing warehouse (now 'Warehouse 1') and proposed 'Warehouse 4' (renamed to 'Warehouse 1 Expansion') to create single 'Warehouse 1' - Rename New 'Office 2' to 'Office 2B' - Rename New 'Office 3' to 'Office 2A' - Reduced building height; and - Reconfiguration of car park
4 November 2021	All internal referrals received, including advice from Council's Tree Management Officer whose advice was critical to progression of the assessment

The Site and Locality

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

The subject site is legally described as Lot: 1 DP: 1022436 and commonly known as 2-34 Davidson Street Greenacre. It is located on the western side of Davidson Street between Centenary Drive to the east and the Hume Highway to the south.

The site is irregular in shape and has a western frontage to Davidson Street of approximately 242m. Approximate boundary lengths are 121m (north); 166m (north-east); 109m (east); and 235m (south). The site has an area of 4.729 hectares (see **Figure 18**).

The site is bound by railway tracks along the northern perimeter to the south-east corner. A steep embankment runs the length of the southern boundary contained by a retaining wall in most sections. The overall topography of the site slopes from north to south (2-3⁰), however, the north-east bounds undulate due to an on-site stormwater detention system comprising two (2) large grassy basins.

The site is occupied by an industrial scale warehouse with ancillary two-storey office and showroom complex. Vehicular access is provided to the site via an existing driveway from Davidson Street located at the south-west corner of the site with a large car parking area for light rigid vehicles located along the east to north east bounds of the site. Heavy Rigid vehicle access to the loading dock is provided via an existing two-lane driveway along the southern boundary.

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 18: Subject site demolition plan (to be demolished highlighted in red)

Existing development on the adjoining southern boundary comprises a nursery business at 36 Davidson Street (see **Figure 44**). The subject site adjoins a public reserve with children's playground at the north-east corner. Development to the adjacent west of the site comprises several three-storey residential flat buildings and a small number of two-storey townhouses at the southern entrance to Marlene Crescent. A landscaping supplies business is located on the adjacent south-west corner at 27 Davidson Street.

The subject site frontage to Davidson Street is screened by established landscaping including numerous native tree and shrub species. The current streetscape is otherwise characterised by medium-density residential development.

To the south the surrounding area is dominated by the major road intersections of Hume Highway and Centenary Drive with a mix of single-storey and two-storey low-density residential

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

development along the southern side of the Hume highway, with several commercial premises located further east.



Figure 19: Subject site south-east elevation (view from Centenary Drive)



Figure 20: Subject site south-east elevation and adjacent railway tracks

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 21: Existing two-storey office (right) to be demolished



Figure 22: Existing office and northern carpark to be demolished (west-facing)



Figure 23: Existing warehouse west elevation (north end) to be retained

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 24: Existing north carpark to be demolished (north-facing)



Figure 25: Existing on-site detention basin and north boundary

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 26: Existing warehouse north elevation



Figure 27: Existing warehouse loading bay (south elevation)



Figure 28: Existing driveway and office building (west-facing)

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 29: Existing driveway entrance and south-west carpark (west-facing)



Figure 30: Existing Davidson Street vehicle entrance

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 31: Existing south-west carpark and office building (east-facing)



Figure 32: Existing office building west elevation

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 33: North boundary perimeter (east-facing)



Figure 34: Existing north carpark north bounds perspective

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Figure 35: Subject site west boundary



Figure 36: Existing warehouse and northern bounds (west-facing)

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 37: Existing Davidson Street frontage



Figure 38: Marlene Reserve (left) and subject site north-west street frontage

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Figure 39: Existing residential development corner of Davidson Street/Marlene Crescent



Figure 40: Marlene Crescent north end (west-facing)

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Figure 41: Adjacent streetscape



Figure 42: 27 Davidson Street Greenacre

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Figure 43: Marlene Crescent south end (west-facing)



Figure 44: Existing nursery at 36 Davidson Street southern boundary (north-facing)

Referrals

EXTERNAL REFERRALS

External concurrence was sought from a number of referral agencies and comments from these agencies are provided in the following section.

Australian Rail Track Corporation (ARTC)

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The proposed development was referred to the ARTC in accordance with Clause 85 and 86 of the State Environmental Planning Policy (Infrastructure) 2007 and relevant comments are provided as follows:

“ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application;

Visual Issues

The proposal is located in close proximity to the rail corridor and has the ability to involve fixed or car lights shining onto the rail corridor. It is requested that appropriate conditions be imposed to mitigate any potential impacts from such lighting shining toward the rail corridor. Such conditions may include limitation on hours of operation or effective screening.

Fencing and Safety

The security of fencing along the rail corridor is essential to prevent unauthorised entry and ensure safety. ARTC requests that Council obtain/undertake a risk assessment of the proposal, considering speed limits, the track configuration and appropriate safety barriers, and that Council impose appropriate conditions to ensure vehicles cannot accidentally access the rail corridor...

Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor...[T]he flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Excavation

Should excavation exceeding 2m be proposed within 25m of the track the application will require additional review and further details will need to be provided to ARTC. Section 6 of the Interim Guideline should be considered by Council, together with the need for a geotechnical assessment or structural assessment for the earthworks, particularly for the works in close proximity to the rail corridor.

Construction

Further consultation with ARTC must occur if construction will involve the use of cranes that could have the potential to affect the rail corridor, or involve any access onto ARTC's land or air space. For these works, a Third Party Access application needs to be submitted to ARTC.”

Ausgrid

The proposed development was referred to Ausgrid in accordance with clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007 and relevant comments are provided as follows:

“Ausgrid does not have any objections for the proposed development. The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)**Overhead Powerlines**

...Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding...It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. "Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area... Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable."

NSW Roads and Maritime Service (RMS)

The proposed development was referred to Ausgrid in accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 and relevant comments are provided as follows:

*"TfNSW has reviewed the submitted application and refers to **Attachment A – Aerial "X"** where TfNSW has:*

- ix. previously resumed and dedicated a strip of land as road along the Hume Highway frontage of the subject property, as shown by grey colour*
- x. previously acquired a strip of land (Lot 12 DP868257) for road purposes as shown by white colour*
- xi. previously acquired an easement for transmission line over the subject proper as shown by brown colour*

TfNSW raises no objection to the application as it is unlikely to have a significant impact onto the classified road network. TfNSW requests that the following conditions are incorporated into any consent issued by Council:

- 1. Any new building or structures, together with any improvements integral to the future of the site, are to be erected clear of the identified easement, common boundary with Lot 12 DP868257, and the Hume Highway boundary (unlimited in height or depth).*
- 2. Access to the TfNSW easement is not to be denied.*
- 3. The integrity of the TfNSW easement is not to be compromised."*

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)



Figure 45: Aerial 'X' map of TfNSW easement and dedication

INTERNAL REFERRALS

Internal advice was sought from a number of Council’s specialist staff and comments are provided in the following section.

Environmental Health

The subject application was referred to Council’s Manager for Environmental Services who provided the following comments:

“I have some concerns about; trading hours, and the number of truck movements for the site, and the monitoring of this. However, I believe these can be conditioned or resolved at construction stage or prior to final design stage (prior to the endorsement of a construction certificate).”

Noteworthy conditions are summarised as follows:

1. Supported operational hours are 7am-5.30pm Monday to Saturday and 8am-3pm Sunday and public holidays.
2. The number of truck movements is to be limited to the following:
 - 8 per hour in the day-time,
 - 4 per hour in the evening, and
 - 2 per hour in the night time (warehouse 2 only).

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3. *Method statement (is required) for automatically monitoring and recording the number and type of truck movements into and out of the site (prior to OC).*
4. *Maintenance plan of the acoustic barrier (shall be) included to ensure that it continues to be effective in noise attenuation, and repaired if required (prior to OC)."*

Officer comment: It is considered from the comments above that effective sound attenuation measures to minimise noise impacts to the adjacent residential development can only be achieved through the erection of an acoustic barrier facing the residential properties along Davidson Street adjacent the subject site as recommended. It is noted that an acoustic barrier as such has been opposed at the Pre-DA 202/09 assessment and preliminary assessment of DA 2021/52. These matters are discussed later in this report.

It is also noted that truck movements in the evening and night times cannot be realised if the recommended operating hours are conditioned.

Stormwater

The subject application was referred to Council's Development Engineer for preliminary assessment who raised no objections to the proposed development subject to appropriate conditions of any consent. The amended design, however, includes significant additional excavation which will result a reduction of external hard stand areas associated with Warehouse 2 from RL 32.40 to RL 31.00 and the amended design was not supported by an amended stormwater management plan or flooding report for consideration by Council's Development Engineer.

The change from large scale fill to large scale cut may require significant changes to the proposed stormwater management plan. Insufficient information has been provided by the Applicant in order to complete a full and thorough assessment of the proposed development.

Traffic

The subject application was referred to Council's Traffic Manager and their comments are summarised as follows:

Vehicle traffic generation

The potential traffic generation is estimated based on the traffic generation rates derived from the surveys on similar warehouse developments as per the RMS Guide to Traffic Generating Development Guide. This approach is typically endorsed in TIA studies.

Further intersection modelling has been carried out to confirm that the Davidson Street/Hume Highway intersection will remain at the same level of service B (satisfactory) post-development.

It is hence considered that the development will not generate unacceptable adverse impact to the surrounding road network.

3. *On-site parking layout*

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

The amended proposal comprises the existing combined ingress/egress driveway on Davidson Street at the southern site boundary as specified by DCP 14. The driveway configuration conforms to AS2890.2. The internal circulation has been analysed by swept paths to demonstrate that safe access can be achieved for all vehicles accessing the site, with a size up to 26m B-double."

– Council's Traffic Manager raised no further objections to the proposed development subject to appropriate conditions of any draft consent including an upgrade and widening of the existing vehicle entrance; restrictions on the size of heavy vehicles accessing the site; and the construction of a new 1.5m footpath for the full length of the frontage of the site in Davidson Street

Tree Management

The proposed development includes the removal of 125 trees and with several hundred other trees identified as being potential impacted by the development. The amended plans and revised arborist report were assessed by Council's Tree Management Coordinator who does not support the removal of 92 of the 125 trees. Additional comments are provided as follows:

"The Executive Summary of the Arborist report prepared by Bradley Magus on 15 September 2021, states the number of trees identified as 545 in total; "The applicant has assessed 545 trees in total including all those trees that come under Council requirements"

*The Arborist Reports tree table includes a total of 419 trees identified. Trees numbered 34-419, plus the additional 420-545 (125) are to be retained as part of any future development of the site at 2-34 Davidson Street Greenacre. Future development of the site and the retention of these existing trees is to be in accordance with **Australian Standard AS4970-2009: Protection of trees on development sites**. This will determine setbacks of the trees from any proposed structure, hard stands (Carparks) and underground surfaces.*

Note: *Any trees identified that have been classified as SM (Semi – Mature) or YM- (Young Mature) in the Arborist report prepared Bradley Magus may require the DBH (Diameter Breast Height) to be estimated. The appropriate setbacks can then be calculated for the trees at maturity as they currently have a long term retention and provide a high landscape significance for the site."*

Officer comment: It is considered from the abovementioned tree management comments that the amended building design and site layout cannot be realised if the majority of the 125 trees proposed for removal are to be retained.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

- (a) *the provision of:*
 (i) *any environmental planning instrument,*

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIES
State Environmental Planning Policy (Infrastructure) 2007	Insufficient information
State Environmental Planning Policy No 55 - Remediation of Land	Yes
State Environmental Planning Policy No 64 – Advertising and Signage	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The subject site is located adjacent to or within close proximity to significant infrastructure including rail corridor, major roads and an electricity transmission/distribution network. The subject application – as discussed in the 'EXTERNAL REFERRALS' section of this report - was referred to the following agencies in accordance with SEPP (Infrastructure) 2007:

i. **Australian Rail Track Corporation (ARTC)**

The proposed development was referred to the ARTC in accordance with Clause 85 and 86 of the State Environmental Planning Policy (Infrastructure) 2007. A number of concerns were raised by the ARTC as mentioned elsewhere in this report. Specifically these include:

- Impacts of stormwater
- Excavation exceeding 2m be proposed within 25m of the track requiring a geotechnical assessment and/or structural assessment

It is considered that insufficient information has been provided to enable a full and thorough assessment of the potential impacts of the proposed development (as amended). The proposal (as amended) was not re-referred to the ARTC as the plans failed to meet Council's other concerns and a refusal has been recommended.

ii. **NSW Roads and Maritime Service (RMS)**

The proposed development was referred to Ausgrid in accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007. Transport for New South Wales (TfNSW), as

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

the relevant RMS referral body, raises no objection to the application as it is unlikely to have a significant impact onto the classified road network.

It is considered the proposed development has not satisfied the relevant provisions of the SEPP (Infrastructure) 2007, specifically Clause 85 and 86 relating to development within proximity of a rail corridor.

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

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

This Preliminary Site Investigation report was prepared by EP Risk (Ref: EP1923.001_v1 dated 21 December 2020). An extract from the report is provided as follows:

“Based on a review of available historical aerial photographs, the Site was vacant until it was occupied by the current office and warehouse buildings circa 2009. There are several properties surrounding the Site which have been notified to the NSW EPA under Section 60 of the Contaminated Land Act 1997 however are considered not to pose a potential risk to the Site due to being located hydraulically cross-gradient and/or separation distance from the Site. Additionally, the immediate surrounding area has been used for mixed residential and commercial/industrial purposes since circa 1951, including operation of a railway to the north and east and railway systems activities (i.e. storage and maintenance) to the west. Commercial/industrial activity to the south and south-east increased circa 1961...Overall, EP Risk considers the Site presents a low risk to the current users of the Site provided no intrusive activities involving sub-soil disturbance and/or contact with groundwater are undertaken.” (p.15)

The objectives outlined within SEPP 55 are considered to be satisfied and no further site investigation is necessary.

STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1, in the assessment of the proposed modifications to approved signage. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Part 1, Clause 3:

1) *This policy aims to:*

a. *To ensure that signage (including advertising):*

- i. *Is compatible with the desired amenity and visual character of an area, and*
- ii. *Provides effective communication in suitable locations, and*
- iii. *Is of high quality design and finish.*

The proposal includes the erection of three (3) pylon signs (see **Figure 46**):

- i. S1 Estate Pylon Sign: To be used for estate and tenant identification located at the main site entrance; and

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

- ii. S4 Direction Pylon x2: To be used for directions to individual tenant(s) buildings located at south-west and north-west corners of the car park.

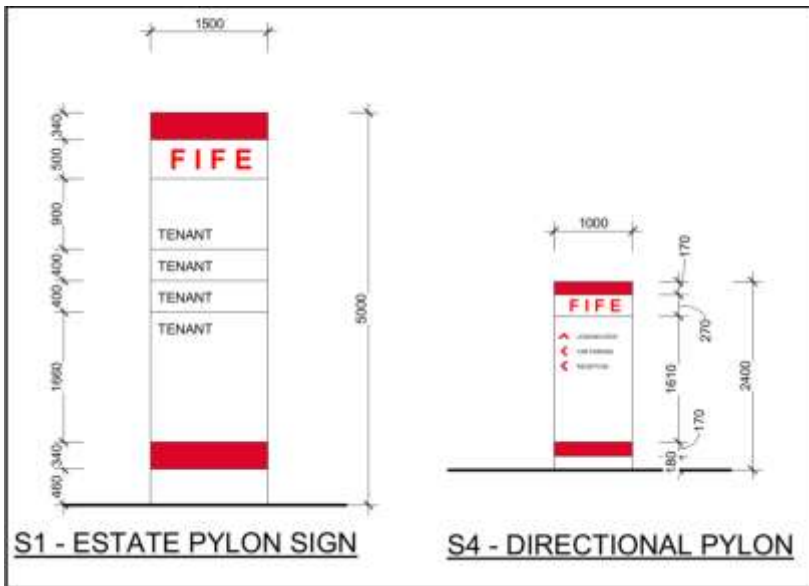


Figure 46: Proposed pylon signage

An assessment of the proposed signage against the provisions of SEPP 64 Schedule 1 Assessment Criteria is provided in the table below:

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - -	The proposed signage is not considered to be out of character in the locality and context of the site.	Yes
		Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with the style and theme for signage in the area and is not considered to be out of place.	Yes
2	Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no heritage or environmentally sensitive areas in the close vicinity.	Yes

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3	Views and Vistas	Does the proposal obscure or compromise important views?	The proposal does not obscure any views.	Yes
		Does the proposal dominate the skyline and reduce the quality of vistas?	The signage does not dominate the skyline.	Yes
		Does the proposal respect the viewing rights of other advertisers?	The proposed signage is considered to respect the viewing rights of other advertisers.	Yes
4	Streetscape, Setting or Landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? -	The signage is considered to be appropriate in the setting due to the proposed locations within the site boundaries and the industrial nature of the subject site, adjacent business signage and nearby roadway signage.	Yes
		Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The pylon signage does not present significant visual impacts and will detract from the streetscape.	Yes
		Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not replace existing advertising as such.	Yes
		Does the proposal screen unsightliness?	The proposed signage does not screen any unsightliness.	Yes
		Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage is lower than the existing warehouse and office building height, lower than neighbouring commercial properties and below the height of residential development to the west of the subject site.	Yes
		Does the proposal require ongoing vegetation management?	The proposal may require some minor routine vegetation management, but this is considered minimal.	Yes
5	Site and Building	Is the proposal compatible with the scale, proportion	The proposed pylon signage will be lower than existing	Yes

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		and other characteristics of the site or building, or both, on which the proposed signage is to be located?	and proposed structures on the site.	
		Does the proposal respect important features of the site or building, or both?	Yes, the pylon signage is considered to be adequate in this regard.	Yes
		Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage incorporate modern finishes and serves a functional purpose. The proposal is considered to be satisfactory.	Yes
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No. These are not required on the signage proposed.	N/A
7	Illumination	Would illumination result in unacceptable glare?	The proposed signage is not illuminated.	Yes
		Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A	
		Would illumination detract from the amenity of any residence or other form of accommodation?	N/A	
		Can the intensity of the illumination be adjusted, if necessary?	N/A	
		Is the illumination subject to a curfew?	N/A	
8	Safety	Would the proposal reduce the safety for any public road?	The signage and pylon(s) are not considered to negatively impact public safety or sightlines.	Yes
		Would the proposal reduce the safety for pedestrians or bicyclists?	No	Yes
		Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from	No	Yes

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		public areas?		
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The proposed signage is considered to satisfy the provisions of SEPP 64.

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 intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are to:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposal includes the removal of 125 trees and was referred to Council's Tree Management Coordinator for assessment. Based on the list of trees for removal as per the Arborist report prepared by Bradley Magus (dated 15 September 2021) Council's Tree Management Coordinator confirmed that 33 of the proposed 125 trees could be removed. These are a number of young to semi-mature exotic and native trees which are single stand along specimens, and could be removed and replaced as part of any proposed redevelopment of the site.

All other trees (92 of a proposed 125) are considered to be in good condition and structurally sound to accommodate future growth with long term potential and minor remedial treatment. Therefore, it is considered the proposed development does not satisfy the aims and objectives outlined within the SEPP and the subject application is not supported as per Part 3 Section 11(7) of the SEPP.

Strathfield Local Environmental Plan 2012

The development site is subject to the Strathfield Local Environmental Plan 2012 and is inconsistent with the aims of this plan as discussed in the section below.

Part 2 – Permitted or Prohibited Development**Clause 2.1 – Land Use Zones**

The subject site is zoned IN1-General Industrial and the proposal is a permissible form of development with Council's consent, however it is considered that the development does not meet the objectives of the zone, specifically:

- *To minimise any adverse effect of industry on other land uses.*

Outline why. You have included this as a reason for refusal. Need to undertake assessment.

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Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum HOB: 12m	Existing Warehouse 1 13.5m Proposed Warehouse 1 addition 13.07m Proposed Warehouse 2 13.2m	No – see discussion No - see discussion
4.4 Floor Space Ratio	Site area 4.729 Ha FSR 1:1 or 47,290m ²	GFA: 23,130m ² FSR 0.49:1	Yes

Clause 4.6 Exceptions to Development Standards

The proposed development exceeds the maximum 12m height development standard permitted under Clause 4.3 Height of buildings of the SLEP 2012. The area of non-compliance relates to the 13.07m maximum ridge height of the proposed Warehouse 1 extension and the proposed 13.2m ridge height for the proposed new Warehouse 2. The proposed exceedances of 1.07m (Warehouse 1) and 1.2m (Warehouse 2) result in variations of 8.9% and 10% respectively. A Clause 4.6 statement (The Statement) accompanies the application.

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

Council notes the following discrepancies identified within The Statement:

- i. The Statement inaccurately describes the proposed development as four (4) warehouses instead of two (2) (p.4-7)
–
- ii. The Statement proposes a Warehouse 1 building height of 12m. The existing warehouse is a non-compliant height of 13.5m. The actual building height of the Warehouse 1 addition - as calculated from the submitted survey plan - is 13.07m (refer p.7).
–
- iii. The Clause 4.6 statement requests a maximum building height of 13.2m for the originally proposed Warehouse 2 and Warehouse 3 development. As the proposed Warehouse 1 extension includes an increase of the existing non-compliance. The Statement must also address this element of non-compliance.

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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.”*

The applicant has provided a written request (The Statement) that seeks to justify the proposed contravention of the Clause 4.3 development standard as discussed in the following section:

Clause 4.6(3)(a): That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

In assessing whether compliance with the standard is unreasonable or unnecessary, it is appropriate to apply the approach adopted by Preston CJ in **Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827** (referred to hereafter as *Wehbe*) in which His Honour identified five pathways that could be applied to establish whether compliance is unreasonable or unnecessary.

The Statement employs the first way (i) of *Wehbe v Pittwater Council [2007]* to address sub-clause 4.6(3)(a).

- i. The objectives of the standard are achieved notwithstanding non-compliance with the standard*

The Statement provides the following comments against the relevant cl 4.3 objectives:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,*

The extent of non-compliance only relates to a minor portion of warehouses 2 and 3 which is required to present a consistent building height across the Site.

The proposed development would deliver a modern industrial building and operation which will rejuvenate a dilapidated and fatigued industrial Site. In turn, the proposal would significantly enhance the appearance of the Site from the street and public domain and maintain a suitable balance of built form and landscaping consistent with the surrounding industrial developments.

As such, the proposal will maintain a height that is appropriate to the condition of the Site whilst improving the appearance of the Site to the surrounding area.

Assessing officer's comment: It is noted that the development description is incorrect and the potential impacts are understated. The Warehouse 1 extension (as amended) and will push the visual bulk of an existing non-compliant structure an additional 50m west toward the Davidson Street frontage. The proposed reduction of landscaped area from the 10m to 4m will likely

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exacerbate impacts of visual bulk to the existing streetscape as the established canopy tree screening will be significantly compromised. The Statements cl 4.6(3)(a) claim is unsubstantiated.

(b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area

The majority of the development is compliant with the 12m height development standard pursuant to the SLEP2012. The extent of non-compliance only relates to a minor portion of warehouses 2 and 3 from the changes in ground level due to the existing OSD.

As such, the extent of non-compliance would not have bearing on the existing height capacity for the surrounding area

Assessing officer's comment: The Statement is incorrect. The extent of the non-compliance applies to the Warehouse 1 extension building height of 13.07m resulting in an exceedance of 1.07m; and the secondary Warehouse 2 non-compliance of 13.2m resulting in an exceedance of 1.2m. This will result in two (2) non-compliant structures with a cumulative GFA of 10,430m². The argument put forth by The Statement does not substantiate how the development standard is unreasonable or unnecessary in the circumstances of the case.

(c) to achieve a diversity of small and large development options

The extent of non-compliance is required to present a consistent building height across the Site and to achieve appropriate operational functionality in accordance with the needs of the future end-users.

Strict compliance with the height development standard would present inconsistency with the height of the development and it would compromise the overall functionality of the proposed warehouse tenancies.

Assessing officer's comment: The proposed height variation - which differs from 1.07m (Warehouse 1) to 1.2m (Warehouse 2) – does not achieve a consistent height across the site as asserted by The Statement. Given the proposed ridge heights and FFLs of the buildings are different, the argument for functionality is undermined by The Statement's own inaccuracies.

The Statement offers additional comments as follows:

"The proposed contravention of the development standard will not result in any unreasonable impacts of the amenity of the Site and the surrounding development such as views, overshadowing, solar access and privacy.

*As demonstrated in the shadow diagrams provided at **Appendix 1**, while the proposal results in minor additional overshadowing over Davidson Street at 9am, there will not be any additional overshadowing to neighbouring or nearby sites from 12pm – 3pm.*

The proposed development has also been designed with due consideration to the residential flat buildings located to the west of Davidson Street. As aforementioned, the proposed development will replace existing vegetation at the frontage of Davidson Street with high quality species that will

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improve the visual amenity of the Site when viewed from Davidson Street and will benefit the overall visual impact to the existing residential development to the west.

It is noted that the existing residential flat buildings comprise windows orientated to the east and north-east overlooking the site. However, the primary living areas and balconies of the units appear to be orientated to the north. The proposed development outcome would retain compatibility with the surrounding development and the environmental planning framework in terms of visual appearance.

In light of the above, the abovementioned justifications for the building height variation are considered valid and, in this instance, the proposed variation is considered to be acceptable. The objectives of Clause 4.3, as well as the IN General Industrial zone, would be upheld as a result of the proposed development. Therefore, the application of the building height standard is considered to be unreasonable and unnecessary for the proposed development.

Assessing officer's comment: Given the size of the subject site the Statements assertion of the proposal's minimal impacts to solar access and neighbouring privacy is not considered to substantiate how compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Proposed landscaping is non-compliant with DCP 14 controls as discussed elsewhere in this report. The Statement has not effectively demonstrated how the objectives of the standard are achieved notwithstanding noncompliance with the standard. The Statement has not adequately addressed cl 4.6(3)(a).

Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

- The approach by which a cl 4.6 written request should demonstrate that there are sufficient environmental planning grounds to justify contravening the standard discussed by Preston CJ in ***Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118***. Preston CJ identified that there are two respects in which an Applicants' cl 4.6 written request needs to be 'sufficient' in relation to the environmental planning grounds so as to justify the contravention of a development standard. These are:

- i) *"the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole."*
- ii) *the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31]*."*

- The Statement proposes seven (7) reasons as the basis for demonstrating the sufficiency of environmental planning grounds used to justify the contravention of the height of building development standard. The assessment of these seven (7) reasons in relation to the requirements of cl 4.6(3)(b), are cognisant of the guidance provided by Preston CJ in *Initial Action*, is as follows:

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With regard to 4.6(3)(b) and sufficient environmental planning grounds, The Statement provides the following comments:

1. *The extent of non-compliance is required to present a consistent building height across the Site.*

-

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. The proposed non-compliance does not achieve a consistent building height across the site.

2. *The proposal does not give rise to any measurable or unreasonable visual impacts from the public domain; **[and]***

-

3. *In the absence of any identifiable visual impacts associated with the proposed contravention, the proposal is considered to represent a development outcome which is compatible with the desired future character of the area.*

-

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. The Warehouse 1 extension of the non-compliant 13.07m building will push visual bulk an additional 50m toward the Davidson Street frontage. The proposed reduction of tree screening along the Davidson Street frontage will likely exacerbate visual impacts of the extension. A high quality development could be achieved that is compliant in building height and does not result in any visual impacts to the surrounding area or adjoining properties.

-

4. *The proposal does not result in any environmental or unreasonable amenity impacts to the surrounding area or adjoining properties.*

-

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. A high quality development could be achieved that is compliant in building height and does not result in any environmental or unreasonable amenity impacts to the surrounding area or adjoining properties.

-

-

5. *The proposal will not result in any adverse impacts on the context and setting of the surrounding area.*

-

Assessing officer's comment: This reason is considered insufficient to justify the variation to the standard. The proposed development presents several impacts to the immediate area including hours of operation, tree removal, landscaping shortfall and impacts to streetscape. With regard to building height specifically, a high quality development could be achieved that is compliant in building height that will not result in any adverse impacts in the context and setting of the surrounding area.

6. *The proposed development is entirely consistent with the underlying objective or purpose of the development standard as demonstrated in [previous section];*

Assessing officer's comment: This reason is unsubstantiated and insufficient to justify the variation to the standard. The Statement has not effectively demonstrated how the objectives of the

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standard are achieved notwithstanding non-compliance with the standard as discussed in the cl 4.6(3)(a) assessment of this report.

7. *The proposed development is entirely consistent with the underlying objective or purpose of the IN1 General Industrial zone, as demonstrated in [previous section].*

Assessing officer's comment: This reason is unsubstantiated and insufficient to justify the variation to the standard. It is considered that the proposed development (as amended) fails to minimise the adverse effect of industry on other land uses. Specifically,

- *To minimise any adverse effect of industry on other land uses.*

The development reasons offered by The Statement, are not considered sufficient environmental planning grounds to justify contravention of the standard. A high quality warehouse development could be achieved that is compliant with all relevant SLEP and SCDCP controls. Compliance with any one SLEP or SCDCP control is not considered to be a sufficient environmental planning ground to justify non-compliance with another development standard.

As established in *Peric v Randwick City Council [2018] NSWLEC 1509*, in order for reasons put forth by The Applicant to be sufficient such that the contravention of the development standard is justified, the cl 4.6 request should include a clear rationale supporting the assertion that the variation of the development standard represents the orderly and economic use of the subject site. It is considered that the cl 4.6 statement submitted with the proposal is lacking in this clear rationale.

The Statement's assertion that the proposal will not result in adverse impacts in the context and setting of the surrounding area does not sufficiently justify why the significant exceedance of allowable building height is required to achieve a development that is appropriate within a unique location such as Davidson Street. It is considered that the Statement has not adequately addressed Clause 4.6(3)(b).

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)

(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.

(iii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for

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development within the zone in which the development is proposed to be carried out.

With regard to Clause 4.6(4)(a)(i), the assessment references ***Brigham v Canterbury–Bankstown Council [2018] NSWLEC 1406***, in which the Senior Commissioner emphasised that a 4.6 Request should have the following features:

- It should address each element of clause 4.6(3) in the order that it is read. This checklist approach helps to avoid legal error and ensure that all relevant subclauses are referred to in the written document
-
- It must make specific reference to the particular subclause being addressed, rather than using a general topic heading
- It should not paraphrase but rather, use the precise wording from the relevant clause when addressing particular considerations in respect of the development
- It should be direct and to the point. The request should not include discussions of irrelevant matters such as the historical case law or comments by a commissioner or judge.

The submitted Clause 4.6 request lacks the structure as set out in *Brigham*, and it is considered that the Clause 4.6 statement has not adequately addressed the matters required to be demonstrated by subclause (3). The Statement has not demonstrated how the objectives of the standard are achieved notwithstanding non-compliance with the standard; nor has it provided sufficient environmental planning grounds to justify contravention with the standard.

With regard to Clause 4.6(4)(a)(ii) the objectives of the SLEP 2012 IN1 zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.*

The Statement has measured the proposal against the relevant objectives of the IN1 General Industrial zone and Clause 4.3 of SLEP 2012. The statement makes the following assertions:

- *To provide a wide range of industrial and warehouse land uses.*
-

The proposal supports the provision of additional industrial and warehouse land uses in the form of three (3) additional warehouse and distribution centres on the Site.

- *To encourage employment opportunities.*

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The development presents an opportunity to rejuvenate an underutilised and fatigued industrial site and improve the standard of employment generating land uses in Chullora.

- *To minimise any adverse effect of industry on other land uses.*

*As discussed further in **Section 4.3** of this report, the proposal has comprehensively analysed the potential environmental impacts associated with the development including consideration of the residential land to the west. In this respect, it has been concluded that the development and the proposed design measures would ensure that the development is not responsible for any unreasonable environmental or amenity impacts to these surrounding land uses.*

- *To support and protect industrial land for industrial uses*

The proposed development seeks to facilitate development on the Site for the purpose of three (3) additional warehouse and distribution centre tenancies, ensuring that industrial and employment lands meet Strathfield's future needs.

- *To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.*

The proposed development does not involve land fragmentation, rather, it would enable efficient and sustainable use designated industrial land.

The proposed development would deliver a modern industrial building and operation which will rejuvenate a dilapidated and fatigued industrial site. In turn, the proposal would significantly enhance the appearance of the Site from the street and public domain and maintain a suitable balance of built form and landscaping consistent with the surrounding industrial developments.

Assessing officer's comments: The Clause 4.6 variation to the building height development standard has been assessed in accordance with the SLEP 2013. The Statement has not accurately described the proposal or the extent of the non-compliance for which variation is sought. It is demonstrated throughout this report that the proposed development cannot be realised without significant clearing of vegetation that is not supported by Council. In this regard, visual impacts to the Warehouse 1 extension will be exacerbated by the reduction of landscape buffer along the Davidson Street frontage. It is considered that a high quality building design can be achieved, ensuring amenity for future occupants and neighbouring properties without the requested variation to building height. To support a height variation as such would result in a building that is inappropriate scale and massing and will likely set a precedent for future over-development in the Strathfield area.

The proposed building height is inconsistent with the objectives of the standard and the applicant has not satisfactorily established that the sought variation is unreasonable and unnecessary in this case.

With regard to Clause 4.6(4)(b), Council may assume the concurrence of the Director-General under the Planning Circular PS 08003 issued in May 2008.

In conclusion, The Clause 4.6 request is considered to be inadequate and the departure from the development standards is contrary to the public interest. On this basis, it is recommended that the

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development standard relating to the building height for the site not be varied in the circumstances as discussed above.

Part 5 – Miscellaneous Provisions**Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Flood Planning

The subject site has been identified at the south-east bounds as being partially at or below the flood planning level. The amended design has significantly lowered the hard stand areas associated with Warehouse 2, within the northern area of the site where the proposed OSD system is to be located. As an amended stormwater management plan has not been provided, there is insufficient information to determine if the amended development design is compatible with the flood function and behaviour on the land. Therefore, it cannot be determined whether the proposal is consistent with Clause 5.21 Flood Planning.

Part 6 – Additional Local Provisions**Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposed development (as amended) involves significant earthworks in the northern bounds of the site to achieve an overall RL 31.00 for external hard stand areas associated with the new Warehouse 2. Amended Civil Works drawings including an amended stormwater management plan have not been submitted to reflect the amended development design.

Insufficient information has been submitted to complete a full and thorough assessment of the proposal to determine whether works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It cannot be determined how the amended design and additional earthworks will affect the existing and likely amenity of adjoining properties including the rail corridor. In accordance with Clause 6.2(3) of the SLEP, Council cannot support the proposal due to lack of information provided.

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

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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

Erection or display of signage

The proposed pylon signage is considered to satisfy the provisions of cl 6.6 of the SLEP 2012 as it is of a high quality design and finish which is compatible with the desired amenity and visual character of the area, and would provide effective communication in a suitable locations.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments that are applicable to this site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within.

Part D – Industrial Development (SCDCP 2005)

Sect.	Development Control	Required	Proposed	Compl.
2.0 Design Provisions				
2.5.1	Height	Max. wall height 10m above NGL	Warehouse 2 Min. 11.5m	No – see DCP 14 discussion
2.5.2	Floor Space Ratio	The maximum floor space ratio is 1:1.	FSR 0.49:1	Yes
2.5.3	Office & Showroom Req.	Office and showroom less than 25% of GFA	Complies	Yes
2.6	Setbacks	A minimum setback of 10m from the front boundary applies.	Min. 26m	Yes
2.9.1	Parking	Warehouses: 1 space per 300m ² GFA = 86 spaces Delivery and service vehicles: 1 space per 800m ² GFA up to 8,000m ²	124 spaces + 16 provisional spaces provided	Yes

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Sect.	Development Control	Required	Proposed	Compl.
		+ 1 space per 1,000m ² GFA thereafter = 28 spaces		
2.10.1	Landscaping	<p>Setbacks</p> <ul style="list-style-type: none"> • A continuous deep soil landscape area of 4m for sites greater than 10,000m² in width is required across all street frontages – • The planting design for this area is to create a continuous tree canopy and coverage of shrubs and/or groundcovers. – • Continuous deep soil landscape areas of a minimum of 3m in width are required adjacent to all common boundaries forward of the building line for sites greater than 10,000m², the minimum width is to be 3m. – • Continuous deep soil landscape buffer zones of a minimum of 2m in width are required adjacent to any common boundaries shared with public reserves, drainage corridors, transport corridors, residential developments and any other non-industrial land uses. 	<p>4m deep soil street setback provided.</p> <p>Could be conditioned.</p> <p>Existing retaining wall with 36 Davidson Street utilised</p> <p>Deficient along north-east boundary with rail corridor</p>	<p>DCP 14 prevails</p> <p>Yes</p> <p>Yes</p> <p>No – see discussion</p>

Further discussion of SCDCP 2005 Part D is provided in this section.

Parking, Access and Manoeuvring

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The proposed development numerically complies with the required parking rates. An assessment by Council's Traffic Manager concludes that the proposal is satisfactory with regard to access and manoeuvring, driveways, site design and unloading and loading facilities. It is noted that the proposed parking layout and driveway plan cannot be realised without significant tree removal.

Landscaping

Part D Clause 2.10.1.8 requires continuous deep soil landscape buffer zones of a minimum of 2m in width adjacent to any common boundaries shared with transport corridors. In this regard, the proposed landscape plan shows significant deficiencies along the north-east boundary ranging in approximate lengths of 15m to 35 in order to facilitate hard stand access for vehicles. Further, the proposed development requires the removal of multiple trees along the perimeter - many of which are within the minimum 2m landscape buffer zones on the north-east boundary. The removal of these trees is not supported by Council.

Fencing

Part D Clause 2.10.2 prohibits solid fences above 1m in height along street frontages. A 3m high imperforate acoustic barrier is to be erected along the Davidson Street fence line, and is to be constructed of lapped and capped timber, plexiglass, 4mm Perspec, Colorbond, 9mm fibrous cement sheet or equivalent. It is noted that the Applicant was advised that such a structure would not be supported at both Pre-DA and preliminary assessment stage of the subject application.

Noise

The proposed development and 24 hour operation – 7 days a week is not supported by Council's Manager of Environmental Health due to the potential impacts of noise on adjacent residential development. Further, effective sound attenuation can only be achieved through the erection of a 3m acoustic barrier which is not supported as discussed elsewhere in this report.

Strathfield Development Control Plan No. 14 (2006)

Strathfield Development Control Plan No. 14 – Part Lot 1 and Lot 2, DP 711168, Davidson Street, Greenacre came into force 3 May 2006.

The aims of this plan are as follows:

- a) To provide appropriate development control principles for the development of the site for light industrial to advanced technology uses;*
- b) To ensure that the future development of the land is compatible with existing adjacent development;*
- c) To specify landscape elements and concepts to be incorporated into any redevelopment of this land; and*
- d) To ensure that the site is adequately provided with water, sewerage and stormwater drainage services; and*
- e) To ensure environmental and contamination matters are addressed at the Development Application stage.*

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

The DCP 14 is read in conjunction with Part D - Industrial Development and additional noteworthy controls are discussed as follows:

Sect.	Development Control	Required	Proposed	Compl.
2.0 Design Provisions				
2.1	<i>Building Form and Height</i>	The total floor space ratio (FSR) for the development of the total site area shall not exceed 0.6:1.	FSR 0.49:1	Yes
2.2	<i>Setbacks</i>	No non-residential building is to be constructed within a distance of 30 metres from the eastern alignment of Davidson Street.	Min 30m setback	Yes

Further discussion of DCP 14 is provided in this section.

Streetscape

DCP 14 Clause 2.4 requires a landscaped area with a minimum width of 10m to be provided adjacent to the eastern alignment of Davidson Street. This minimum 10m buffer is to be provided with the existing development on the site. The proposed development relies on SCDCP Part D controls in order to reduce the existing 10m landscaped area to a non-compliant 4m. It is considered the proposal lacks regard for the aims of this control to protect the amenity and maintain the existing streetscape and visual amenity that the existing canopy tree line and landscaped area provide for Davidson Street and the adjoining residential buildings.

The Visual Impact Assessment prepared by Gorun ink (Revision B, dated 4/8/2021) provides a superimposed photomontage of the proposed warehouse alterations and additions perspective from the tops of the residential flat buildings at 5 Marlene Crescent; 9 Davidson Street; and 27 Davidson Street. It is considered that the VIA does not address visual impacts to streetscape from a pedestrian level, which should be considered given the residential nature of the adjacent area.

It is considered that the proposal could do more to create a satisfactory streetscape presentation of the properties to Davidson Street and the Hume Highway and greater measures should be taken to ensure the preservation of Significant trees on the site that are currently functioning as a buffer consistent with the objective of the DCP control.

Impact on Surrounding Residential Development

DCP 14 Clause 2.10 states that no nuisance is to be caused to residents of surrounding residential properties by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like. The proposed development and 24 hour operation – 7 days a week is not supported by Council's Manager of Environmental Health due to the potential impacts of noise on adjacent residential development.

PART H – Waste Management (SCDCP 2005)

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and is considered satisfactory.

Part I – Car Parking (SCDCP 2005)

The proposal provides 124 car parking spaces with additional 16 provisional spaces. The car parking provision is considered satisfactory. The proposal yields a minimum parking requirement of 28 spaces for delivery and service vehicles. The proposal provides 28 loading docks for vehicles raging between 8.8m SV to 20m AV. The service parking provision is considered satisfactory.

Part J – Advertising Signs and Structures (SCDCP 2005)

The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP, where applicable to the proposed changes;

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
2.4 Industrial Areas			
1. For advertisements and advertising structures which are not exempt, the following criteria applies:	(i) The advertisement and advertising structure is generally in character with the development of the site and surrounding sites.	The proposed pylon signage shall not detract from the character of the area.	Yes
	(ii) The advertisement and advertising structure does not interfere with public safety.	The proposed pylon signage poses no significant threat to public safety.	Yes
	(iii) the following information only may be displayed on any sign erected:- (a) Business name (b) Type of business (c) Products (d) Company symbol	The proposed information is for business identification and directional functions only.	Yes
	(iv) the total of signs should not exceed 1m ² per 1m of frontage for the first 10m, plus 0.3m ² per 1m of frontage in excess of 10m.	The proposed entrance signage pylon dimensions of 5m H x 1.5m W comfortably satisfy this criteria.	Yes
Schedule 2			
10 – Pole or Pylon Sign	(a) shall not project more than 1.2m over any road alignment;	The pylon sign would be contained wholly within the subject site.	Yes

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

	(b) if it projects over any road alignment, shall be not less than 2.6m above the ground where it so projects;	The entrance sign has dimensions of 5m x 1.5m, equating to a total of 7.5m ² of advertising area.	Yes
	(c) shall have a maximum advertising area of 44.6m ² ; and	Complies	Yes
	(d) shall be not more than 15.2m above the ground.	Each pylon sign will be not higher an 5m	Yes

The proposed signage is compliant with the relevant controls of Part J of the SCDCP 2005.

Part N – Water Sensitive Urban Design (SCDCP 2005)

The proposed development includes alterations and additions to an existing industrial development with a total site area greater than 2,000m², which results in increase in building footprint or gross floor area of greater than 50%, therefore WSUD is to be applied to the whole site. A Water Sensitive Urban Design Strategy was submitted with the original development proposal and stormwater management plans. Amended plans do not include an amended stormwater management plan to reflect the significant reduction of pavement levels (RL) or additional comments with regard to WSUD. Further, the proposed location of the 75kl OSD system requires tree removal not supported by Council’s Tree Management Coordinator. Therefore the proposed WSUD strategy cannot be realised. It is considered that the proposed development (as amended) does not satisfy the provisions of Part N and cannot be supported.

Part O – Tree Management (SCDCP 2005)

Clauses 4 and 5 of Part O of the SCDP 2005 provide detailed controls regarding tree management, protection and removal. With regard to tree management for the proposed development, the Executive Summary of the Arborist report prepared by Bradley Magus (dated 15 September 2021), states the number of trees identified as 545 in total. The Arborist Reports tree table includes a total of 419 trees identified with 125 to be removed to create hard stand surface for vehicle access and parking.

Council’s Tree Coordinator has recommended that trees numbered 34-419, plus the additional 420-545 (125) are to be retained as part of any future development of the site at 2-34 Davidson Street Greenacre. Further, any future development of the site and the retention of these existing trees is to be in accordance with *Australian Standard AS4970-2009: Protection of trees on development sites*. This will determine setbacks of the trees from any proposed structure, hard stands (Carparks) and underground surfaces.

It is considered that the proposed works and significant clearing are not justified. The proposed trees to be removed are in good health and condition and pose no threat to human life, or personal

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

injury. The amenity value of the trees is considered to be high including visual amenity and ecological value as the trees are likely to provide canopy connectivity for fauna in the area such as bird life.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

The requirements of Australian Standard *AS2601–1991: The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the partial demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is not considered to be of a scale and character that is in keeping with desired outcomes for 2-34 Davidson Street Greenacre, and will likely have a significant impact on the natural and built environment, and poses significant impacts to the amenity of the adjacent residential area.

(c) the suitability of the site for the development,

It is considered that the proposed development is of an inappropriate scale and design that is unsuitable for the site having regard to its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One (1) submission was received raising the following concerns:

1. Landscaping maintenance on Southern common boundary

A request was made by the adjoining business at 36 Davidson Street Greenacre for the proposed 129 *Syzygium Ausytrale (Resilience)* plantings to be kept to a height of three (3) metres; and the proposed five (5) *Maleleuca Decora* trees to be relocated to another section of the subject site.

Comment: An appropriate condition including a Positive Covenant could be imposed as any draft consent to address this concern and ensure the site is effectively maintained.

(e) the public interest.

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

The proposed development is of a scale and character that is inappropriate in the immediate context, and involves significant removal of native vegetation which is likely to conflict with the public interest.

SECTION 7.11 & 7.12 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 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. Notwithstanding, as the proposal is recommended for refusal, no contributions payment will be imposed.

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.

Following detailed assessment it is considered that Development Application No. 2021/52 should be **REFUSED**.



Signed:

**G I Choice
Planner**

Date: 19 November 2021

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

Signed:

Date: 22

November 2021

Joseph Gillies
Senior Planner

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 justification for the non-compliance with the development standard contained in Clause 4.3 – Height of buildings of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2021/52 for the demolition to part of existing structures, site preparation works, construction of three (3) new warehouses and ancillary offices and operational use of proposed warehouses be **REFUSED** for the following reasons:

1. The proposed development cannot be supported as insufficient information has been provided to allow full and thorough assessment to be completed.
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*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the State Environmental Planning Policy (Infrastructure) 2007 with regard to:
 - Impacts of stormwater; and
 - Excavation exceeding 2m within 25m of railway tracks
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 provisions of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
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 aims of the Strathfield Local Environmental Plan 2012 relating to promote spatially appropriate use of land that is incompatible with the adjacent residential development.
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 to identify and protect environmental and cultural heritage. The proposal to remove a significant street tree goes against Council's recommendations for street tree retention and protection.
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 satisfy

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

the objectives of the IN1 General industrial zone. Specifically the proposal fails to minimise any adverse effect of industry on other land uses.

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 objectives for the Maximum Building Height under Clause 4.3(1)(a) of the Strathfield Local Environmental Plan 2012. The proposal will 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*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the Clause 5.21 (Flooding) of the Strathfield Local Environmental Plan 2012.
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Insufficient information has been provided to demonstrate if the proposed development will comply with the provisions of the Clause 6.2 (Earthworks) of the Strathfield Local Environmental Plan 2012.
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 comply the controls of 2.10.1.8 (Landscaping - setbacks) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposal does not provide continuous deep soil landscape buffer zones along common boundaries.
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 comply the controls of 2.10.2 (Fencing) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposed 3 metre sound barrier wall adjoining Davidson Street will result in inappropriate visual impacts to the existing streetscape.
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 comply the controls of 2.12 (Site Drainage and Water Management) of Part D of the Strathfield Consolidated Development Control Plan 2005. Insufficient information has been provided to complete a full and thorough assessment of the stormwater management plan.
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 comply the controls of 2.14.2 (Noise) of Part D of the Strathfield Consolidated Development Control Plan 2005. The proposed hours of operation are not appropriate in the immediate context and will impact the existing residential buildings directly west of the site.
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 comply the controls of 2.3 (Landscaping and Fencing) of Strathfield Consolidated Development Control Plan No. 14. The proposed development seeks to significantly reduce landscaped

2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

area across the site resulting in deficient deep soil area along the site boundary and street frontage.

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 comply with the controls of 2.4 (Streetscape) of Strathfield Development Control Plan No. 14. The proposed four (4) metre wide landscaped buffer is a significant variation to the required 10m to be provided adjacent to the eastern alignment of Davidson Street and will reduce screening and increase visual impacts of the development to the existing streetscape.
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 comply the controls of 2.7.2 (Stormwater Drainage) of Strathfield Development Control Plan No. 14. Insufficient information has been provided to complete a full and thorough assessment of the stormwater management plan.
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 comply the controls of Clause 2.10 (Impact on Surrounding Residential Development) of Strathfield Development Control Plan No. 14. It is considered the proposed hours of operation will be a nuisance to residents of surrounding residential properties by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like.
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 aims of Part N (Water Sensitive Urban Design) of the Strathfield Consolidated Development Control Plan 2005. Insufficient information has been provided to complete a full and thorough assessment of stormwater management on the site.
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 aims of Part O (Tree Management) of the Strathfield Consolidated Development Control Plan 2005. The proposed removal of 92 trees is not supported.
20. 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 built form, streetscape and tree preservation.
21. 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 including significant earthworks and clearing of vegetation.. The proposal is considered an overdevelopment of the site.
22. 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 (Infrastructure) 2007 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; Strathfield

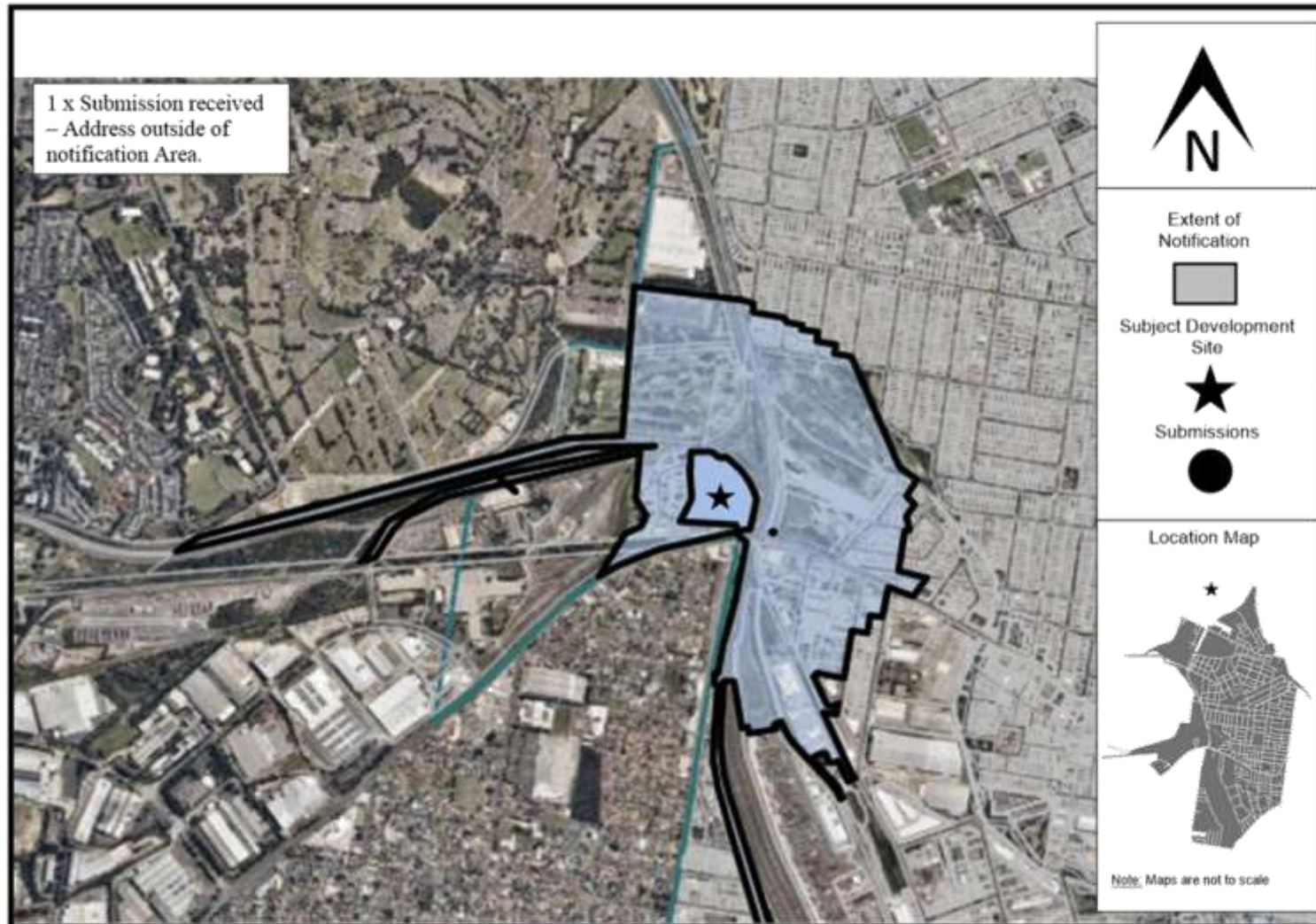
2-34 Davidson Street, Greenacre- Lot: 1 DP: 1022436 (Cont'd)

Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005; and will have unacceptable adverse impacts.

ATTACHMENTS

1. Site Map
2. AMENDED Architectural Plans
3. Civil Drawings
4. Landscape Plans
5. Survey Plan

ATTACHMENT 1



PROPOSED INDUSTRIAL DEVELOPMENT

2-34 DAVIDSON ST GREENACRE NSW

ARCHITECTURAL DRAWING SCHEDULE

DRAWING NO.	DRAWING NAME	REVISION	ISSUE DATE
A000	COVER PAGE	H	03/11/2021
A001	SITE ANALYSIS	F	27/07/2021
A002	DEMOLITION PLAN	G	27/07/2021
A003	PERSPECTIVES	H	27/07/2021
A004	SHADOW DIAGRAMS - SUMMER	F	27/07/2021
A005	SHADOW DIAGRAMS - WINTER	F	27/07/2021
A100	PROPOSED SITE PLAN	R	06/08/2021
A101	WAREHOUSE ROOF PLAN	G	27/07/2021
A102	WAREHOUSE 2 PLAN	F	27/07/2021
A103	WAREHOUSE EXPANSION PLAN	F	27/07/2021
A110	OFFICE 1 PLAN - GROUND FLOOR	F	27/07/2021
A111	OFFICE 1 PLAN - FIRST FLOOR	G	27/07/2021
A112	OFFICE 2A & B PLANS	K	27/07/2021
A200	WAREHOUSE ELEVATIONS (NORTH AND SOUTH)	H	03/11/2021
A201	WAREHOUSE ELEVATIONS (EAST AND WEST)	G	03/11/2021
A202	OFFICE ELEVATIONS 1	F	27/07/2021
A203	OFFICE ELEVATIONS 2A	J	27/07/2021
A204	OFFICE ELEVATIONS 2B	F	27/07/2021
A300	WAREHOUSE SECTIONS	H	03/11/2021
A301	OFFICE 1 SECTIONS	E	27/07/2021
A302	OFFICE 2A & 2B SECTIONS	E	27/07/2021
A400	SIGNAGE PLAN	F	27/07/2021

CONTEXT PLAN



DEVELOPMENT APPLICATION

<p>Notes</p> <p>This drawing and design is subject to Reid Campbell Architects Pty Ltd copyright and may not be reproduced without prior written consent. Contractor to verify all dimensions on site before commencing work. Report all discrepancies to project manager prior to construction. If ground dimensions to be taken in preference to scaled drawings, all work is to conform to relevant Australian Standards and other Codes as applicable, together with other Authorities' requirements and regulations. Michael Money NSW/ABO No. 5216</p>	<p>Issue</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>By</th> <th>SA</th> </tr> </thead> <tbody> <tr><td>1</td><td>PRELIMINARY ISSUE</td><td>27/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>2</td><td>FULL SET ISSUE</td><td>12/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>3</td><td>FOR COORDINATION</td><td>17/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>4</td><td>FOR COORDINATION</td><td>20/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>5</td><td>RECORDED SA</td><td>17/08/2021</td><td>MS</td><td>MS</td></tr> <tr><td>6</td><td>RECORDED SA</td><td>17/08/2021</td><td>MS</td><td>MS</td></tr> <tr><td>7</td><td>FOR REVISION</td><td>27/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>8</td><td>FOR REVISION</td><td>27/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>9</td><td>FOR REVISION</td><td>27/07/2021</td><td>MS</td><td>MS</td></tr> <tr><td>10</td><td>FOR REVISION</td><td>27/07/2021</td><td>MS</td><td>MS</td></tr> </tbody> </table>	Issue	Description	Date	By	SA	1	PRELIMINARY ISSUE	27/07/2021	MS	MS	2	FULL SET ISSUE	12/07/2021	MS	MS	3	FOR COORDINATION	17/07/2021	MS	MS	4	FOR COORDINATION	20/07/2021	MS	MS	5	RECORDED SA	17/08/2021	MS	MS	6	RECORDED SA	17/08/2021	MS	MS	7	FOR REVISION	27/07/2021	MS	MS	8	FOR REVISION	27/07/2021	MS	MS	9	FOR REVISION	27/07/2021	MS	MS	10	FOR REVISION	27/07/2021	MS	MS	<p>REID CAMPBELL Architecture, Interiors, Project Management Level 15, 124 Stables Street North Sydney NSW 1585 Australia Tel: 61 61 9554 5511 Email: info@reidcampbell.com Fax: 61 61 9554 4545 Web: www.reidcampbell.com</p>	<p>CLIENT FIFECAPITAL</p>	<p>PROJECT MANAGER </p>	<p>PROJECT PROPOSED INDUSTRIAL DEVELOPMENT 2-34 DAVIDSON ST GREENACRE NSW</p>	<p>NORTH POINT </p>	<p>Covering Title COVER PAGE</p>	<p>Drawn: AM Checked: MF PRINT DATE: 3/11/2021 11:30:11 AM</p>	<p>SHEET NUMBER 1190038_A000</p>	<p>SCALE H</p>
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LEGEND

- - - SITE BOUNDARY
- - - - - BUILDING SETBACK
- LANDSCAPING
- ⤴ SOLAR PATH
- ↻ PREVAILING WINDS

NOTES

1. ALL FFL LEVELS ±500mm
2. ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DRAWINGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION.
3. ALL LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS.
4. ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT.
5. ALL MEASUREMENTS OF EXISTING STRUCTURES ARE APPROXIMATE ONLY AND TO BE CONFIRMED ON SITE.

0m 20m 40m 60m 80m 100m
SCALE BAR 1:1000 @ A1 ; 1:2000 @ A3

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Carl Anthony Gervasio NRMARB No. 11000

Issue	Description	Date	By	QA
1	PRELIMINARY ISSUE	27/11/2021	SAJ	SAJ
2	FINAL SETBACK	14/12/2021	SAJ	SAJ
3	FINAL COORDINATION	17/12/2021	SAJ	SAJ
4	FINAL DEVELOPMENT APPLICATION	29/12/2021	SAJ	SAJ
5	REVISED SA	17/01/2022	SAJ	SAJ
6	FOR INFORMATION	27/01/2022	SAJ	SAJ

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DEVELOPMENT APPLICATION

FIFECAPITAL

PROJECT MANAGER

PROJECT
PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE NSW

CLIENT

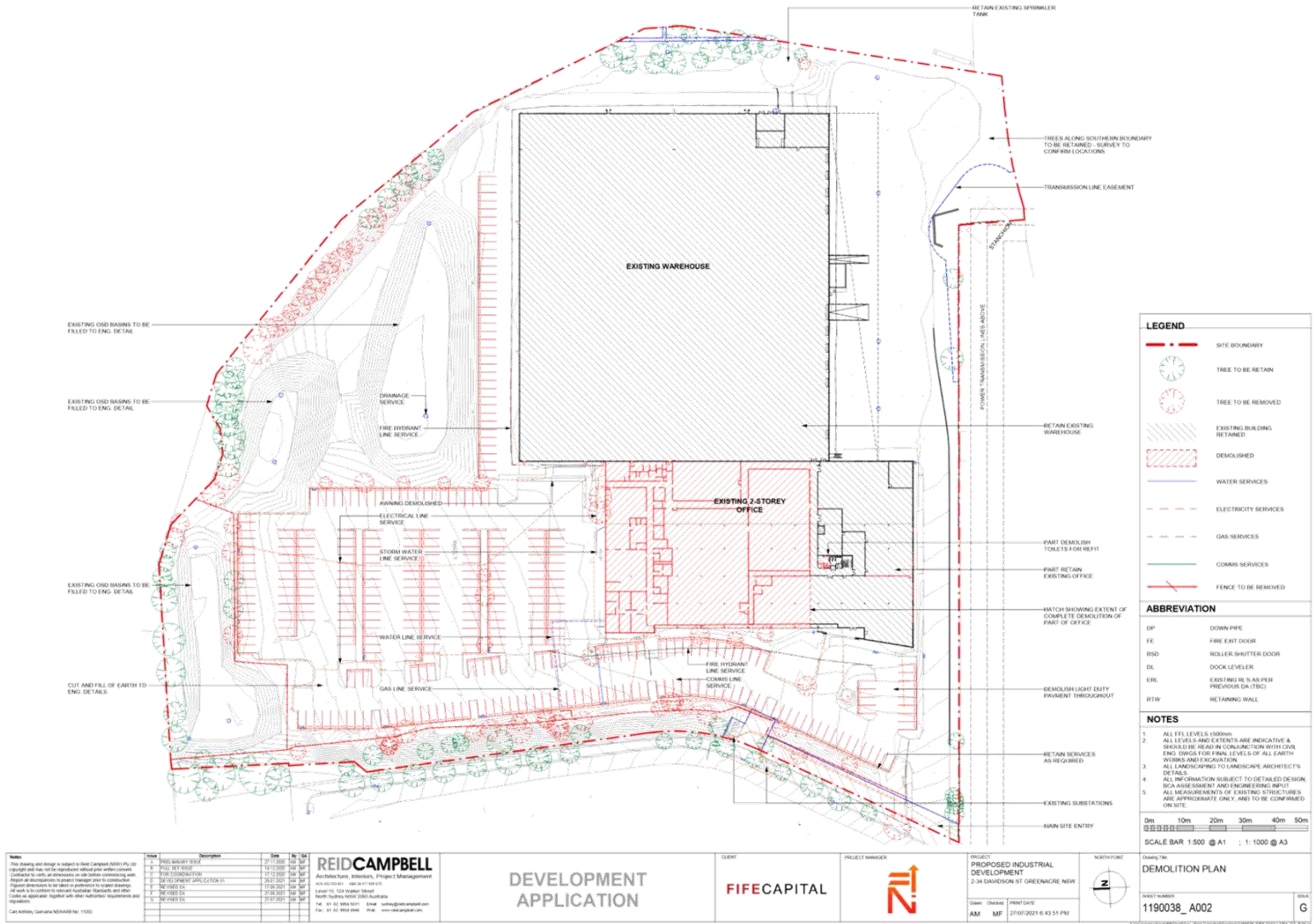
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North Point

Drawing Title
SITE ANALYSIS

SHEET NUMBER
1190038_A001

Scale
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Rev	Description	Date	By	CHK
1	PRELIMINARY DRAFT	27/11/2021	NS	NS
2	FINAL SET DRAFT	14/12/2021	NS	NS
3	FINAL SUBMISSION	18/12/2021	NS	NS
4	DEVELOPMENT APPLICATION #1	29/12/2021	NS	NS
5	REVISED DA	17/01/2022	NS	NS
6	REVISED DA	27/01/2022	NS	NS
7	REVISED DA	27/01/2022	NS	NS
8	REVISED DA	27/01/2022	NS	NS

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DEVELOPMENT APPLICATION

CLIENT
FIFECAPITAL

PROJECT MANAGER

PROJECT
PROPOSED INDUSTRIAL DEVELOPMENT
 2-34 DAVIDSON ST GREENACRE NSW

Client: AM
 Checked: MF
 PRINT DATE: 27/01/2021 6:43:51 PM

North Arrow

Drawing Title
DEMOLITION PLAN

SHEET NUMBER
1190038_A002

Scale: 1:500 @ A1 ; 1:1000 @ A3

Scale: 0m 10m 20m 30m 40m 50m

Scale BAR 1:500 @ A1 ; 1:1000 @ A3

Scale: 0m 10m 20m 30m 40m 50m

Scale BAR 1:500 @ A1 ; 1:1000 @ A3



OFFICE 2A NORTH FACADE - FACING S/W



OFFICE 2A AND WAREHOUSES - FACING S/E

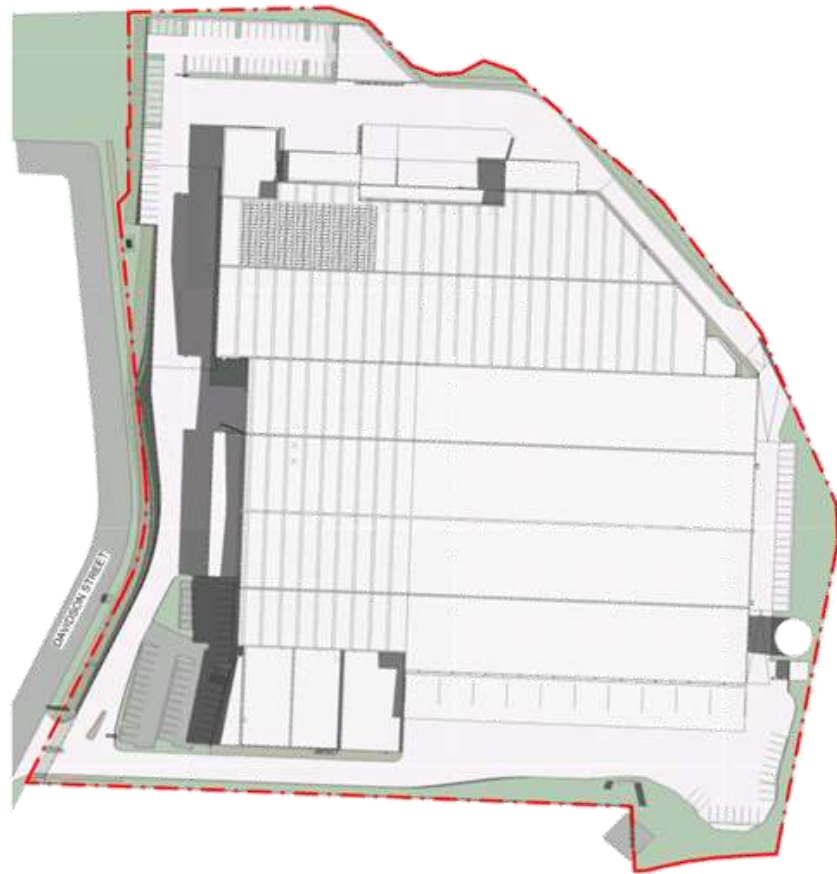


DAVIDSON STREET FRONTAGE - FACING S



MAIN ENTRY AND EXISTING OFFICE - FACING N/E

<p>Notes: This drawing and design is subject to Reid Campbell Architects Pty Ltd copyright and may not be reproduced without prior written consent. Contractor to verify all dimensions on site before commencing work. Review all developments to project manager prior to construction. Figure dimensions to be taken in preference to scaled drawings. All work to be done in accordance with Australian Standards and other Codes as applicable, together with other Authority requirements and regulations. Carl Anthony Gattana NDA4488 No. 11532</p>	<table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>By</th> <th>Task</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PAUL BRY BRIDGE</td> <td>14/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>2</td> <td>FOR PERIODICITY</td> <td>17/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>3</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>4</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>5</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>6</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>7</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>8</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>9</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>10</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>11</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> <tr> <td>12</td> <td>FOR PERIODICITY</td> <td>18/12/2020</td> <td>202</td> <td>202</td> </tr> </tbody> </table>	Issue	Description	Date	By	Task	1	PAUL BRY BRIDGE	14/12/2020	202	202	2	FOR PERIODICITY	17/12/2020	202	202	3	FOR PERIODICITY	18/12/2020	202	202	4	FOR PERIODICITY	18/12/2020	202	202	5	FOR PERIODICITY	18/12/2020	202	202	6	FOR PERIODICITY	18/12/2020	202	202	7	FOR PERIODICITY	18/12/2020	202	202	8	FOR PERIODICITY	18/12/2020	202	202	9	FOR PERIODICITY	18/12/2020	202	202	10	FOR PERIODICITY	18/12/2020	202	202	11	FOR PERIODICITY	18/12/2020	202	202	12	FOR PERIODICITY	18/12/2020	202	202	<p>REIDCAMPBELL Architecture, Interiors, Project Management 40th Floor, 1201 Queen Street North Sydney NSW 2060 Australia Tel: 61 62 9554 9511 Email: info@reidcampbell.com Fax: 61 62 9554 9599 Website: www.reidcampbell.com</p>	<p>CLIENT FIFECAPITAL</p>	<p>PROJECT MANAGER </p>	<p>PROJECT PROPOSED INDUSTRIAL DEVELOPMENT 2-34 DAVIDSON ST GREENACRE NSW</p>	<p>NORTH POINT N/A</p>	<p>Drawing Title PERSPECTIVES</p> <p>SHEET NUMBER 1190038_A003</p> <p>DATE 27/07/2021 6:43:55 PM</p> <p>Drawn: AM MF Checked: MF Print Date: 27/07/2021 6:43:55 PM</p>	<p>Scale: H</p>
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1 21ST DECEMBER - 9AM PLAN
1 : 1000



2 21ST DECEMBER - NOON PLAN
1 : 1000



3 21ST DECEMBER - 3PM PLAN
1 : 1000

NOTES

1. ALL FFL LEVELS +500mm
2. ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION.
3. ALL LANDSCAPING TO LANDSCAPE ARCHITECTS DETAILS.
4. ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT.
5. ALL MEASUREMENTS OF EXISTING STRUCTURES ARE APPROXIMATE ONLY, AND TO BE CONFIRMED ON SITE.

0m 20m 40m 60m 80m 100m

SCALE BAR 1:1000 @ A1 ; 1:2000 @ A3

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Curt Ashley, Curiana MEMBERS No. 1100

REV	DESCRIPTION	DATE	BY	CHK
1	PRELIMINARY DRAW	27/11/2021	NS	NSP
2	FINAL SET DRAW	14/12/2021	NSP	NSP
3	FINAL COORDINATION	18/12/2021	NSP	NSP
4	DEVELOPMENT APPLICATION #1	29/11/2021	NSP	NSP
5	NSP REVIEW	18/04/2021	NSP	NSP
6	REVISED DA	27/07/2021	NSP	NSP

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Fax: 61 62 9554 4946 Web: www.reidcampbell.com

CLIENT: **FIFECAPITAL**

PROJECT MANAGER:

PROJECT: **PROPOSED INDUSTRIAL DEVELOPMENT**
2-24 DAVIDSON ST GREENACRE NSW

Drawn By: **SHADOW DIAGRAMS - SUMMER**

Sheet Number: **1190038_A004**

AM MF PRINT DATE: 27/07/2021 6:44:16 PM

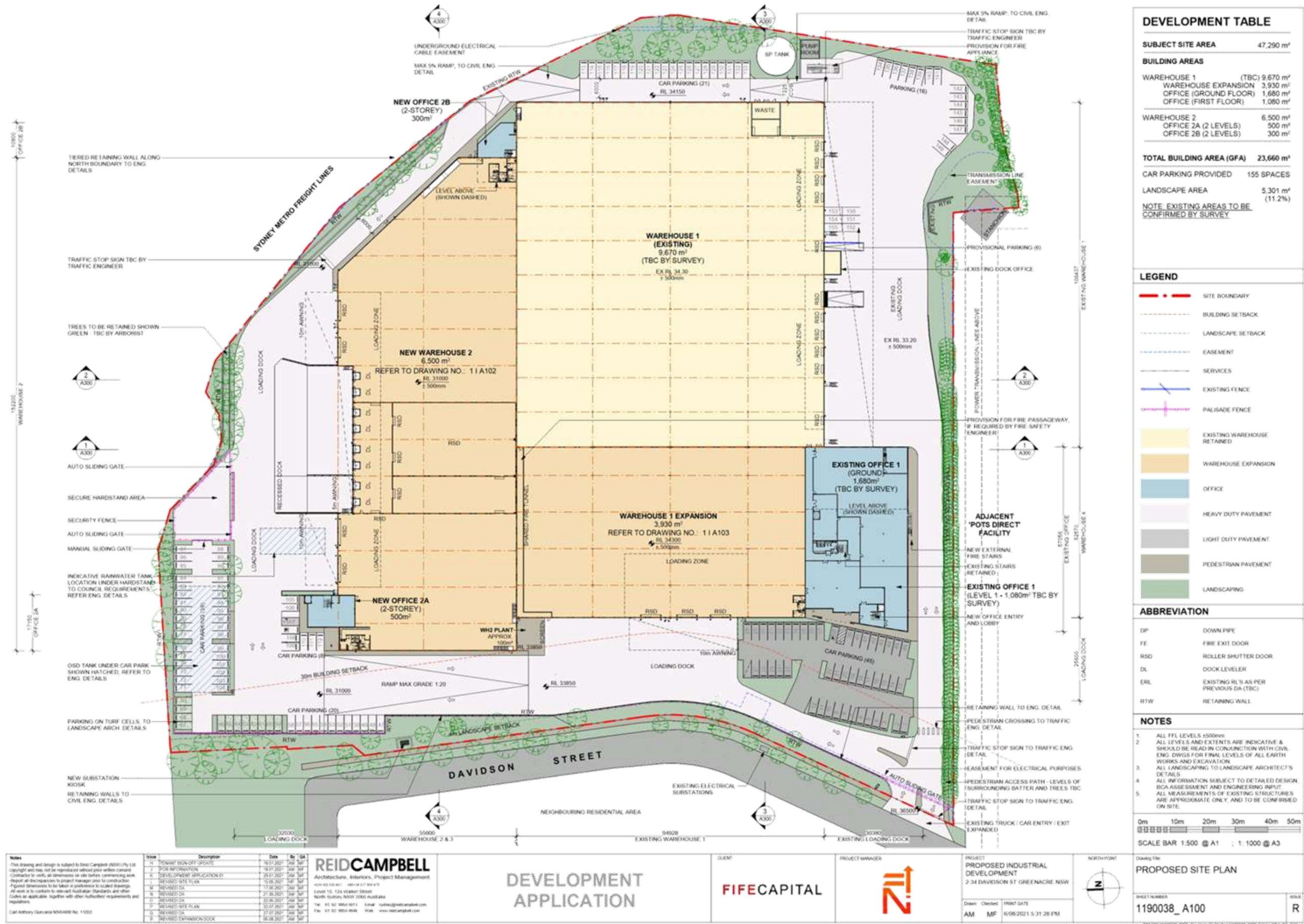
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North Point:

Scale: 0m 20m 40m 60m 80m 100m

Scale Bar: 1:1000 @ A1 ; 1:2000 @ A3

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Curt Ashley, Curiana MEMBERS No. 1100



DEVELOPMENT TABLE

SUBJECT SITE AREA	47,290 m²
BUILDING AREAS	
WAREHOUSE 1 (TBC)	9,670 m²
WAREHOUSE EXPANSION	3,930 m²
OFFICE (GROUND FLOOR)	1,680 m²
OFFICE (FIRST FLOOR)	1,080 m²
WAREHOUSE 2	6,500 m²
OFFICE 2A (2 LEVELS)	500 m²
OFFICE 2B (2 LEVELS)	300 m²
TOTAL BUILDING AREA (GFA)	23,660 m²
CAR PARKING PROVIDED	155 SPACES
LANDSCAPE AREA	5,301 m² (11.2%)

NOTE: EXISTING AREAS TO BE CONFIRMED BY SURVEY

- LEGEND**
- SITE BOUNDARY
 - BUILDING SETBACK
 - LANDSCAPE SETBACK
 - EASEMENT
 - SERVICES
 - EXISTING FENCE
 - PALISADE FENCE
 - EXISTING WAREHOUSE (Yellow)
 - WAREHOUSE EXPANSION (Orange)
 - OFFICE (Blue)
 - HEAVY DUTY PAVEMENT (Grey)
 - LIGHT DUTY PAVEMENT (Light Grey)
 - PEDESTRIAN PAVEMENT (Brown)
 - LANDSCAPING (Green)
- ABBREVIATION**
- DP DOWN PIPE
 - FE FIRE EXIT DOOR
 - RSD ROLLER SHUTTER DOOR
 - DL DOCK LEVELER
 - ERL EXISTING RL'S AS PER PREVIOUS DA (TBC)
 - RTW RETAINING WALL

- NOTES**
- ALL FFL LEVELS 1500mm
 - ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION.
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- 0m 10m 20m 30m 40m 50m
SCALE BAR 1:500 @ A1 ; 1:1000 @ A3

Notes

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Carl Anthony Giancola NTH488 No. 11002

Date	By	DA
20.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
19.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
18.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
17.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
16.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
15.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
14.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
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02.03.2021	DAVID CAMPBELL	DAVID CAMPBELL
01.03.2021	DAVID CAMPBELL	DAVID CAMPBELL

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DEVELOPMENT APPLICATION

FIFECAPITAL

PROJECT MANAGER: [Logo]

PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE, NSW

DATE: 15/31/2021

SCALE BAR 1:500 @ A1 ; 1:1000 @ A3

1190038_A100



NOTES

- ALL FFL LEVELS +500mm
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0m 10m 20m 30m 40m 50m

SCALE BAR 1:500 @ A1 ; 1:1000 @ A3

Client: FIFECAPITAL
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW

Drawn: AM
Checked: MF
Print Date: 27/07/2021 6:45:00 PM

Drawing Title: WAREHOUSE ROOF PLAN

Sheet Number: 1190038_A101

Grid: G

Rev	Description	Date	By	QA
1	DRAFT FOR COORDINATION	25/11/2021	DP	DP
2	REVISED FOR DESIGN	27/11/2021	DP	DP
3	REVISED FOR DESIGN	28/11/2021	DP	DP
4	REVISED FOR DESIGN	29/11/2021	DP	DP
5	REVISED FOR DESIGN	30/11/2021	DP	DP

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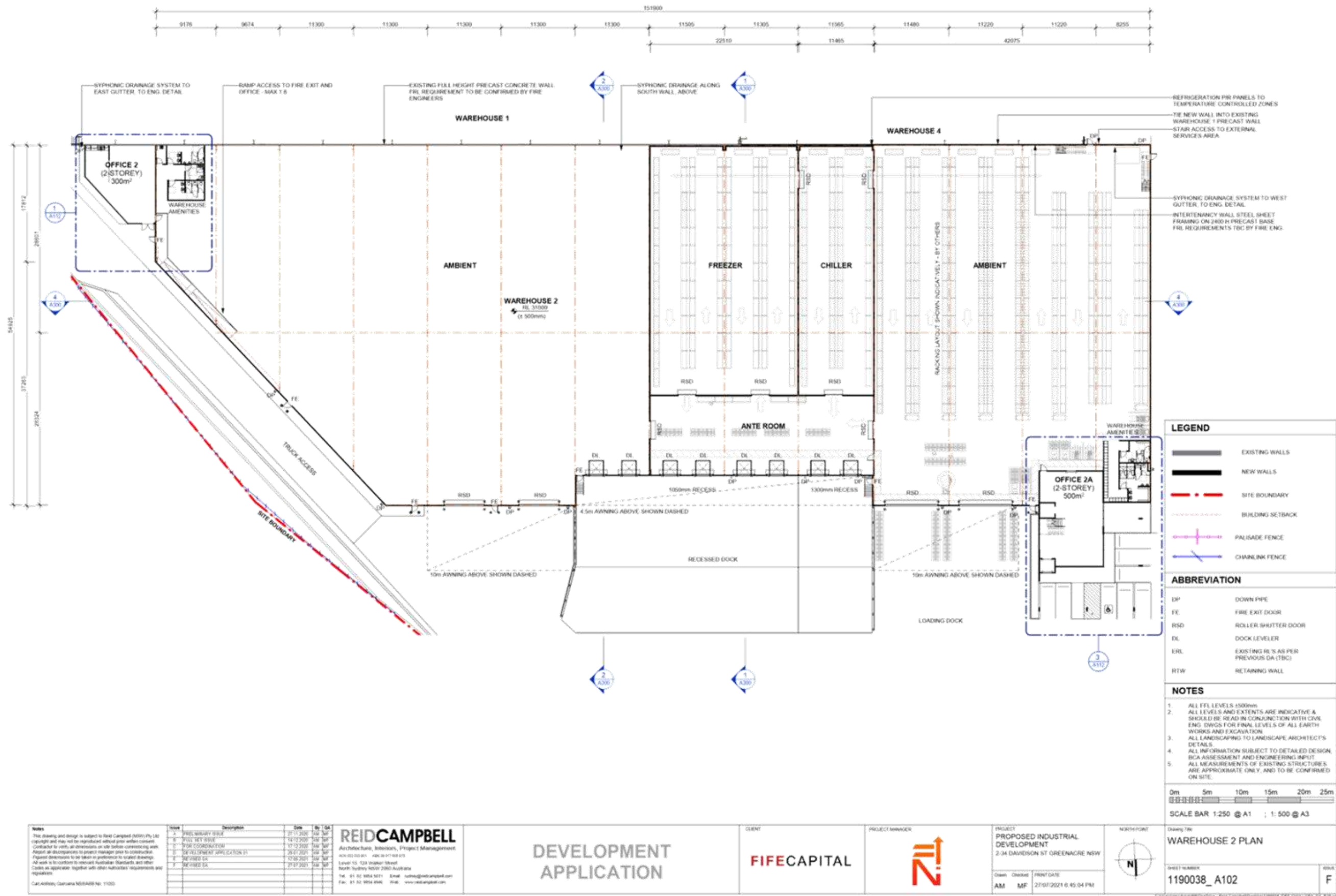
DEVELOPMENT APPLICATION

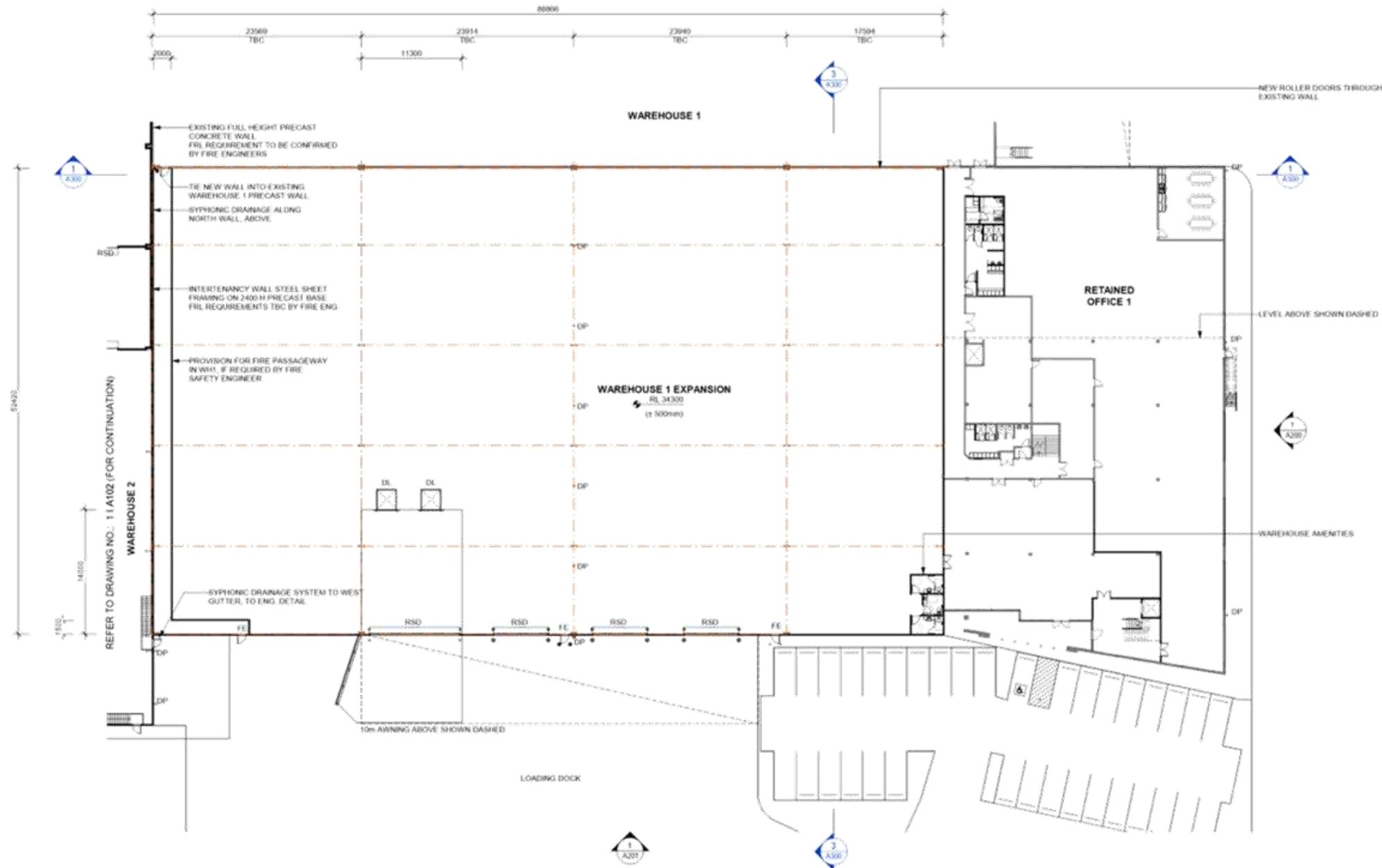
CLIENT: FIFECAPITAL

PROJECT MANAGER:

PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW

North Point





LEGEND

- EXISTING WALLS
- NEW WALLS
- SITE BOUNDARY
- BUILDING SETBACK
- PAUSADE FENCE
- CHAINLINK FENCE

ABBREVIATION

- DP DOWN PIPE
- FE FIRE EXIT DOOR
- RSD ROLLER SHUTTER DOOR
- DL DOCK LEVELER
- ERL EXISTING RL'S AS PER PREVIOUS DA (FBC)
- RTW RETAINING WALL

NOTES

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SCALE BAR 1:250 @ A1 ; 1:500 @ A3

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AM	MF	27/07/2021 6:45:08 PM

Client: FIFECAPITAL
Project Manager: [Logo]
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW

North Point: [North Arrow]

Drawing Title: WAREHOUSE 1 EXPANSION PLAN

Sheet Number: 1190038_A103

Scale: F

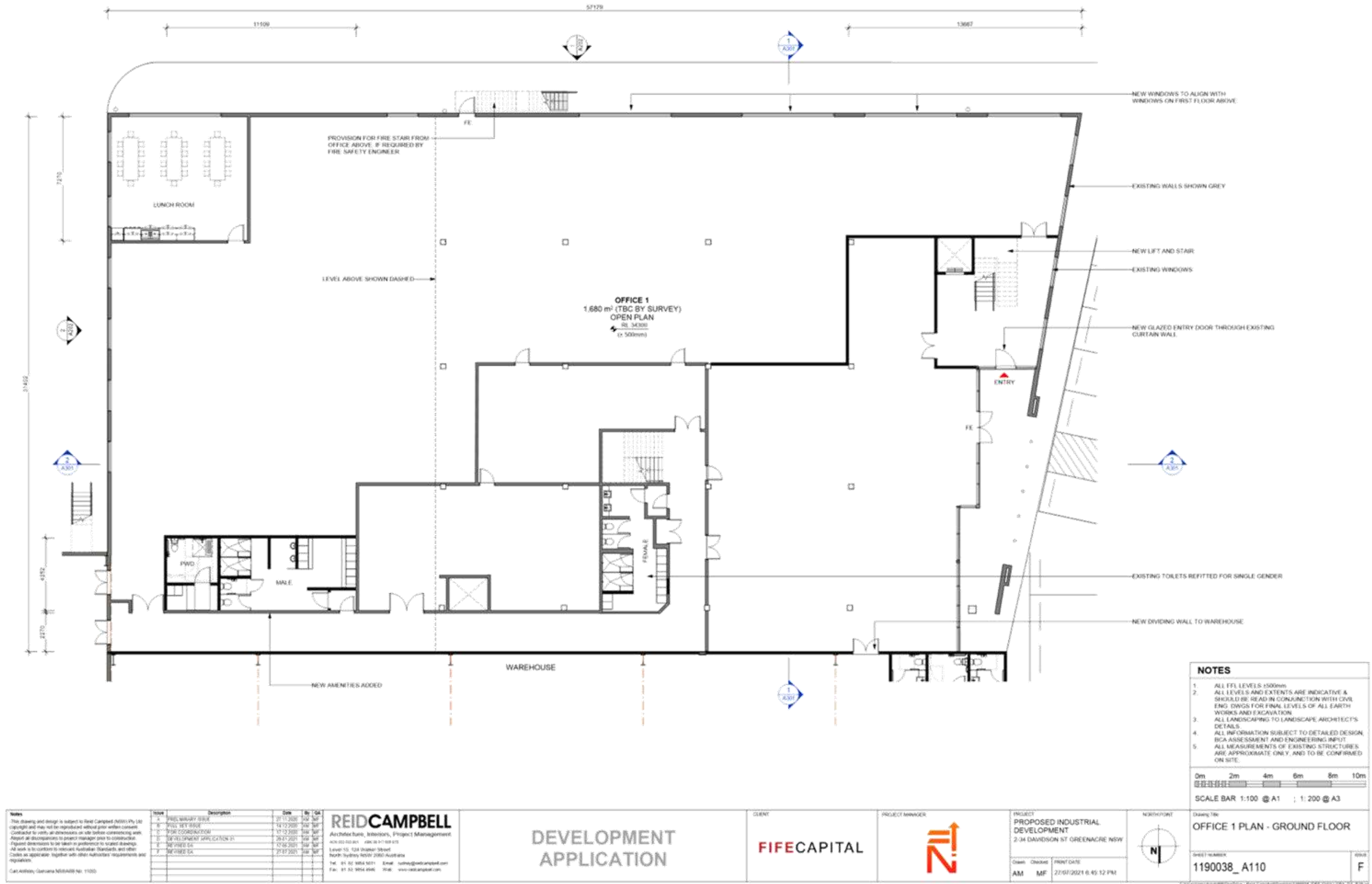
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3	FINAL COORDINATION	17/02/2021	AM	MF
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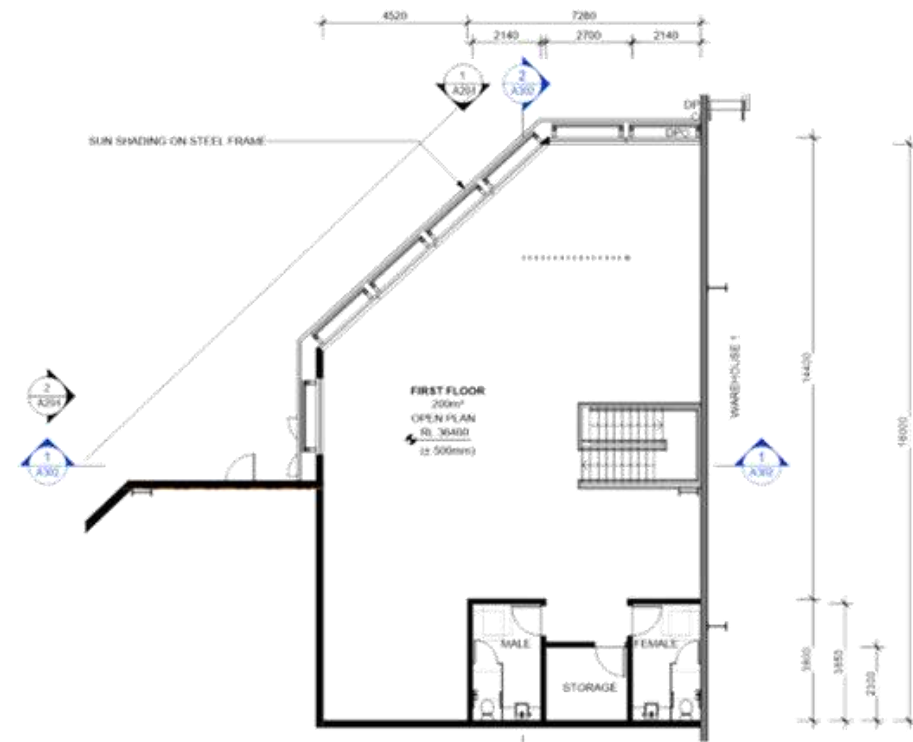
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DEVELOPMENT APPLICATION

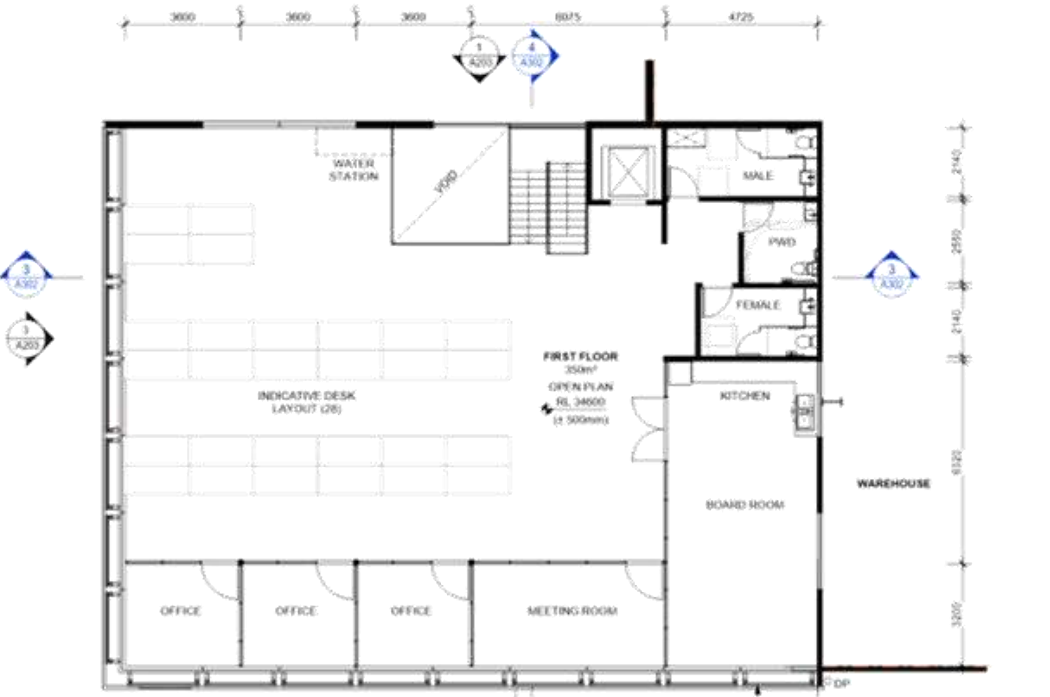
FIFECAPITAL



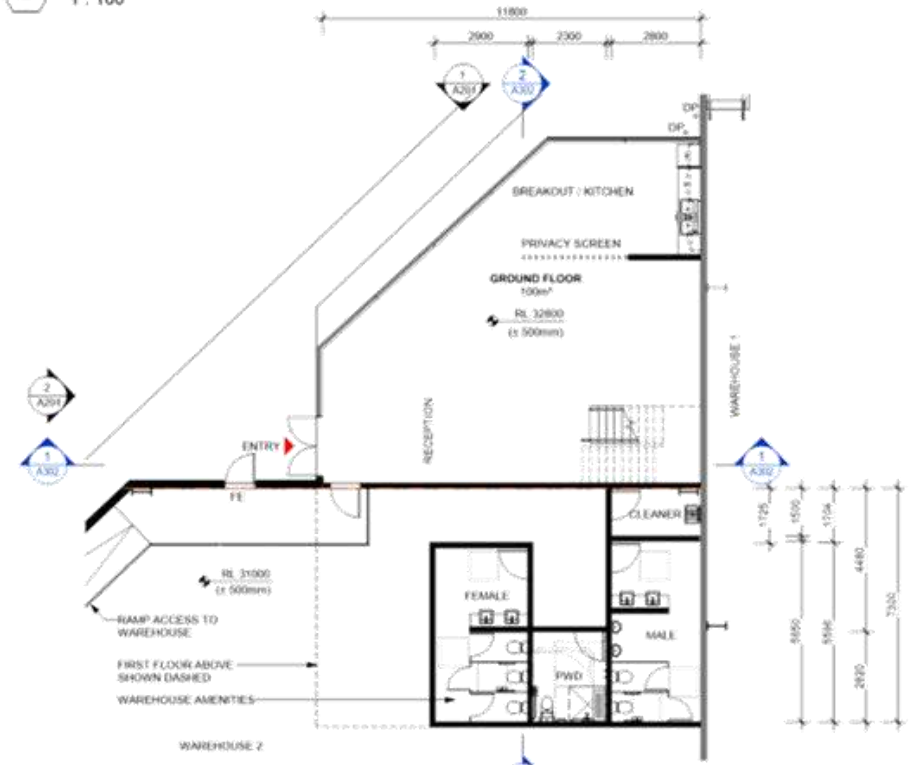




2 OFFICE 2B LEVEL 1
1:100



4 OFFICE 2A LEVEL 1
1:100



1 OFFICE 2B GROUND FLOOR
1:100



3 OFFICE 2A GROUND FLOOR
1:100

NOTES

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0m 2m 4m 6m 8m 10m

SCALE BAR 1:100 @ A1 ; 1:200 @ A3

Client: FIFECAPITAL
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW

Drawn: AM
Checked: MF
Print Date: 27/07/2021 6:45:20 PM

Sheet Name: OFFICE 2A & B PLANS
Sheet Number: 1190038_A112

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4	FOR CONSTRUCTION	21/12/2020	AM	MF
5	FOR TENDERS	26/12/2020	AM	MF
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DEVELOPMENT APPLICATION

CLIENT: FIFECAPITAL

PROJECT MANAGER: [Logo]

PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW

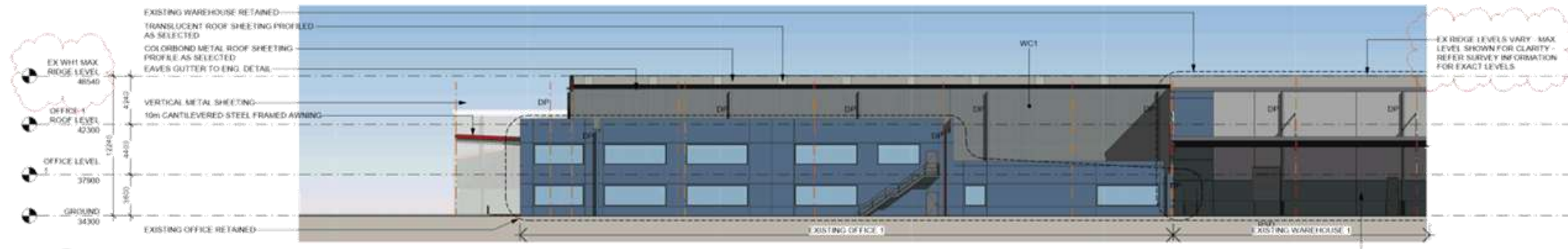
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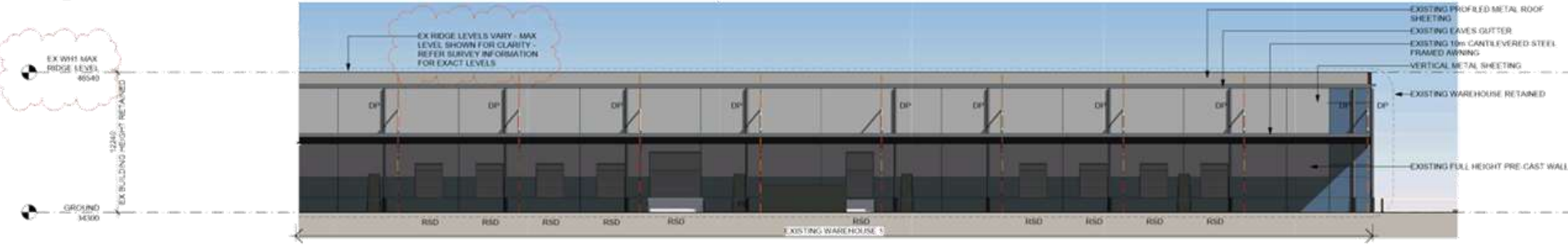
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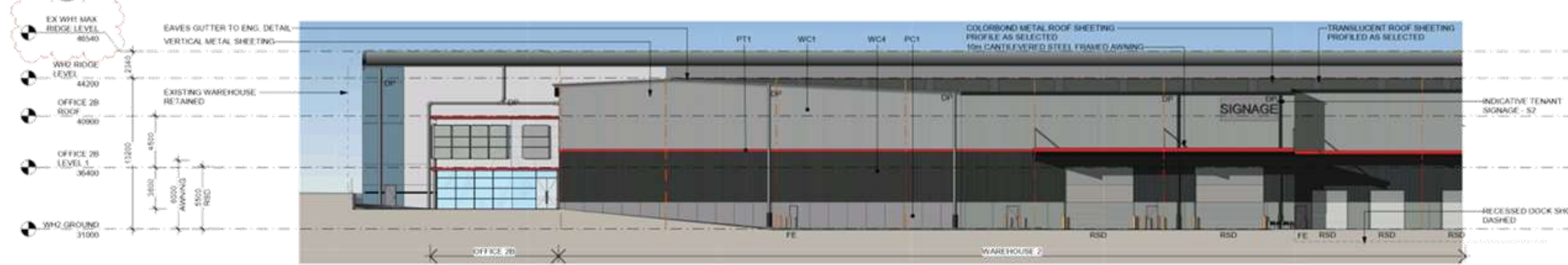
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1 SOUTH ELEVATION - PART 1
1:200



2 SOUTH ELEVATION - PART 2
1:200



3 NORTH ELEVATION - PART 1
1:200



4 NORTH ELEVATION - PART 2
1:200

CORE COLOUR SCHEME	METAL PROFILED ROOF SHEETING SHALE GREY
COLORBOND CLADDING WINDSPRAY	TRANSLUCENT PROFILED ROOF SHEETING
COLORBOND CLADDING SHALE GREY	METAL SHEETING WINDSPRAY
COLORBOND CLADDING CORE COLOUR	TINTED CLEAR VISION GLAZING (LOW REFL.)
COLORBOND CLADDING MONUMENT	SPANDREL SHADOWBOX GLAZING (LOW REFL.)
FIRE CEMENT CLADDING OR SIMILAR	TIMBER LOOK BLADES OR SIMILAR
PRECAST PANEL PAINTED 'BASALT'	CORE COLOUR PAINT 'FIRE RED'

ABBREVIATION

DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES

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0m 4m 8m 12m 16m 20m
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SHEET NUMBER: 1190038_A200
NORTH POINT: N/A
Drawing Date: 3/11/2021 11:36:21 AM
Client: FIFECAPITAL
Project Manager: [Logo]
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE NSW
Drawn: AM
Checked: MF
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3	27/11/2021	FINAL ISSUE	AM	MF
4	27/11/2021	FOR COORDINATION	AM	MF
5	28/11/2021	DEVELOPMENT APPLICATION	AM	MF
6	29/11/2021	REVISED DA	AM	MF
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9	29/11/2021	REVISED DA	AM	MF
10	29/11/2021	REVISED DA	AM	MF

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DEVELOPMENT APPLICATION

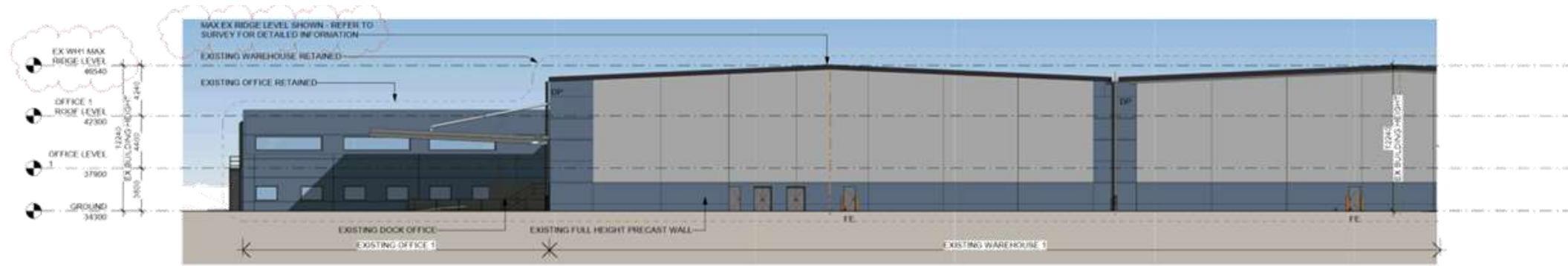
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PROJECT MANAGER: [Logo]

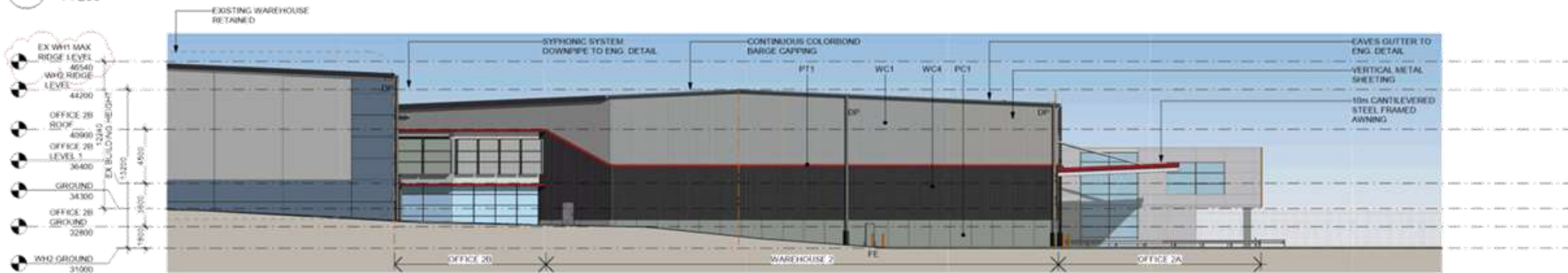
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2-34 DAVIDSON ST GREENACRE NSW

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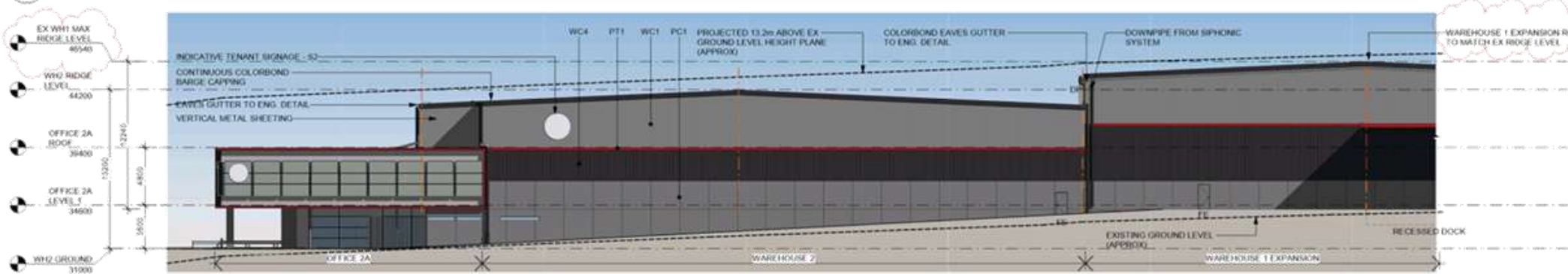
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SHEET NUMBER: 1190038_A200
NORTH POINT: N/A
Drawing Date: 3/11/2021 11:36:21 AM



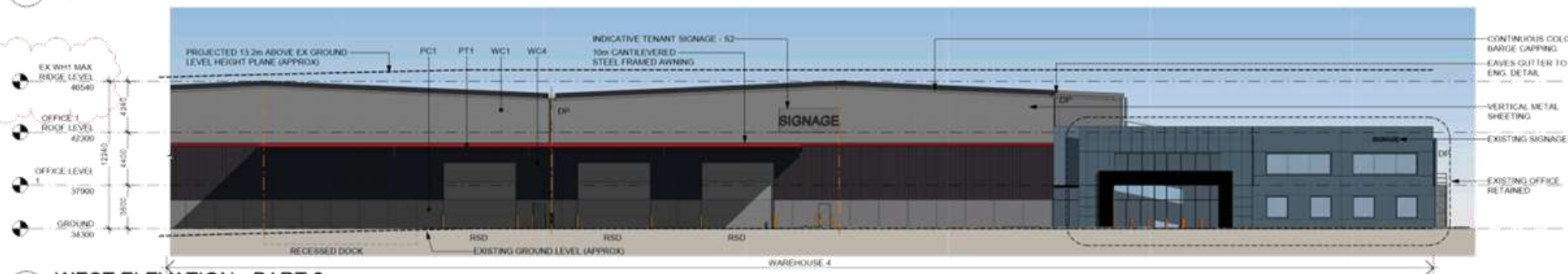
1 EAST ELEVATION - PART 1
1:200



2 EAST ELEVATION - PART 2
1:200



3 WEST ELEVATION - PART 1
1:200



4 WEST ELEVATION - PART 2
1:200

CC CORE COLOUR SCHEME	RF1 METAL PROFILED ROOF SHEETING SHALE GREY
WC1 COLORBOND CLADDING WINDSPRAY™	RF2 TRANSLUCENT PROFILED ROOF SHEETING
WC2 COLORBOND CLADDING SHALE GREY	RSD1 METAL SHEETING WINDSPRAY™
WC3 COLORBOND CLADDING CORE COLOUR	GL1 TINTED CLEAR VISION GLAZING (LOW REF.)
WC4 COLORBOND CLADDING MONUMENT	GL2 SPANDREL SHADOWBOX GLAZING (LOW REF.)
WC5 FIBRE CEMENT CLADDING, OR SIMILAR	TB1 TIMBER LOOK BLADES OR SIMILAR
PC1 PRECAST PANEL PAINTED 'BASALT'	PT1 CORE COLOUR PAINT 'FIRE RED'

ABBREVIATION

DP DOWN PIPE
FE FIRE EXIT DOOR
RSD ROLLER SHUTTER DOOR

NOTES

- ALL PFL LEVELS ±500mm
- ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DRAWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND ELEVATION.
- ALL LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
- ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT.
- ALL MEASUREMENTS OF EXISTING STRUCTURES ARE APPROXIMATE ONLY, AND TO BE CONFIRMED ON SITE.

0m 4m 8m 12m 16m 20m
SCALE BAR 1:200 @ A1 : 1:400 @ A3

Client: FIFECAPITAL
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE NSW
Date: 3/11/2021 11:36:35 AM
Drawing Title: WAREHOUSE ELEVATIONS (EAST AND WEST)
Sheet Number: 1190038_A201
North: N/A
Scale: G

Issue	Description	Date	By	QA
1	PRELIMINARY ISSUE	27/11/2021	252	267
2	SCHEMATIC DESIGN	14/12/2021	262	267
3	FINAL COORDINATION	18/12/2021	262	267
4	FINAL COORDINATION	29/01/2022	262	267
5	REVISED QA	17/02/2022	262	267
6	REVISED QA	27/02/2022	262	267
7	REVISED QA	28/12/2021	262	267

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DEVELOPMENT APPLICATION

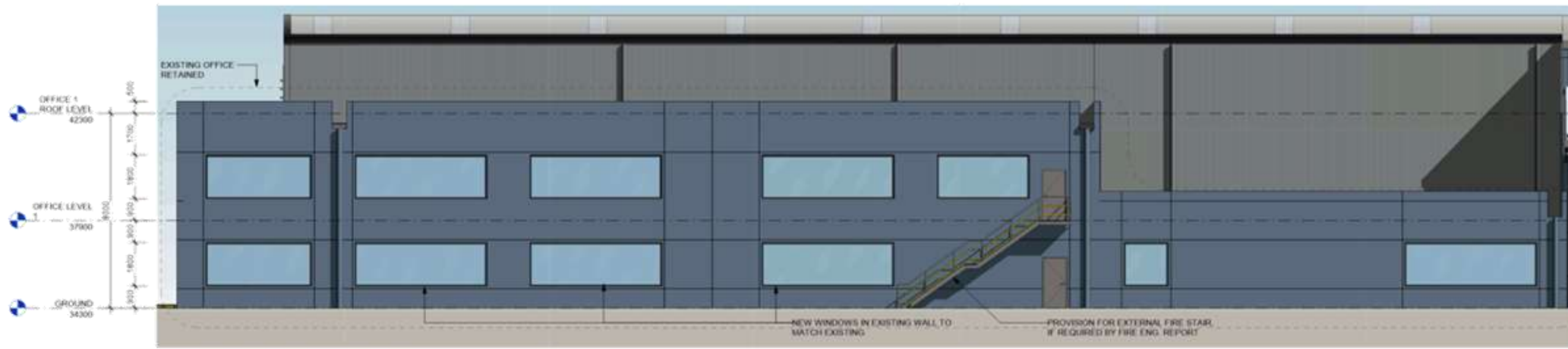
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Project Manager: **FIFECAPITAL**

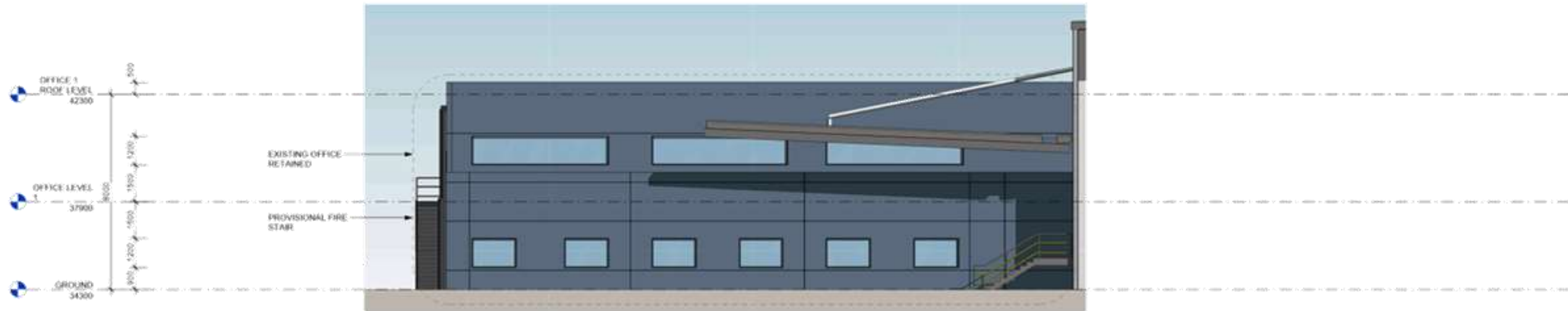
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE NSW

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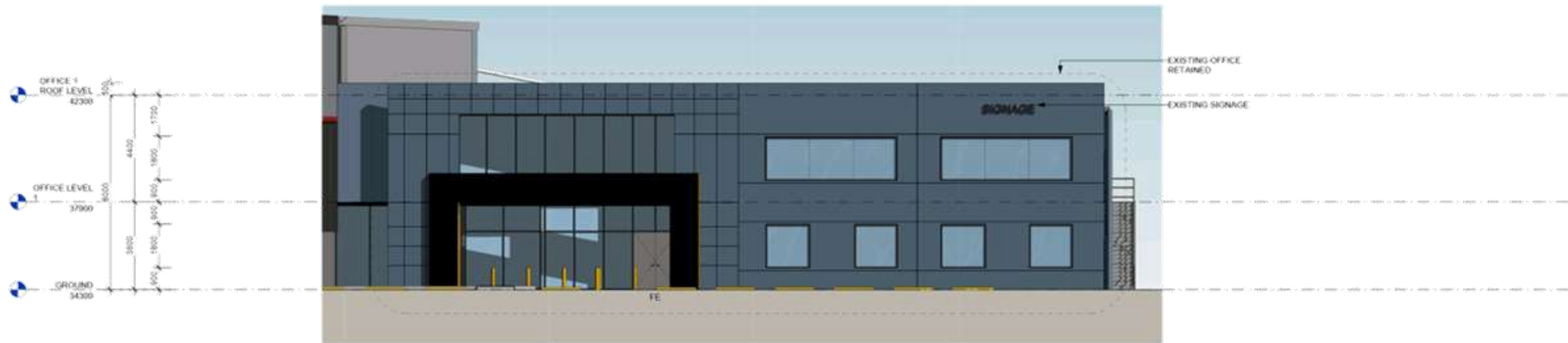
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Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON ST GREENACRE NSW
Date: 3/11/2021 11:36:35 AM
Drawing Title: WAREHOUSE ELEVATIONS (EAST AND WEST)
Sheet Number: 1190038_A201
North: N/A
Scale: G



1 OFFICE 1 SOUTH ELEVATION
1:100



2 OFFICE 1 EAST ELEVATION
1:100



3 OFFICE 1 WEST ELEVATION
1:100

CC CORE COLOUR SCHEME	RF1 METAL PROFILED ROOF SHEETING 'SHALE GREY'
WC1 COLORBOND CLADDING 'WINDSPRAY'	RF2 TRANSLUCENT PROFILED ROOF SHEETING
WC2 COLORBOND CLADDING 'SHALE GREY'	RSD1 METAL SHEETING 'WINDSPRAY'
WC3 COLORBOND CLADDING 'CORE COLOUR'	GL1 TINTED CLEAR VISION GLAZING (LOW REFL.)
WC4 COLORBOND CLADDING 'MONUMENT'	GL2 SPANDREL SHADOWBOX GLAZING (LOW REFL.)
WC5 FIBRE CEMENT CLADDING, OR SIMILAR	TB1 TIMBER LOOK BLADES OR SIMILAR
PC1 PRECAST PANEL PAINTED 'BASAL'	PT1 CORE COLOUR PAINT 'FIRE RED'

ABBREVIATION

DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES

- ALL FFL LEVELS +500mm
- ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION
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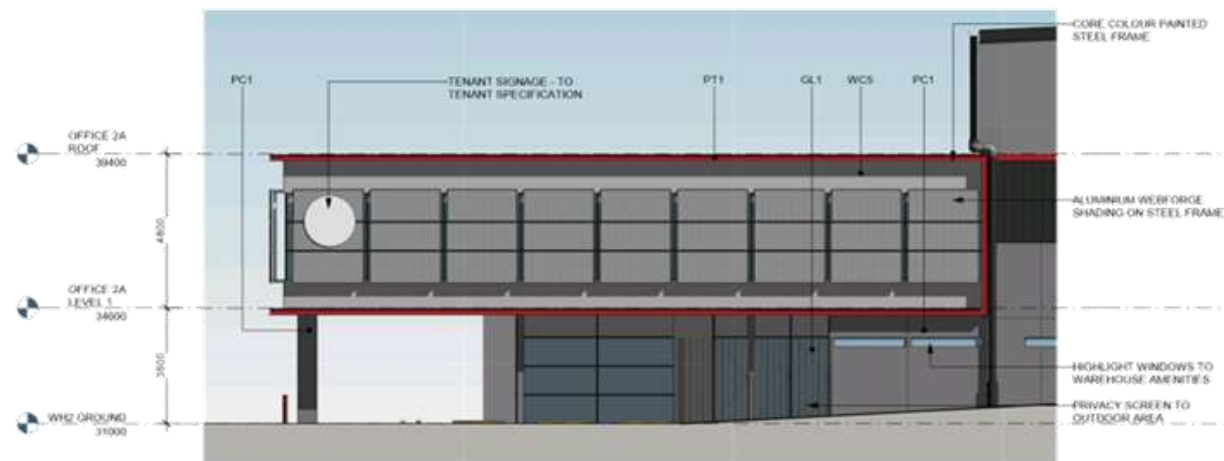
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DATE: 27/07/2021 6:45:52 PM
DRAWN: AM
CHECKED: MF
PRINT DATE: 27/07/2021 6:45:52 PM
NORTH POINT: N/A
SCALE: F

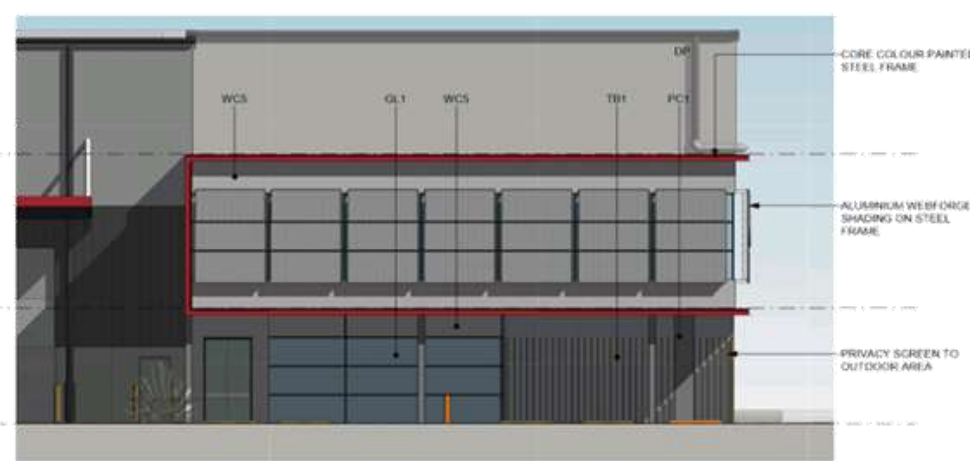
<p>Notes:</p> <p>This drawing and design is subject to Reid Campbell (NSW) Pty Ltd copyright and may not be reproduced without prior written consent. Contractor to verify all dimensions on site before commencing work. Approval of developments to project manager prior to construction. Figure dimensions to be taken as preferred to scaled drawings. All work is to conform to relevant Australian Standards and other Codes as applicable, together with other authorities' requirements and regulations. Can Activity, Gamma NSRRM No. 1100</p>	<table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> <th>By</th> <th>TSB</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PULL SET DRAWING</td> <td>14/12/2020</td> <td>AM</td> <td>MF</td> </tr> <tr> <td>2</td> <td>FOR CONSTRUCTION</td> <td>17/12/2020</td> <td>AM</td> <td>MF</td> </tr> <tr> <td>3</td> <td>DEVELOPMENT APPLICATION BY</td> <td>28/12/2020</td> <td>AM</td> <td>MF</td> </tr> <tr> <td>4</td> <td>REVISED BY</td> <td>17/01/2021</td> <td>AM</td> <td>MF</td> </tr> <tr> <td>5</td> <td>REVISED BY</td> <td>21/02/2021</td> <td>AM</td> <td>MF</td> </tr> <tr> <td>6</td> <td>REVISED BY</td> <td>27/07/2021</td> <td>AM</td> <td>MF</td> </tr> </tbody> </table>	Rev	Description	Date	By	TSB	1	PULL SET DRAWING	14/12/2020	AM	MF	2	FOR CONSTRUCTION	17/12/2020	AM	MF	3	DEVELOPMENT APPLICATION BY	28/12/2020	AM	MF	4	REVISED BY	17/01/2021	AM	MF	5	REVISED BY	21/02/2021	AM	MF	6	REVISED BY	27/07/2021	AM	MF	<p>REIDCAMPBELL Architects, Interiors, Project Management Level 10, 224 Liverpool Street North Sydney NSW 2060 Australia Tel: 61 62 9554 1011 Email: info@reidcampbell.com Fax: 61 62 9554 4946 Web: www.reidcampbell.com</p>	<p>CLIENT: FIFECAPITAL</p>	<p>PROJECT MANAGER: </p>	<p>PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT 2-34 DAVIDSON ST GREENACRE NSW</p>	<p>NORTH POINT: N/A</p>
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3	DEVELOPMENT APPLICATION BY	28/12/2020	AM	MF																																					
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5	REVISED BY	21/02/2021	AM	MF																																					
6	REVISED BY	27/07/2021	AM	MF																																					



1 OFFICE 2A EAST ELEVATION
1:100



2 OFFICE 2A WEST ELEVATION
1:100



3 OFFICE 2A NORTH ELEVATION
1:100

CC CORE COLOUR SCHEME	RF1 METAL PROFILED ROOF SHEETING 'SMALL GREY'
WC1 COLORBOND CLADDING 'WINDSPRAY'	RF2 TRANSLUCENT PROFILED ROOF SHEETING
WC2 COLORBOND CLADDING 'SMALL GREY'	RSD1 METAL SHEETING 'WINDSPRAY'
WC3 COLORBOND CLADDING 'CORE COLOUR'	GL1 TINTED CLEAR VISION GLAZING (LOW REFL.)
WC4 COLORBOND CLADDING 'MONUMENT'	GL2 SPANDREL SHADOWBOX GLAZING (LOW REFL.)
WC5 FIBRE CEMENT CLADDING, OR SIMILAR	TB1 TIMBER LOOK BLADES OR SIMILAR
PC1 PRE-CAST PANEL PAINTED 'BASAL'	PT1 CORE COLOUR PAINT 'FIRE RED'

ABBREVIATION

DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES

- ALL ETL LEVELS +500mm
- ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION
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- ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT
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0m 2m 4m 6m 8m 10m

SCALE BAR 1:100 @ A1 ; 1:200 @ A3

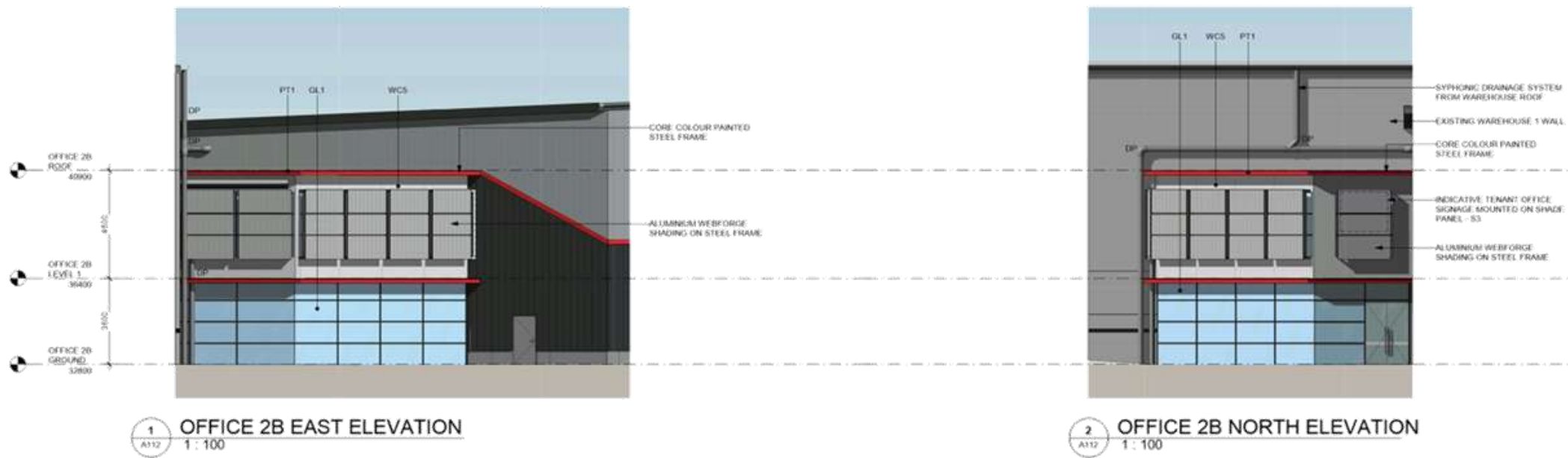
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SHEET NUMBER: 1190038_A203

DATE: 27/07/2021 6:46:07 PM

Rev	Description	Date	By	CHK
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3	WEST ELEVATION	17/12/2020	WSP	WSP
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5	WEST ELEVATION	18/12/2020	WSP	WSP
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29	WEST ELEVATION	18/12/2020	WSP	WSP
30	WEST ELEVATION	18/12/2020	WSP	WSP

<p>REID CAMPBELL Architecture, Interiors, Project Management</p> <p>Level 10, 124 Sturdee Street North Sydney NSW 2060 Australia</p> <p>Tel: 61 62 9554 1011 Email: info@reidcampbell.com Fax: 61 62 9554 4946 Web: www.reidcampbell.com</p>	<p>CLIENT</p> <p>FIFECAPITAL</p>	<p>PROJECT MANAGER</p>	<p>PROJECT</p> <p>PROPOSED INDUSTRIAL DEVELOPMENT 2-24 DAVIDSON ST GREENACRE NSW</p>	<p>NORTH POINT</p> <p>N/A</p>



CC CORE COLOUR SCHEME	RF1 METAL PROFILED ROOF SHEETING 'SHALE GREY'
WC1 COLORBOND CLADDING 'WINDSPRAY'	RF2 TRANSLUCENT PROFILED ROOF SHEETING
WC2 COLORBOND CLADDING 'SHALE GREY'	RSD1 METAL SHEETING 'WINDSPRAY'
WC3 COLORBOND CLADDING 'CORE COLOUR'	GL1 TINTED CLEAR VISION GLAZING (LOW REFL.)
WC4 COLORBOND CLADDING 'MONUMENT'	GL2 SPANDREL SHADOWBOX GLAZING (LOW REFL.)
WC5 FIBRE CEMENT CLADDING OR SIMILAR	TB1 TIMBER LOOK BLADES OR SIMILAR
PC1 PRECAST PANEL PAINTED 'BASAL'	PT1 CORE COLOUR PAINT 'FIRE RED'

ABBREVIATION	
DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES	
1.	ALL FFL LEVELS +500mm
2.	ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION
3.	ALL LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
4.	ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT
5.	ALL MEASUREMENTS OF EXISTING STRUCTURES ARE APPROXIMATE ONLY, AND TO BE CONFIRMED ON SITE.

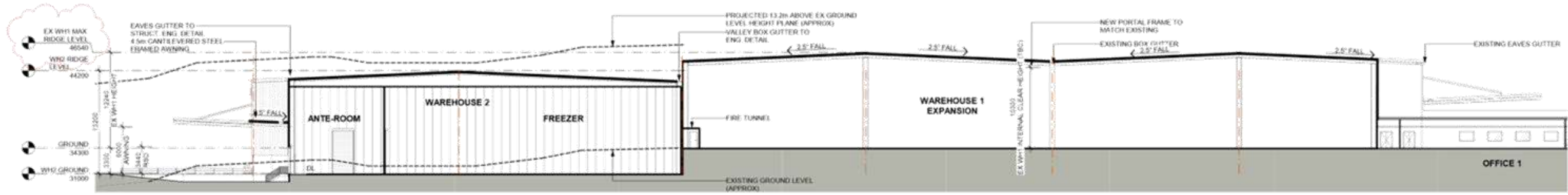
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SCALE BAR 1:100 @ A1 ; 1:200 @ A3

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2	FOR COORDINATION	13/12/2021	AM	MF
3	DEVELOPMENT APPLICATION BY	28/12/2021	AM	MF
4	REVISED CA	13/01/2022	AM	MF
5	REVISED CA	21/01/2022	AM	MF
6	REVISED CA	25/01/2022	AM	MF

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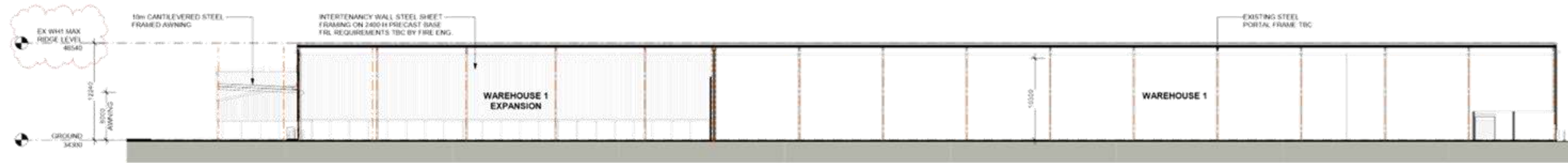
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	Drawn	Checked	PRINT DATE	SHEET NUMBER
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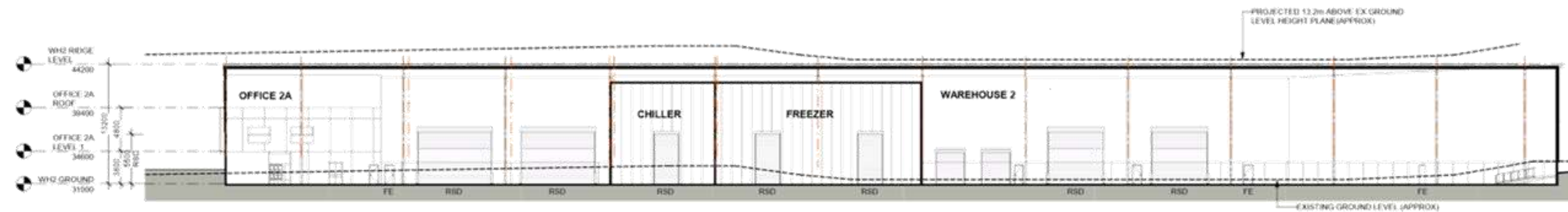
1 SECTION 1
A100 1:250



2 SECTION 2
A100 1:250



3 SECTION 3
A100 1:250



4 SECTION 4
A100 1:250

ABBREVIATION

- DP DOWN PIPE
- FE FIRE EXIT DOOR
- RSD ROLLER SHUTTER DOOR

NOTES

1. ALL FFL LEVELS ±500mm
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0m 5m 10m 15m 20m 25m

SCALE BAR 1:250 @ A1 : 1:500 @ A3

Client: **FIFECAPITAL**

Project: **PROPOSED INDUSTRIAL DEVELOPMENT**
2-34 DAVIDSON ST GREENACRE NSW

North Point: **N/A**

Sheet Number: **1190038_A300**

Scale: **H**

Rev	Description	Date	By	QA
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3	FINAL SUBMISSION	17/12/2021	MM	MM
4	FINAL SUBMISSION	29/12/2021	MM	MM
5	REVISED SA	17/01/2022	MM	MM
6	REVISED SA	21/01/2022	MM	MM
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8	REVISED SA	27/01/2022	MM	MM
9	REVISED SA	27/01/2022	MM	MM
10	REVISED SA	27/01/2022	MM	MM

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DEVELOPMENT APPLICATION



CLIENT: **FIFECAPITAL**

PROJECT MANAGER: [Logo]

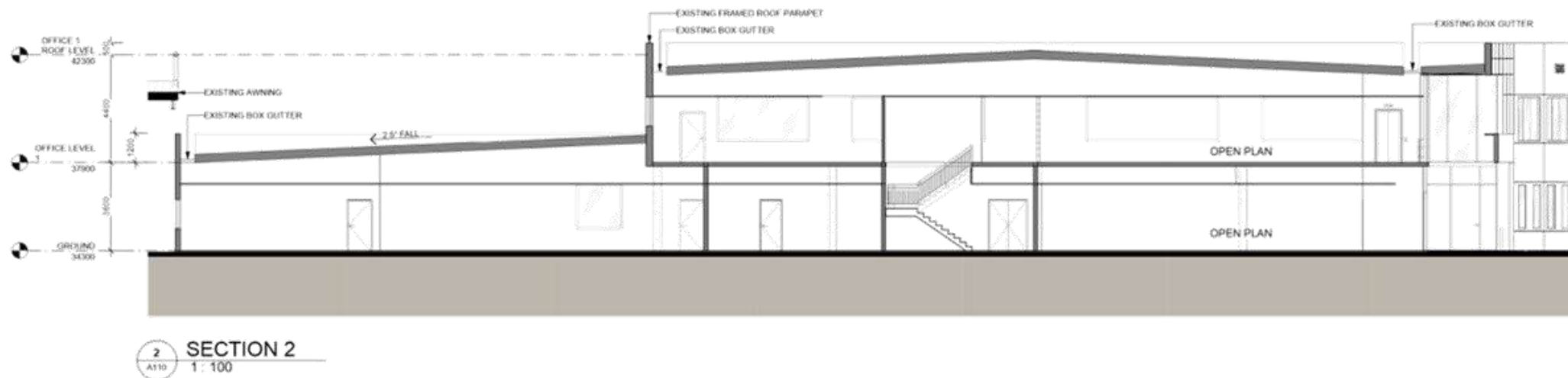
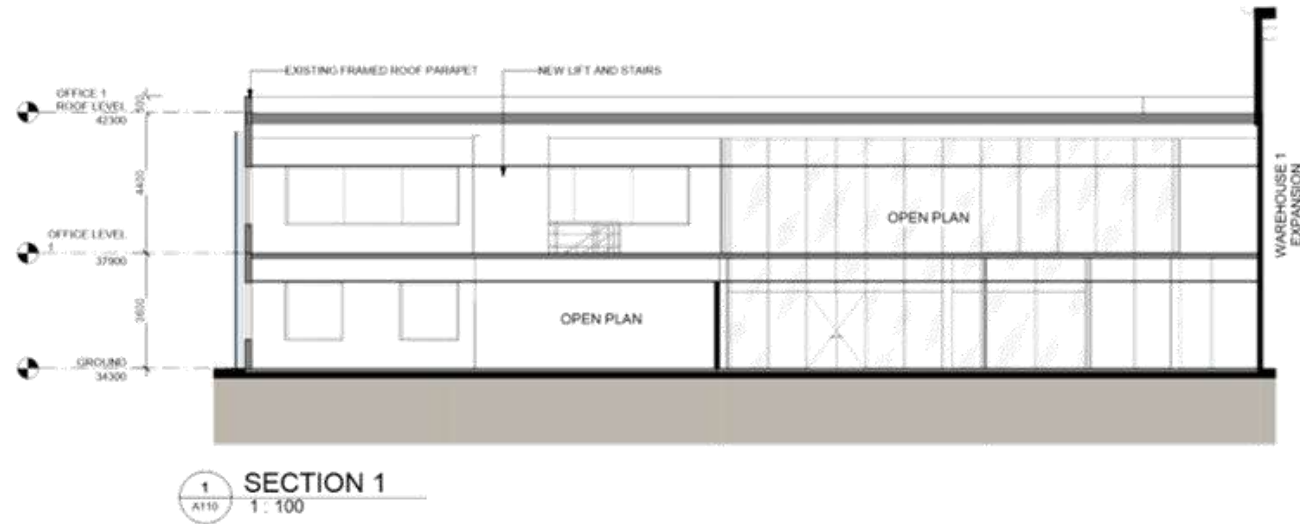
PROJECT: **PROPOSED INDUSTRIAL DEVELOPMENT**
2-34 DAVIDSON ST GREENACRE NSW

Drawn: AM, Checked: MF, PRINT DATE: 3/11/2021 11:36:39 AM

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Michael Murray 48814488 No. 4218



ABBREVIATION	
DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES	
1.	ALL FFL LEVELS ±500mm
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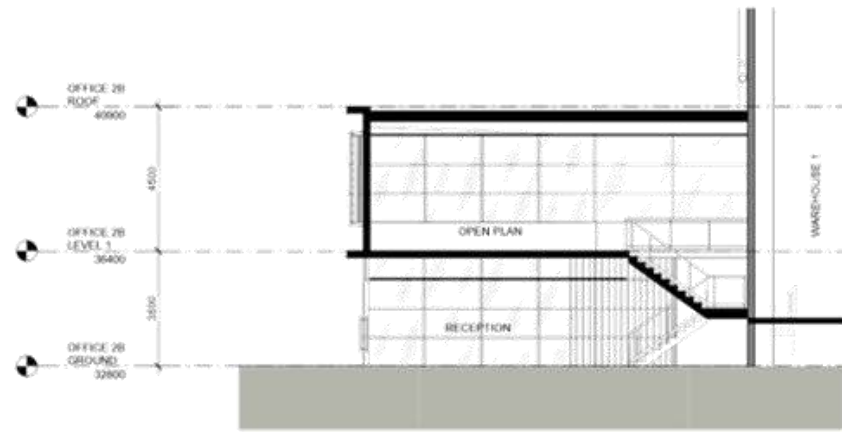
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SCALE BAR 1:100 @ A1 : 1:200 @ A3

Rev	Description	Date	By	QA
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3	DEVELOPMENT APPLICATION (D)	20/07/2021	AM	MF
4	REVISED DA	17/06/2021	AM	MF
5	REVISED DA	27/07/2021	AM	MF

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Fax: 61 61 955 8540 Web: www.reidcampbell.com

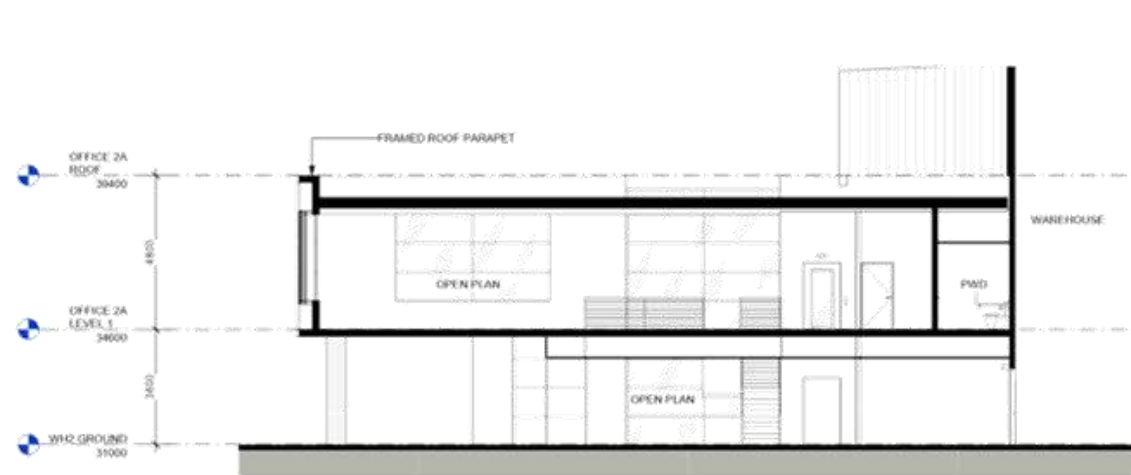
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			<p>Drawn: AM</p> <p>Checked: MF</p> <p>PRINT DATE: 27/07/2021 6:52:19 PM</p>	<p>Drawing Title:</p> <p>OFFICE 1 SECTIONS</p>



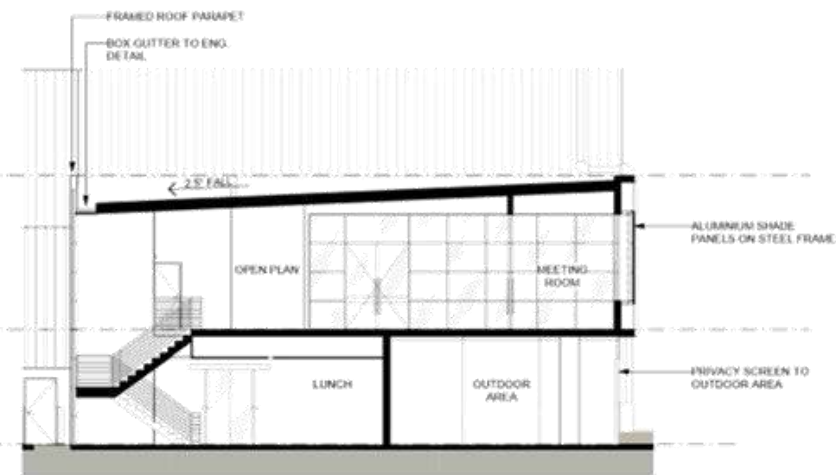
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2 OFFICE 2B - SECTION 2
A112 1: 100



3 OFFICE 2A - SECTION 1
A112 1: 100



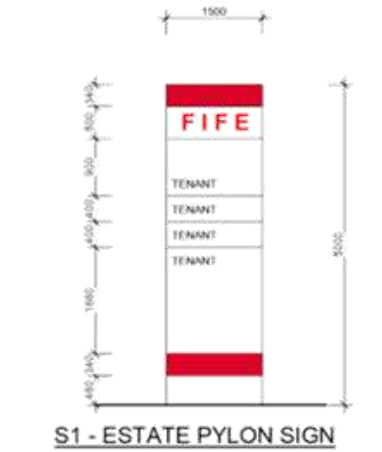
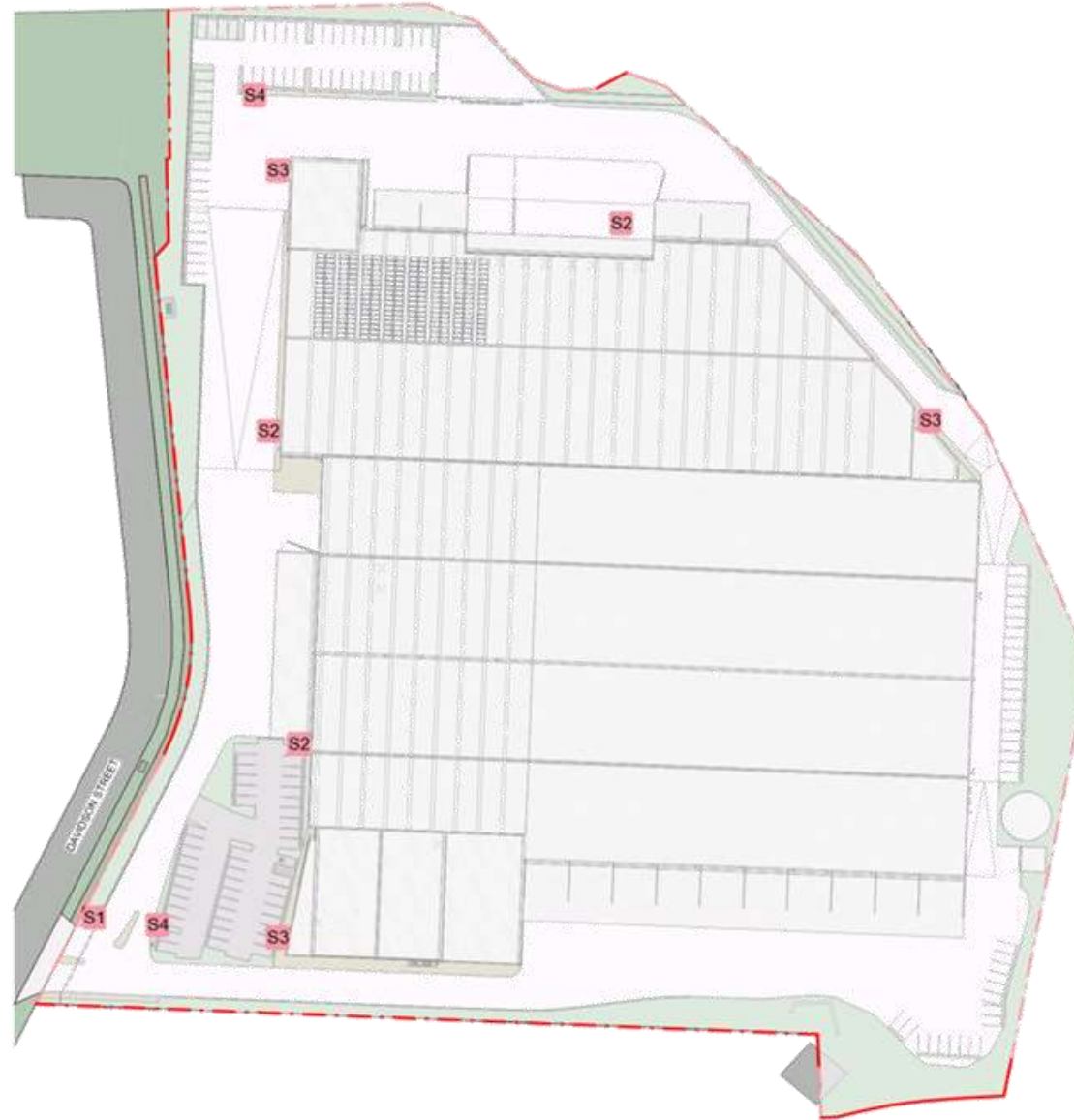
4 OFFICE 2A - SECTION 2
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ABBREVIATION	
DP	DOWN PIPE
FE	FIRE EXIT DOOR
RSD	ROLLER SHUTTER DOOR

NOTES	
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0m	2m	4m	6m	8m	10m
SCALE BAR 1:100 @ A1 ; 1:200 @ A3					

Notes:	Drawn:	Checked:	PRINT DATE:	NORTH POINT:
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REIDCAMPBELL Architects, Interiors, Project Management Level 10, 124 Stirling Street North Sydney NSW 2060 Australia Tel: 61 61 954 1011 Email: info@reidcampbell.com Fax: 61 61 954 4946 Web: www.reidcampbell.com		CLIENT FIFECAPITAL		PROJECT MANAGER
DEVELOPMENT APPLICATION		PROJECT PROPOSED INDUSTRIAL DEVELOPMENT 2-24 DAVIDSON ST GREENACRE NSW		SHEET NUMBER 1190038_A302



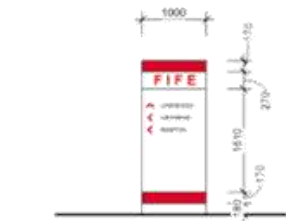
S1 - ESTATE PYLON SIGN



S2 - WAREHOUSE MOUNTED TENANT SIGNAGE



S3 - OFFICE MOUNTED TENANT SIGNAGE



S4 - DIRECTIONAL PYLON

NOTES

- ALL FFL LEVELS - 1500mm
- ALL LEVELS AND EXTENTS ARE INDICATIVE & SHOULD BE READ IN CONJUNCTION WITH CIVIL ENG. DWGS FOR FINAL LEVELS OF ALL EARTH WORKS AND EXCAVATION
- ALL LANDSCAPING TO LANDSCAPE ARCHITECT'S DETAILS
- ALL INFORMATION SUBJECT TO DETAILED DESIGN, BCA ASSESSMENT AND ENGINEERING INPUT
- ALL MEASUREMENTS OF EXISTING STRUCTURES ARE APPROXIMATE ONLY, AND TO BE CONFIRMED ON SITE.

0m 15m 30m 45m 60m 75m
SCALE BAR 1:750 @ A1 ; 1:1500 @ A3

Client: FIFECAPITAL
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW
Drawing Title: SIGNAGE PLAN
Sheet Number: 1190038_A400

Rev	Description	Date	By	CHK
1	FULL SET DRAWING	14/12/2021	MD	MD
2	FOR CONSTRUCTION	15/12/2021	MD	MD
3	DEVELOPMENT APPLICATION S1	28/01/2021	MD	MD
4	REVISED S2	17/01/2021	MD	MD
5	REVISED S3	21/02/2021	MD	MD
6	REVISED S4	27/07/2021	MD	MD

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DEVELOPMENT APPLICATION

FIFECAPITAL



PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW
Client: FIFECAPITAL
Project Manager: [Logo]
Drawn: AM
Checked: MF
Print Date: 27/07/2021 6:46:53 PM



Client: FIFECAPITAL
Project: PROPOSED INDUSTRIAL DEVELOPMENT
2-24 DAVIDSON ST GREENACRE NSW
Drawing Title: SIGNAGE PLAN
Sheet Number: 1190038_A400

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PROPOSED INDUSTRIAL DEVELOPMENT 2-34 DAVIDSON STREET, GREENACRE CONCEPT STORMWATER MANAGEMENT



LOCALITY PLAN
NOT TO SCALE - COURTESY OF SIX MAPS

DRAWING SCHEDULE	
DA1.01	COVERSHEET, LOCALITY PLAN & DRAWING SCHEDULE
DA1.02	SPECIFICATION NOTES
DA2.01	CONCEPT SEDIMENT AND EROSION CONTROL PLAN
DA2.11	CONCEPT SEDIMENT AND EROSION CONTROL DETAILS
DA4.01	CONCEPT STORMWATER MANAGEMENT AND SITEWORKS PLAN
DA4.05	CONCEPT STORMWATER CATCHMENT PLAN
DA4.11	CONCEPT STORMWATER MANAGEMENT DETAILS SHEET 1
DA4.12	CONCEPT STORMWATER MANAGEMENT DETAILS SHEET 2

DESIGNED BY: [Name]
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

DATE	AMENDMENT	BY	REV
19/12/20	DA ISSUE	DD	1
03/02/21	DA ISSUE	DD	2

PROJECT: [Name]
CLIENT: [Name]
LOCATION: [Address]

PREPARED BY:
FIFECAPITAL

DESIGNED BY:
REID CAMPBELL

PROJECT:
PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON STREET, GREENACRE

SPARKS+PARTNERS
CONSULTING ENGINEERS
HYDRAULIC/CIVIL/PIPE

DESIGNED BY:
CIVIL DESIGN
COVERSHEET, LOCALITY PLAN &
DRAWING SCHEDULE

DATE	SCALE	DESIGNED	CHECKED	REVISED
NOV 2020	NTS	DD	DD	BB

PROJECT NO: 20292
DRAWING NO: DA1.01
REVISION: 2

DEVELOPMENT APPLICATION

SITE WORKS - GENERAL

1. ALL WORKS ARE TO BE UNDERTAKEN IN ACCORDANCE WITH LOCAL COUNCIL AUSTRALIAN AND AUTHORITY STANDARDS.
2. ALL TRENCHING WORKS ARE TO BE RESTORED TO ORIGINAL CONDITION.
3. THE INTEGRITY OF ALL EXISTING AND NEW SERVICES IS TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. ALL PLANS ARE TO BE READ IN CONJUNCTION WITH APPROVED ARCHITECT, STRUCTURAL, ENGINEERS AND OTHER CONSULTANT'S PLANS. ANY DISCREPANCIES ARE TO BE NOTIFIED TO THE ENGINEER FOR CLARIFICATION.
5. THE ENGINEER SHALL BE GIVEN A MIN. OF 48 HOURS NOTICE FOR ALL STORMWATER DRAINAGE AND PAVEMENT INSPECTIONS. CONCRETE SHALL NOT BE DELIVERED UNTIL ENGINEER'S APPROVAL IS OBTAINED.

SAFETY IN DESIGN

CONTRACTOR SHALL ENSURE ALL ACCESS TO THE OSD TANKS & EASEMENT CHAMBERS ARE COMPLETE WITH RELEVANT CONFINED SPACE SIGNAGE.

ALL PERSONNEL REQUIRED TO INSPECT AND MAINTAIN SERVICES WITHIN THESE AREAS SHALL BE TRAINED IN ACCORDANCE WITH WHS/OHS REQUIREMENTS.

SITE WORKS - ACCESS AND SAFETY

1. ALL WORKS ARE TO BE UNDERTAKEN IN A SAFE MANNER IN ACCORDANCE WITH ALL STATUTORY AND INDUSTRIAL RELATION REQUIREMENTS.
2. ACCESS TO ADJACENT BUILDINGS AND PROPERTIES SHALL BE MAINTAINED AT ALL TIMES.
3. WHERE NECESSARY SAFE PASSAGE SHALL BE PROVIDED FOR VEHICLES AND PEDESTRIANS THROUGH OR ADJACENT TO THE SITE.

FINISHED LEVELS

1. LEVELS BASED ON SURVEY PREPARED BY TSS TOTAL SURVEYING SOLUTIONS 30/04/21 TO 10/11/2020. THE CONTRACTOR SHALL VERIFY LEVELS PRIOR TO CONSTRUCTION COMMENCEMENT. ANY DISCREPANCIES SHALL BE NOTIFIED TO THE ENGINEER OR SUPERINTENDENT FOR CLARIFICATION.
2. FINISHED LEVELS SHOWN ARE CONCEPTUAL ONLY AND SUBJECT TO DETAILED DESIGN PRIOR TO CONSTRUCTION. CERTIFICATE APPLICATION FINAL FINISHED LEVELS TO BE +1.05m FROM LEVELS SHOWN.
3. CARPARK & SERVICE AREA LAYOUT AND GRADES TO COMPLY WITH ACT/NSW.
4. DRIVEWAY LAYOUT AND DESIGN TO COMPLY WITH STRATHFIELD MUNICIPAL COUNCIL ACCESS DRIVEWAY DESIGN AND CONSTRUCTION SPECIFICATION.
5. ALL CONTOUR LINES & SPOT LEVELS INDICATE FINISHED PAYMENT LEVELS UNDO ON PLAN.
6. PERMANENT BATTER SLOPES ARE TO HAVE A MAXIMUM GRADE OF 7%.
7. ALL FOOTPATHS ARE TO FALL AWAY FROM THE BUILDING AT ISM NOMINAL GRADE.
8. ALL PAVEMENTS ARE TO BE SET AT 50mm BELOW THE FINISHED FLOOR LEVEL OF THE WAREHOUSE AND OFFICE AREAS.

STORMWATER

1. DESIGN CRITERIA
 - 1.1. DROD DRAINAGE - 150YR ARI
 - 1.2. OVERLAND FLOW - GAP FLOW BETWEEN 150YR ARI & 1100YR ARI
2. WORKS SHOWN ARE CONCEPTUAL ONLY AND SUBJECT TO FINAL DESIGN AT CONSTRUCTION CERTIFICATE STAGE.
3. ALL WORKS ARE TO BE UNDERTAKEN IN ACCORDANCE WITH THE FOLLOWING AUSTRALIAN STANDARDS: AS2032, AS2950 AND AS3215 AT A MINIMUM.
4. ALL PIPES LESS THAN OR EQUAL TO 800mm IN SIZE ARE TO BE SOLVENT WELD-JOINED UPVC CLASS 300 UNDO.
5. ALL PIPES 800mm OR GREATER IN SIZE ARE TO BE MIN. CLASS 2 REINFORCED CONCRETE PIPE (RCP) WITH SPOGGOT AND COATED JOINT OR VANTAGE PIPE PLUS (VPRP+) FIBRE REINFORCED CONCRETE (FRC) WITH VANTAGE PIPE PLUS JOINT LIND.
6. ALL PIPES ARE TO BE Laid AT MIN. 1% GRADE UNDO.
7. PIPE BEDDING IS TO BE HOT LAMER ROAD/ AND TRAFFICKED AREAS AND SHALL BE 40 IN LANDSCAPED AND PEDESTRIAN TRAFFICKED AREAS UNDO.
8. ALL PIPE BENDS AND JUNCTIONS ARE TO BE MADE WITH EITHER PURPOSE MADE FITTINGS OR STORMWATER DRAINAGE FITS.
9. MINIMUM COVER FROM THE OVERTOP OF THE STORMWATER PIPE OF 300mm IS TO BE PROVIDED IN LANDSCAPED AREAS AND 450mm IN VEHICULAR TRAFFICKED AREAS UNDO.
10. WHERE MINIMUM COVER CANNOT BE ACHIEVED CONCRETE ENCASEMENT OF THE AFFECTED PIPE IS TO BE UNDERTAKEN WITH 200mm CONCRETE WITH A MIN. COVER OF 50mm TO ALL SIDES OF THE PIPE. THE CONTRACTOR SHALL CONFIRM THIS REQUIREMENT WITH THE ENGINEER OR SUPERINTENDENT.
11. Laid PIPELINES ARE TO HAVE THE FOLLOWING CONSTRUCTED TOLERANCES:
 - a. HORIZONTAL - 1:300 ANGULAR DEVIATION FROM REQUIRED ALIGNMENT.
 - b. VERTICAL - 1:300 ANGULAR DEVIATION FROM REQUIRED ALIGNMENT.
12. ALL DRAINAGE FITS ARE TO BE CAST IN-DIE. PRECAST DRAINAGE FITS MAY BE USED WITH APPROVAL FROM THE ENGINEER. THE CONTRACTOR SHALL SUBMIT A PRECAST FIT INSTALLATION WORK METHOD STATEMENT FOR ASSESSMENT BY THE ENGINEER FOR APPROVAL.
13. DRAINAGE FIT COVERS ARE TO BE EITHER GALVANIZED STEEL OR CAST IRON CLASS B IN LANDSCAPED AND PEDESTRIAN TRAFFICKED AREAS AND CLASS D IN ALL VEHICULAR TRAFFICKED AREAS UNDO.
14. EXISTING STORMWATER FIT LOCATIONS AND INVERT LEVELS TO BE CONFIRMED PRIOR TO COMMENCING WORKS ON SITE.
15. PROVIDE CLEANING EYE (RODDING POINT) TO PIPES AT ALL CORNERS AND T-JUNCTIONS WHERE NO FITS ARE PRESENT.
16. DOWN PIPES CONNECTED DIRECT TO PIPES TO BE CONNECTED AT 45° TO THE FLOW DIRECTION WITH A CLEANING EYE PROVIDED AT GROUND LEVEL.

WSUD DESIGN SUMMARY

LOCAL GOVERNING AUTHORITY = STRATHFIELD MUNICIPAL COUNCIL

AS PER COUNCIL'S DEVELOPMENT CONTROL PLAN PART N WATER SENSITIVE URBAN DESIGN (WSUD) 2011 THE FOLLOWING POLLUTANT REDUCTION TARGETS ARE TO BE ACHIEVED:

- TOTAL SUSPENDED SOLIDS (TSS)	= 65%
- TOTAL PHOSPHORUS (TP)	= 60%
- TOTAL NITROGEN (TN)	= 45%
- TOTAL GROSS POLLUTANTS (GP)	= 60%

USING THE MODELLING SOFTWARE MUSIC AND THE DESIGN PARAMETERS FROM COUNCIL WSUD REFERENCE GUIDELINES (2011) THE FOLLOWING POLLUTION REDUCTION TARGETS HAVE BEEN MET:

- TOTAL SUSPENDED SOLIDS	= 69.1
- TOTAL PHOSPHORUS	= 66.9
- TOTAL NITROGEN	= 45.1
- TOTAL GROSS POLLUTANTS	= 100

RAINWATER RE-USE

1. PROVIDE RAINWATER RE-USE SYSTEM TO SUPPLY WATER FOR IRRIGATION AND TOILET FLUSHING.
2. PRESSURE PUMP/TAP TO BE PROVIDED FOR RE-USE OF CAPTURED TANK WATER.
3. A PERMANENT SIGN IS TO BE LOCATED IN THE VICINITY OF THE TANK STATING THE WATER IS NOT FOR POTABLE USE.
4. PIPEWORK USED FOR RAINWATER SERVICES SHALL BE COLOURED (LAV. IN ACCORDANCE WITH ACT/NSW).
5. ALL VALVES AND PIPES SHALL BE CLEARLY AND PERMANENTLY LABELED WITH SAFETY SIGNS TO COMPLY WITH ACT/NSW.
6. AN AIR GAP OR A DROD IS TO BE INSTALLED TO ENSURE BACKFLOW PREVENTION OF MAIN TOP-UP / BY-PASS (LINED).
7. RAINWATER TANK RETENTION SYSTEM AND MAIN TOP ARRANGEMENT TO BE INSTALLED IN ACCORDANCE WITH AS/NZS 3500.1:2005 AND THE NEW CODE OF PRACTICE PLUMBING AND DRAINAGE.
8. A FIRST FLUSH DEVICE IS TO BE PROVIDED AT RAINWATER TANK TO BY-PASS THE FIRST 10mm OF RAINWATER.
9. AS 3500.1 CLAUSE 4.3.2 REQUIRES THE WATER SUPPLY SYSTEM FROM A RAINWATER TANK IS CLEARLY MARKED AT INTERVALS NOT MORE THAN 300mm WITH THE WORD 'RAINWATER'. THIS CAN BE DONE FOR ABOVE GROUND PIPES BY USING ADHESIVE PIPE MARKERS IN LINE WITH AS 1345. FOR BELOW GROUND PIPES, THIS CAN BE DONE BY USING IDENTIFICATION TAPES MUST BE INSTALLED ON TOP OF THE RAINWATER PIPELINE, SPACING LONGITUDINALLY, AND FASTENED TO THE PIPE AT NOT MORE THAN THREE METRE INTERVALS.
10. EVERY RAINWATER TANK MUST BE LABELED 'RAINWATER' ON A PERMANENT SIGN OR B HAVING THE COVER LATE AND TAP HANDLE CLEARLY MARKED.

OSD DESIGN SUMMARY

LOCAL GOVERNING AUTHORITY = STRATHFIELD MUNICIPAL COUNCIL

COUNCIL'S STORMWATER MANAGEMENT CODE 1994 REQUIRES THE PERMISSIBLE SITE DISCHARGE (PSD) AND SITE STORAGE REQUIREMENT (SSR) TO BE DETERMINED FROM A PRESCRIBED RATE BASED ON THE CATCHMENT AREA. THESE RATES ARE TO BE DETERMINED FOR THREE STORM EVENTS, THE 2, 10 AND 100 YR ARI EVENTS. THESE RATES ARE:

PSD	2 YR	= 12 L/s/1000m ²
	10 YR	= 18 L/s/1000m ²
	100 YR	= 23 L/s/1000m ²
SSR	2 YR	= 12 m ³ /1000m ²
	10 YR	= 21 m ³ /1000m ²
	100 YR	= 32 m ³ /1000m ²

USING THESE RATES AND CATCHMENT AREA WE HAVE DETERMINED THE MINIMUM SSR AND MAXIMUM PSD REQUIREMENT FOR EACH STORM EVENT. THESE RESULTS HAVE BEEN SUMMARISED IN THE TABLE BELOW:

SIZE AREA (m ²)	ARI	MAXIMUM PSD (L/S)	MINIMUM SSR (m ³)
41,240	2	563.9	563.9
	10	756.9	993.2
	100	1027.1	1310.4

SEDIMENT AND EROSION CONTROL

1. THE CONTRACTOR SHALL INSTIGATE ALL SEDIMENT AND EROSION CONTROL MEASURES IN ACCORDANCE WITH STRATHFIELD MUNICIPAL COUNCIL AND THE 'BLUE BOOK' (MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION) PRODUCED BY THE DEPARTMENT OF HOUSING. THESE MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED.
2. THE SEDIMENT & EROSION CONTROL PLAN PRESENTS CONCEPTS ONLY. THE CONTRACTOR SHALL AT ALL TIMES BE RESPONSIBLE FOR THE ESTABLISHMENT & MANAGEMENT OF A DETAILED DO-DONE MEETING COUNCIL'S DESIGN AND ALL OTHER REGULATORY AUTHORITY REQUIREMENTS.
3. WHERE PRACTICAL, THE SOIL EROSION HAZARD ON THE SITE SHALL BE KEPT AS LOW AS POSSIBLE TO THIS END, WORK SHOULD BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:
 - a. INSTALL ALL TEMPORARY 'SEDIMENT' FENCES AND BARRIER FENCES WHERE FENCES ARE ADJACENT TO EACH OTHER THE SEDIMENT FENCE CAN BE INCORPORATED INTO THE BARRIER FENCE.
 - b. CONSTRUCT TEMPORARY STABILISED SITE ACCESS INCLUDING SHADE SLOWS AND WASH PADS.
 - c. INSTALL SEDIMENT CONTROL MEASURES AS OUTLINED ON THESE SEDIMENT AND CONTROL PLAN (ONCE APPROVED).
4. THE CONTRACTOR SHALL UNDERTAKE SITE DEVELOPMENT WORK SO THAT LAND DISTURBANCE IS CONFINED TO AREAS OF MINIMUM WORKABLE SIZE.
5. AT ALL TIMES AND IN PARTICULAR DURING WINDY AND DRY WEATHER LARGE UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP SOIL UNDER CONTROL. 'TALUSSE' MAY BE USED TO CONTROL DUST DURING EXTENDED PERIODS OF DRY WEATHER.
6. ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) SHALL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.
7. WATERS SHALL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS THE CATCHMENT AREA HAS BEEN STABILISED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED OUT.
8. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES SHALL BE REMOVED AFTER THE LANDS THEY ARE PROTECTING ARE STABILISED / REHABILITATED.
9. THE CONTRACTOR SHALL ALLOW FOR THE ESTABLISHMENT OF ANY OTHER EROSION PROTECTION MEASURES (IF APPLICABLE).
10. THE CONTRACTOR SHALL REGULARLY INSPECT MINIMUM TWICE PER WEEK ALL EROSION AND SEDIMENT CONTROL MEASURES TO ENSURE THEY ARE OPERATING EFFECTIVELY. REPAIRS AND/OR MAINTENANCE SHALL BE UNDERTAKEN REGULARLY AND AS REQUIRED, PARTICULARLY FOLLOWING STORM EVENTS.
11. ACCEPTABLE RECEPTORS SHALL BE USED FOR CONCRETE AND MORTAR CURBED, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER. WASTE FROM THESE RECEPTORS SHALL BE DISPOSED OF IN ACCORDANCE WITH REGULATORY AUTHORITY REQUIREMENTS. PAY ALL FEES AND PROVIDE EVIDENCE OF SAFE DISPOSAL.

PROPERTY: 20292
 ALL DOCUMENTS TO BE REVIEWED BY PROPERTY & FINANCIAL SUPERVISOR
 PROPERTY & FINANCIAL SUPERVISOR: [Signature]

REVISED:

DATE	AMENDMENT	INT	REV
19/12/20	DA ISSUE	DD	1
03/02/21	DA ISSUE	DD	2

PREPARED BY: [Signature]

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

DATE: [Date]

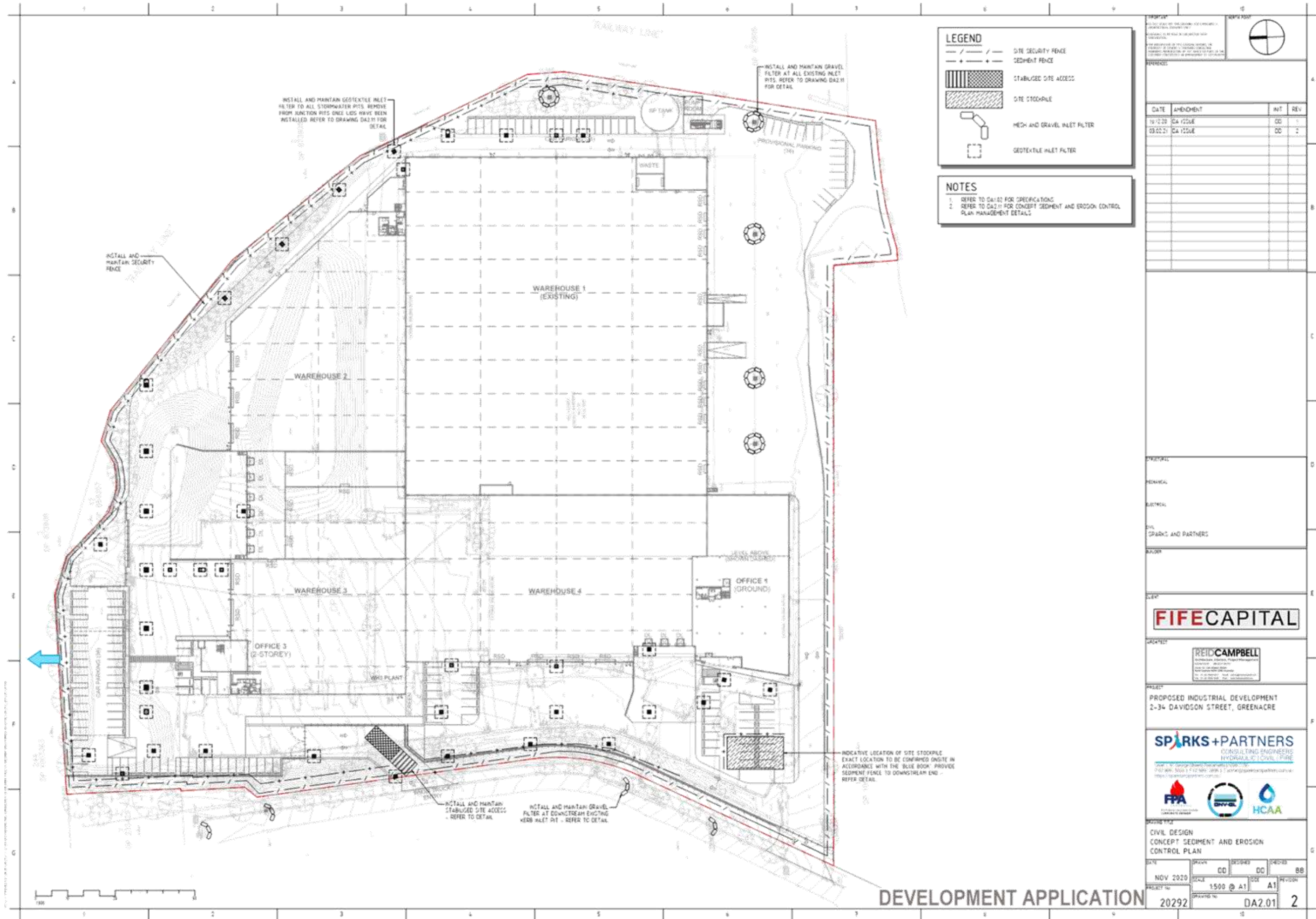
PROJECT: PROPOSED INDUSTRIAL DEVELOPMENT
 2-34 DAVIDSON STREET, GREENACRE



CIVIL DESIGN SPECIFICATION NOTES

DATE	NOV 2020	SCALE	NTS	DESIGNED	DD	CHECKED	BB
PROJECT No.	20292	DRAWING No.	DA1.02	REVISION	A1		

DEVELOPMENT APPLICATION



LEGEND

- SITE SECURITY FENCE
- - - SEDIMENT FENCE
- [Hatched Box] STABILIZED SITE ACCESS
- [Dotted Box] SITE STOCKPILE
- [Symbol] MESH AND GRAVEL INLET FILTER
- [Symbol] GEOTEXTILE INLET FILTER

NOTES

- REFER TO DA1.07 FOR SPECIFICATIONS
- REFER TO DA2.11 FOR CONCEPT SEDIMENT AND EROSION CONTROL PLAN MANAGEMENT DETAILS

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DATE: 19/12/20
 AMENDMENT: DA ISSUE
 INT: CC
 REV: 1

DATE	AMENDMENT	INT	REV
19/12/20	DA ISSUE	CC	1
03/02/21	DA ISSUE	CC	2

PREPARED BY: [Blank]

DESIGNED BY: [Blank]

CHECKED BY: [Blank]

DATE: [Blank]

MECHANICAL: [Blank]

ELECTRICAL: [Blank]

CIVIL: SPARKS AND PARTNERS

CLIENT: [Blank]

FIFECAPITAL

PREPARED BY: REID CAMPBELL

PROPOSED INDUSTRIAL DEVELOPMENT
 2-34 DAVIDSON STREET, GREENACRE

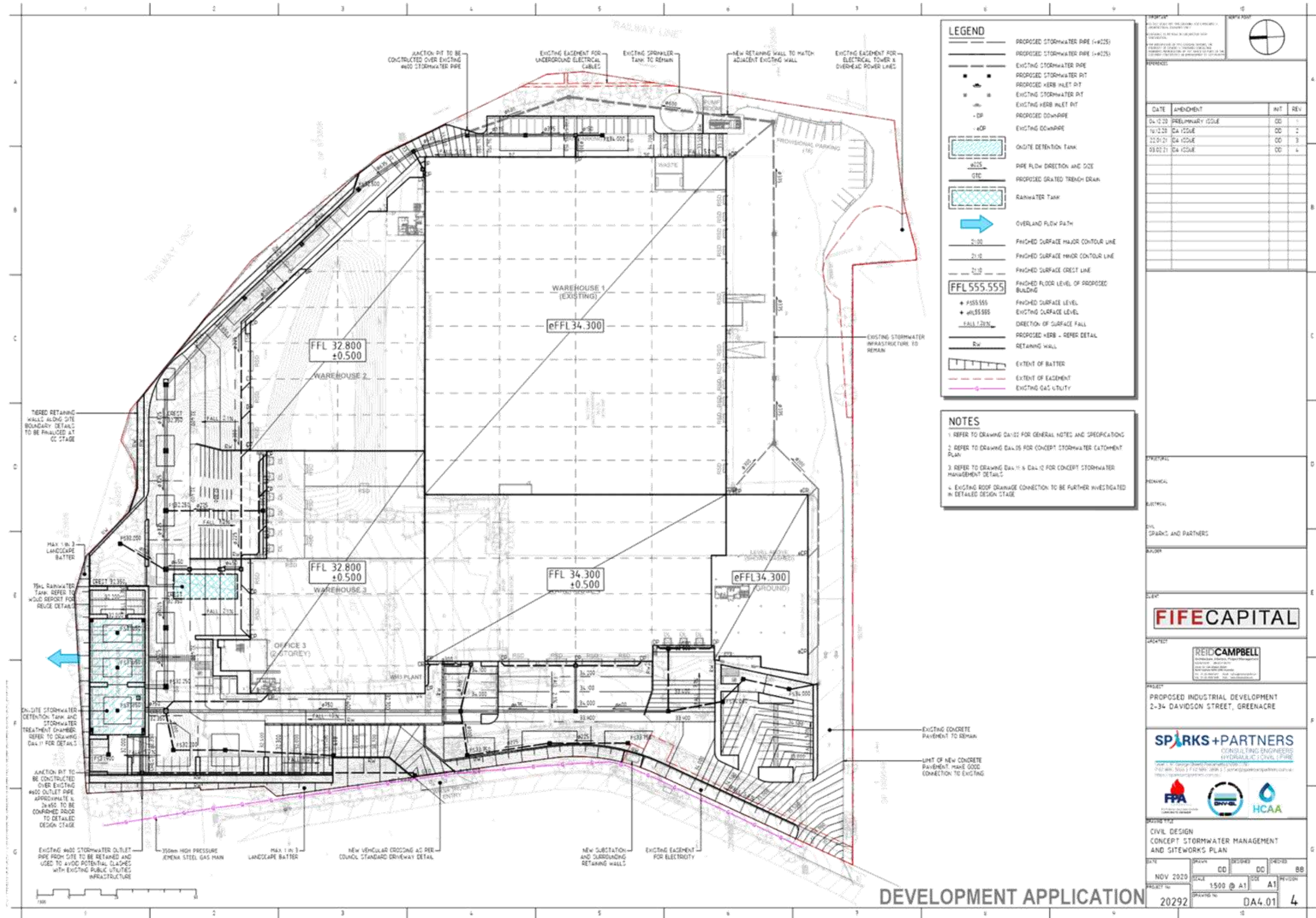
SPARKS+PARTNERS
 CONSULTING ENGINEERS
 HYDRAULIC/CIVIL/TYPE

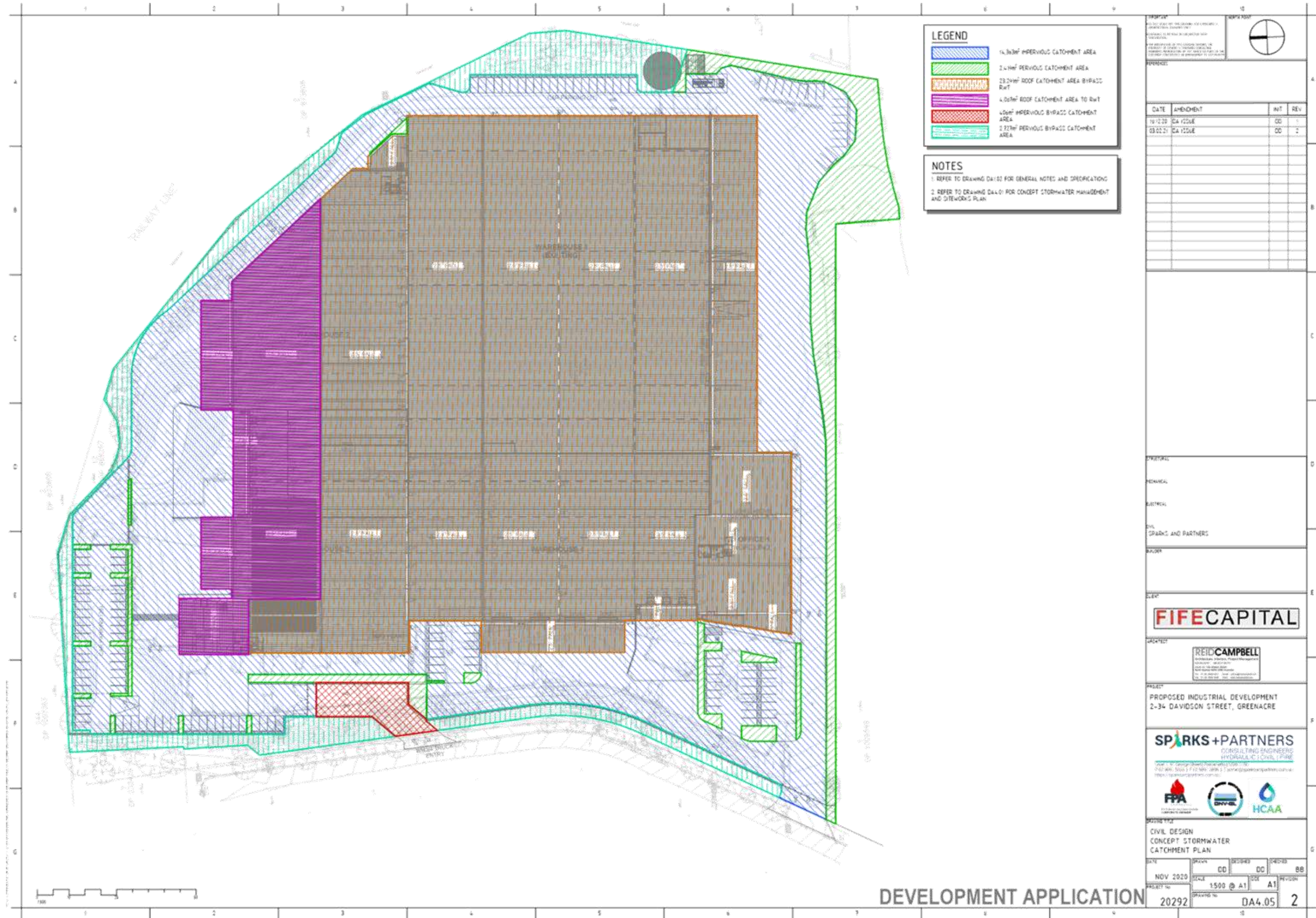
FPA
 DWL
 HCAA

CIVIL DESIGN
 CONCEPT SEDIMENT AND EROSION
 CONTROL PLAN

DATE	SCALE	DESIGNED	CHECKED	REVISED
NOV 2020	1:500 @ A1	CC	CC	BB
PROJECT NO:	20292	DRAWING NO:	DA2.01	2

DEVELOPMENT APPLICATION





DATE	AMENDMENT	INT	REV
19/12/20	DA ISSUE	00	1
03/02/21	DA ISSUE	00	2

STRUCTURAL
MECHANICAL
ELECTRICAL
CIVIL
SPARKS AND PARTNERS
PAVING

FIFECAPITAL

REID CAMPBELL
CONSULTANTS
ARCHITECTS
PLANNERS
ENGINEERS
LANDSCAPE ARCHITECTS
CIVIL ENGINEERS
ENVIRONMENTAL ENGINEERS
SURVEYORS

PROJECT
PROPOSED INDUSTRIAL DEVELOPMENT
2-34 DAVIDSON STREET, GREENACRE

SPARKS+PARTNERS
CONSULTING ENGINEERS
HYDRAULIC/CIVIL/PIPE
1741 WILSON STREET, SUITE 111, GREENACRE VIC 3103
PH: 03 9594 1111 FAX: 03 9594 1112
WWW.SPARKSPARTNERS.COM.AU

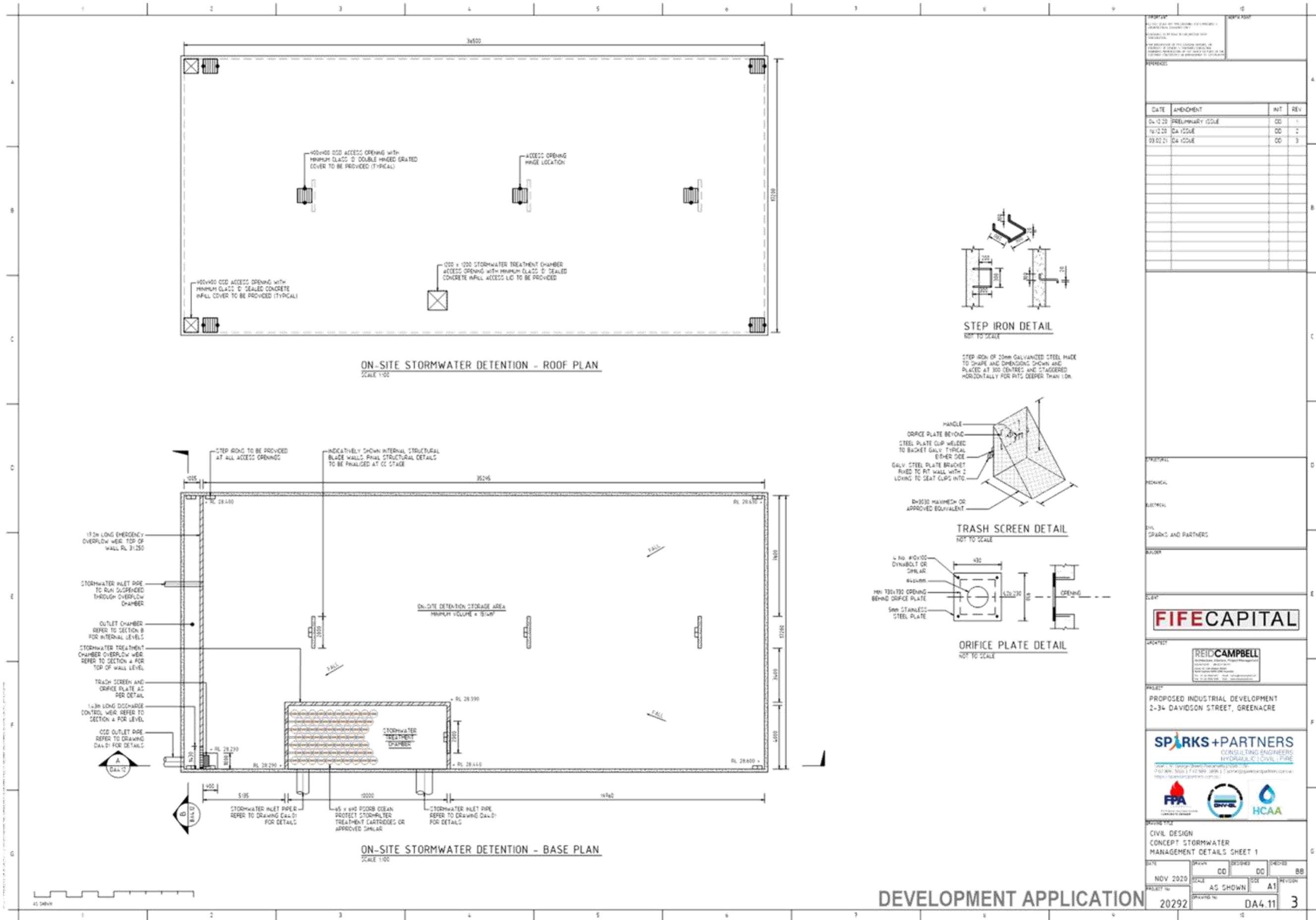
FPA **DMW** **HCAA**

DISCIPLINE
CIVIL DESIGN
CONCEPT STORMWATER
CATCHMENT PLAN

DATE	DESIGNED	CHECKED	REVISED	BY
NOV 2020	CC	DC	DC	BB

SCALE: 1:500 @ A1
PROJECT NO: 20292
DRAWING NO: DA4.05
REVISION: 2

DEVELOPMENT APPLICATION



DATE	AMENDMENT	INT	REV
01/12/20	PRELIMINARY ISSUE	CC	1
10/12/20	DA ISSUE	CC	2
03/02/21	DA ISSUE	CC	3

PROJECT	NO. 1000
CLIENT	AS SHOWN
DATE	NOV 2020
SCALE	AS SHOWN
PROJECT NO.	20292
DRAWING NO.	DA4.11
REVISION	3

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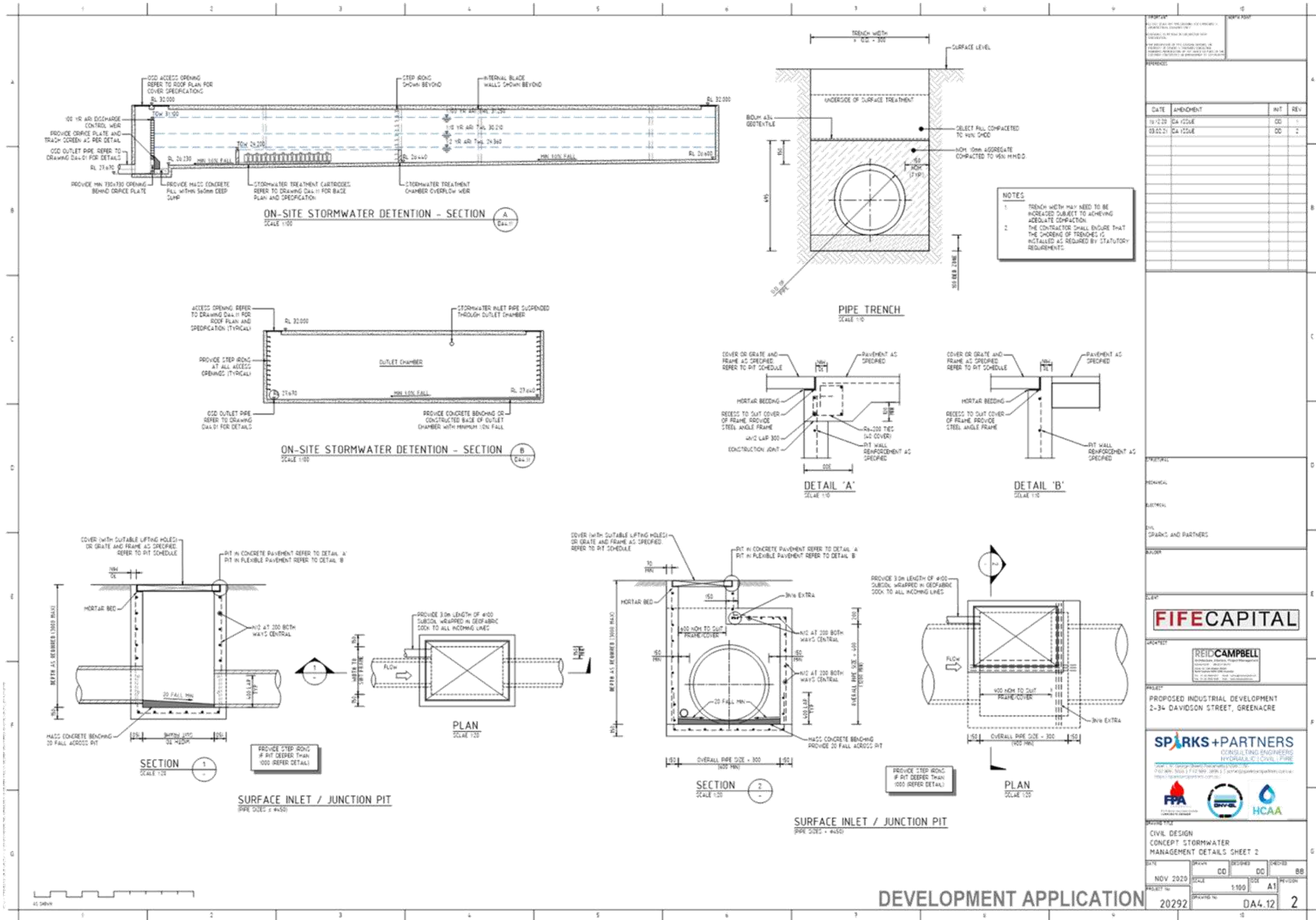
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CONSULTING ENGINEERS
HYDRAULIC/CIVIL ENGINEERS

FPA **DMW** **HCAA**

DATE	NOV 2020	SCALE	AS SHOWN	PROJECT NO.	20292
DESIGNED	CC	CHECKED	CC	DRAWING NO.	DA4.11
DESIGNED	CC	CHECKED	CC	REVISION	3

DEVELOPMENT APPLICATION





HYDRAULIC | CIVIL | FIRE

APPENDIX B. MAINTENANCE & MONITORING SCHEDULE



Job No.: 20292
 Author Name: Daniel Drewitt

Date: 3 February 2021
 Signature:

PROJECT ADDRESS: 2 – 34 Davidson Street, Greenacre

General Notes:

1. Maintenance is to be carried out with regard to relevant occupational health and safety guidelines and standards. This includes all confined space, traffic management, fall arrest and other requirements.
2. Initial monitoring and inspections of the stormwater system post commissioning are to be carried out every 3 months for the first year of operation. The amount and type of debris is to be noted and recorded. This information shall be used to determine if modification of the frequency of inspections is required.
3. The frequency of inspections shown in the stormwater maintenance schedule are the maximum periods. Inspection frequencies may be reduced upon completion of the initial monitoring and inspection program as noted in note 2.
4. Blank copies of the maintenance schedule are to be made and filled out during each subsequent inspection with the details kept on site for future reference.

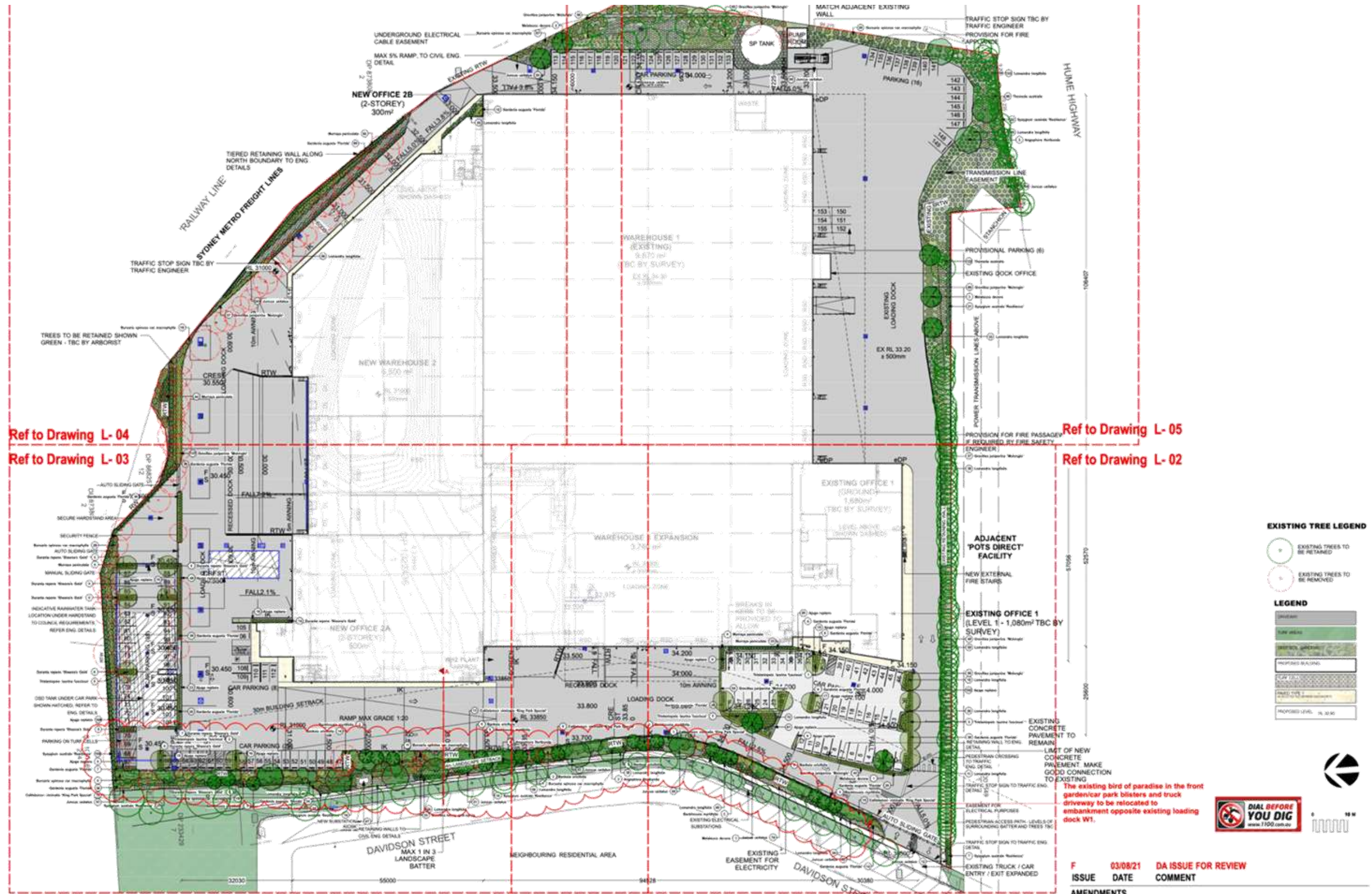
Inspected by:

Date of Inspection:

Date of Next Inspection:

Item to be Inspected	Frequency	Performed by	Inspected	Maintenance Required	Maintenance Procedure	Maintenance Completed
			Yes/No	Yes/No		Date
General						
Eaves/Box Guttering System and Downpipes	Six Monthly/ After Major Storm	Owner / Maintenance Contractor			Inspect and remove any build up of sediment, debris, litter and vegetation within gutter system.	
Stormwater surface inlet and junction pits	Four Monthly/ After Major Storm	Owner / Maintenance Contractor			Remove grate and inspect internal walls and base, repair where required. Remove any collected sediment, debris, litter and vegetation. (e.g. Vacuum/eductor truck) Inspect and ensure grate is clear of sediment, debris, litter and vegetation. Ensure flush placement of grate on refitment	
General inspection of complete stormwater drainage system (that's visible)	Bi-annually	Owner / Maintenance Contractor			Inspect all drainage structures noting any dilapidation, carry out required repairs.	

On-Site Detention Tank						
Trash Screen	Six Monthly/ After Major Storm	Owner / Maintenance Contractor			Inspect trash screen to ensure correct operation. Remove accumulated litter & debris. If device is not functioning properly repair or replace.	
Orifice Plate	Six Monthly/ After Major Storm	Owner / Maintenance Contractor			Inspect orifice plate to ensure correct operation. Check orifice diameter size is correct and no damage is present to orifice edge. Check orifice plate is securely fastened to wall with no gaps present between plate and face of wall. If gaps are present fill with sealant or mortar to provide water tight seal.	
Weep Holes in base of sump	Six Monthly/ After Major Storm	Owner / Maintenance Contractor			Inspect weep holes in base of sump. Ensure weep holes are able to drain effectively and remove accumulated sediment and debris if present.	
Tank and tank roof	6 Monthly	Owner / Maintenance Contractor			Check structural integrity of tank including roof and access covers. Any dilapidation including holes or gaps are to be noted and repaired.	
Rainwater Tank						
First Flush Pit	6 Monthly	Owner / Maintenance Contractor			Inspect first flush Pit to ensure correct operation. Remove accumulated litter & debris.	
Internal Inspection	6 Monthly	Owner / Maintenance Contractor			Check for evidence of access by animals, birds or insects including the presence of mosquito larvae. If present, identify access point and close. If evidence of algal growth, find and close points of light entry.	
Tank and tank roof	6 Monthly	Owner / Maintenance Contractor			Check structural integrity of tank including roof and access covers. Any dilapidation including holes or gaps are to be noted and repaired.	
Pit Baskets						
Ocean Protect 'Ocean Guard'	Refer Manufactures Manual	Maintenance / Specialised Contractor			Refer to manufacturers operation and maintenance manual.	
Storm Filter Cartridges						
Stormfilter Cartridges	Refer Manufactures Manual	Maintenance / Specialised Contractor			Refer to manufacturers operation and maintenance manual.	



Ref to Drawing L-04
Ref to Drawing L-03

Ref to Drawing L-05
Ref to Drawing L-02

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED

LEGEND

- EXISTING CONCRETE PAVEMENT TO REMAIN
- PROPOSED PAVING
- EXISTING CONCRETE PAVEMENT TO REMAIN
- PROPOSED PAVING
- PROPOSED LEVEL: RL 30.30



The existing bird of paradise in the front garden/car park blisters and truck driveway to be relocated to embankment opposite existing loading dock W1.

ISSUE	DATE	COMMENT
F	03/08/21	DA ISSUE FOR REVIEW

AMENDMENTS

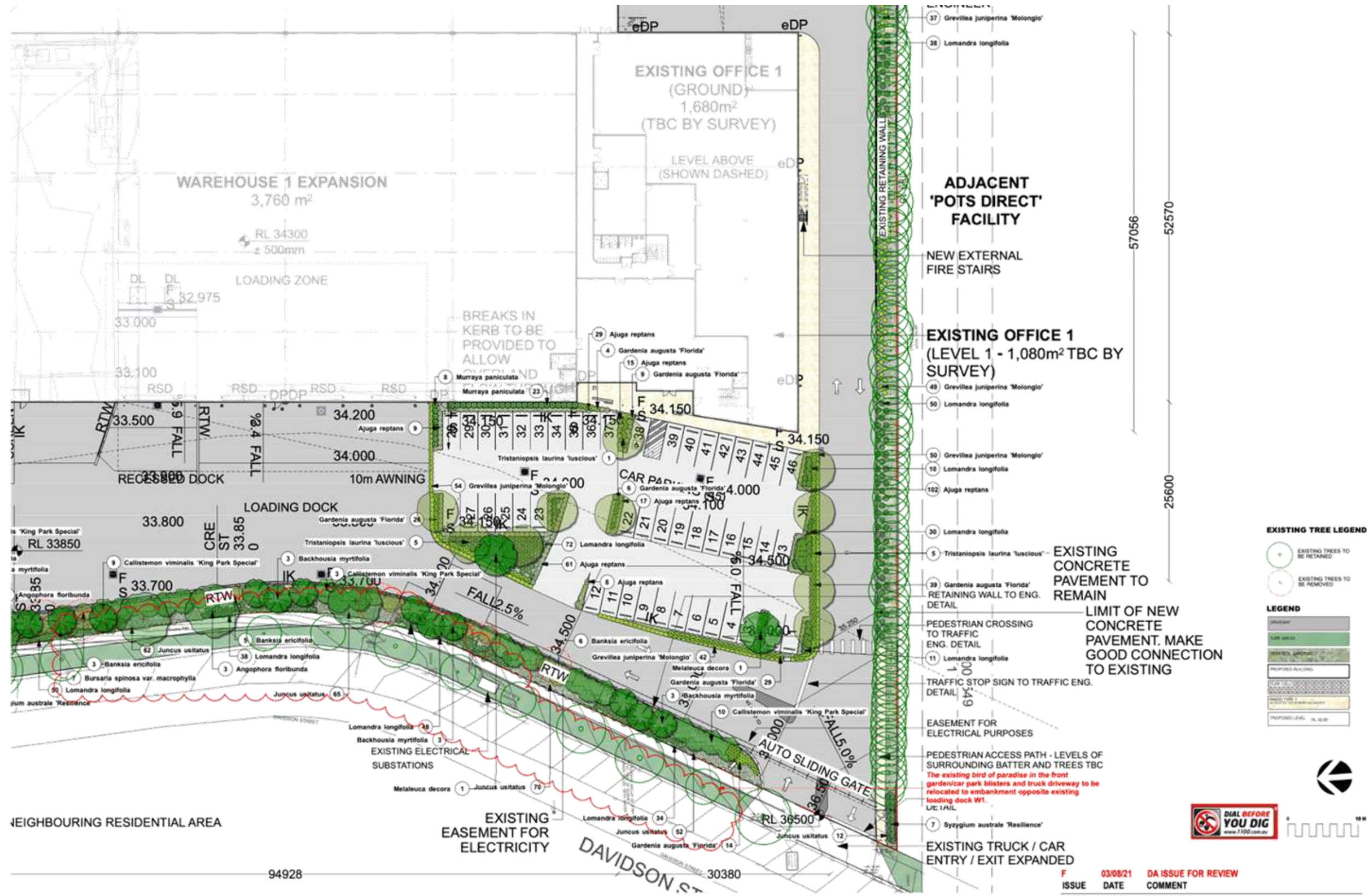
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Project	PROPOSED INDUSTRIAL DEVELOPMENT	Date	03/08/2021
Address	DAVIDSON ST, GREENACRE, NSW	Scale	1:500@A1
Drawing Title	LANDSCAPE PLAN	Drawing No.	1337

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EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED

LEGEND

- EXISTING CONCRETE PAVEMENT TO REMAIN
- LIMIT OF NEW CONCRETE PAVEMENT. MAKE GOOD CONNECTION TO EXISTING
- PEDESTRIAN CROSSING TO TRAFFIC ENG. DETAIL
- TRAFFIC STOP SIGN TO TRAFFIC ENG. DETAIL
- EASEMENT FOR ELECTRICAL PURPOSES
- PEDESTRIAN ACCESS PATH - LEVELS OF SURROUNDING BATTER AND TREES TBC
- EXISTING TRUCK / CAR ENTRY / EXIT EXPANDED

ISSUE	DATE	COMMENT
F	03/08/21	DA ISSUE FOR REVIEW

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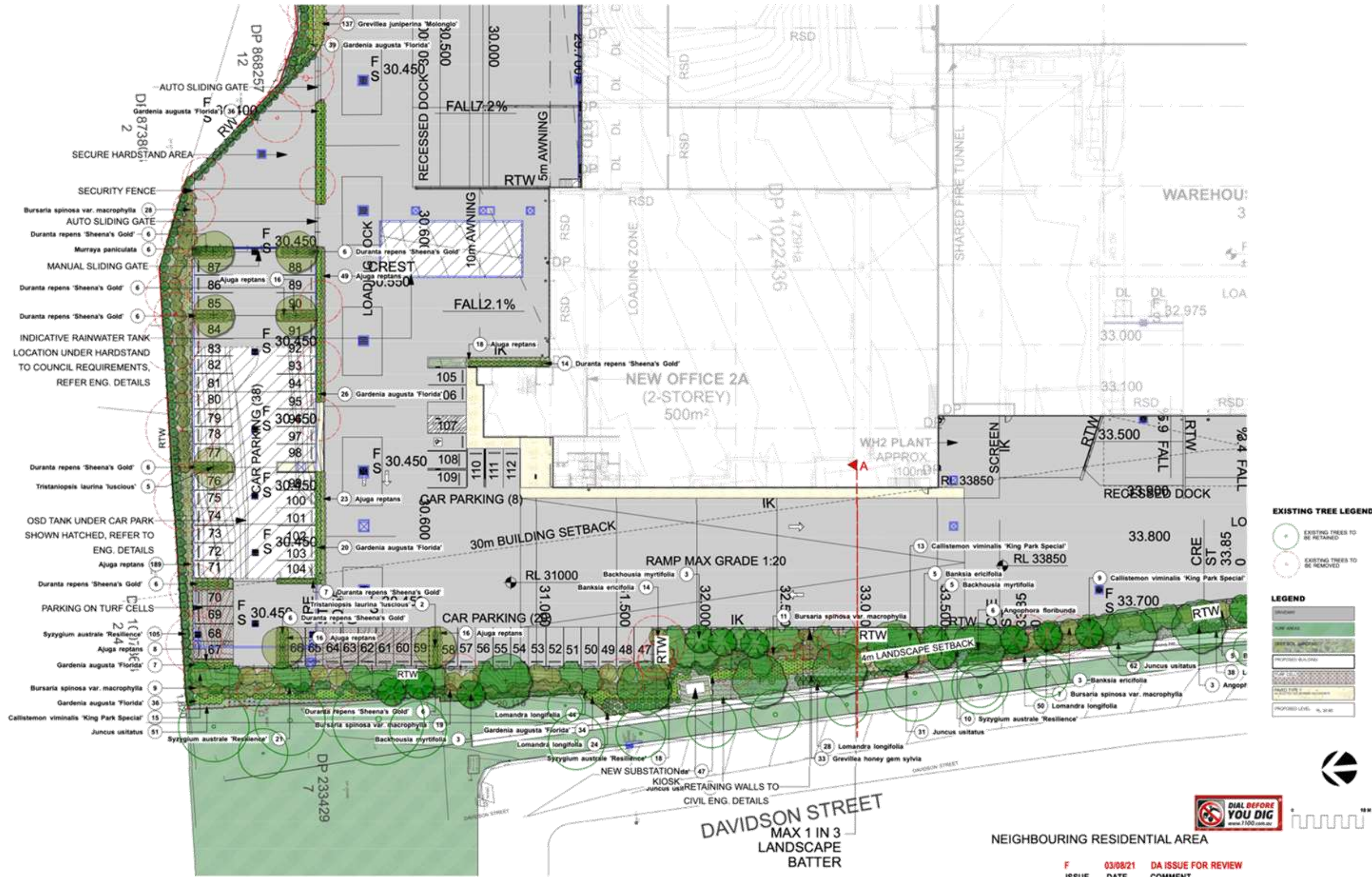
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Project	PROPOSED INDUSTRIAL DEVELOPMENT
Address	DAVIDSON ST, GREENACRE, NSW
Drawing Title	DETAIL PLAN 1
Date	03/08/2021
Scale	1:250@A1
Drawing No.	1337

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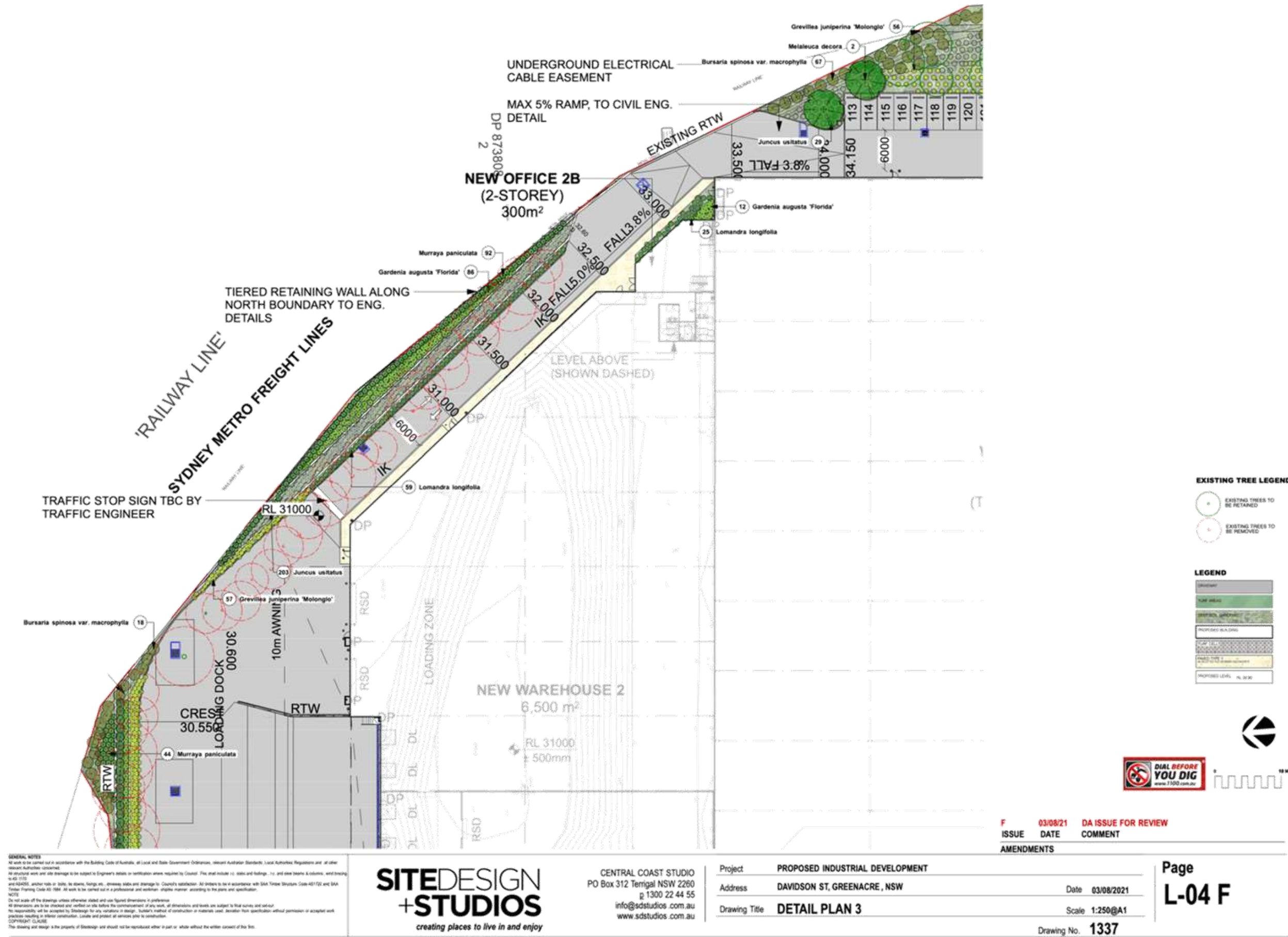
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Address	DAVIDSON ST, GREENACRE, NSW	
Drawing Title	DETAIL PLAN 2	
Date	03/08/2021	
Scale	1:250@A1	
Drawing No.	1337	

F	03/08/21	DA ISSUE FOR REVIEW
ISSUE	DATE	COMMENT
AMENDMENTS		

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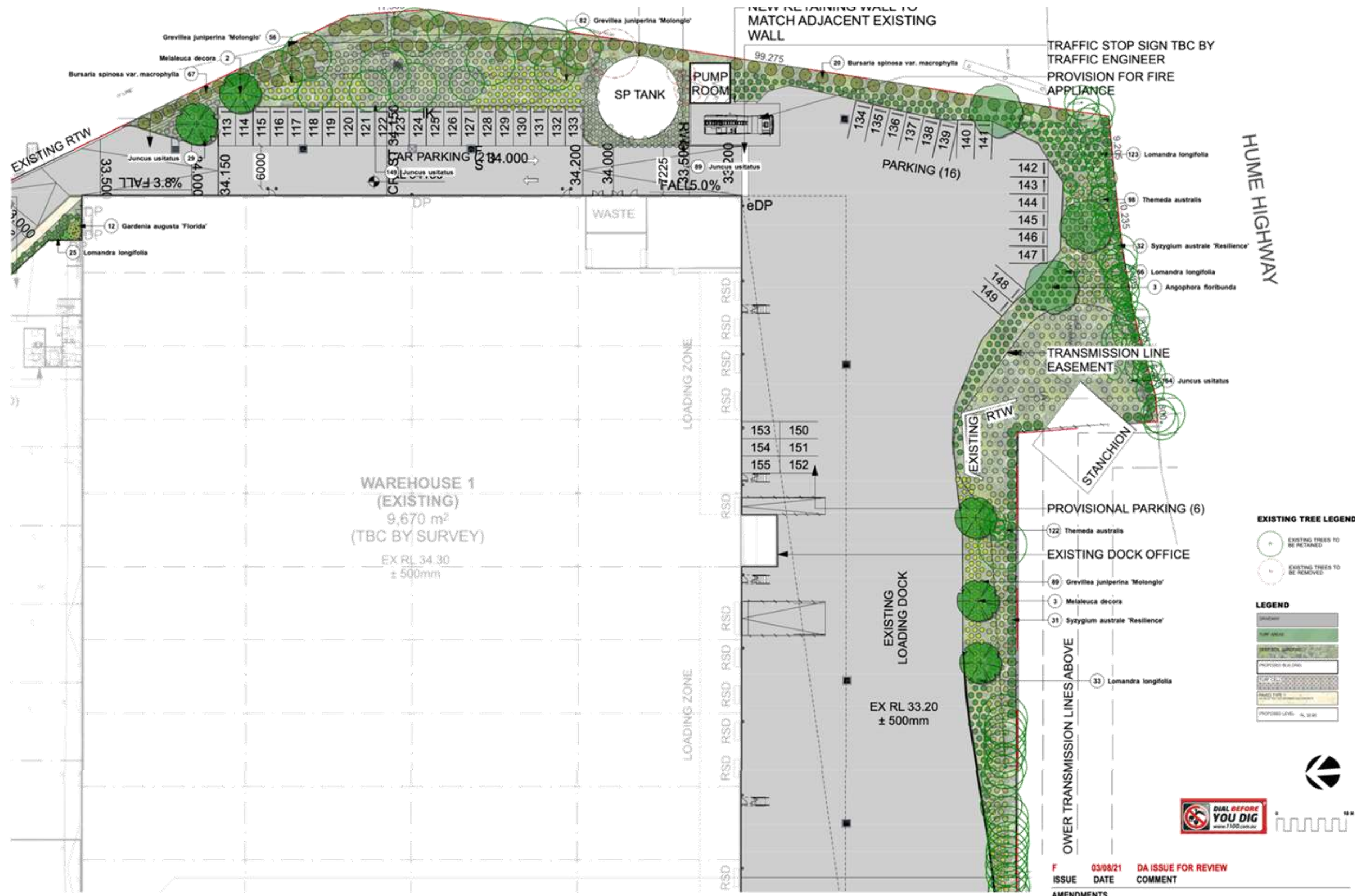
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 All structural work and site drainage to be subject to Engineer's details or verification where required by Council. This shall include all slabs and footings, 1:1 and steel beams & columns, and bracing as per AS 1758 and AS 4575, unless noted or voids, fixings, etc. unless noted and drainage to Council's satisfaction. All orders to be in accordance with SAA Timber Structures Code AS1752 and SAA Timber Framing Code AS 1880. All work to be carried out in a professional and workable manner, according to the plans and specifications.
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Project **PROPOSED INDUSTRIAL DEVELOPMENT**
 Address **DAVIDSON ST, GREENACRE, NSW** Date **03/08/2021**
 Drawing Title **DETAIL PLAN 3** Scale **1:250@A1**
 Drawing No. **1337**

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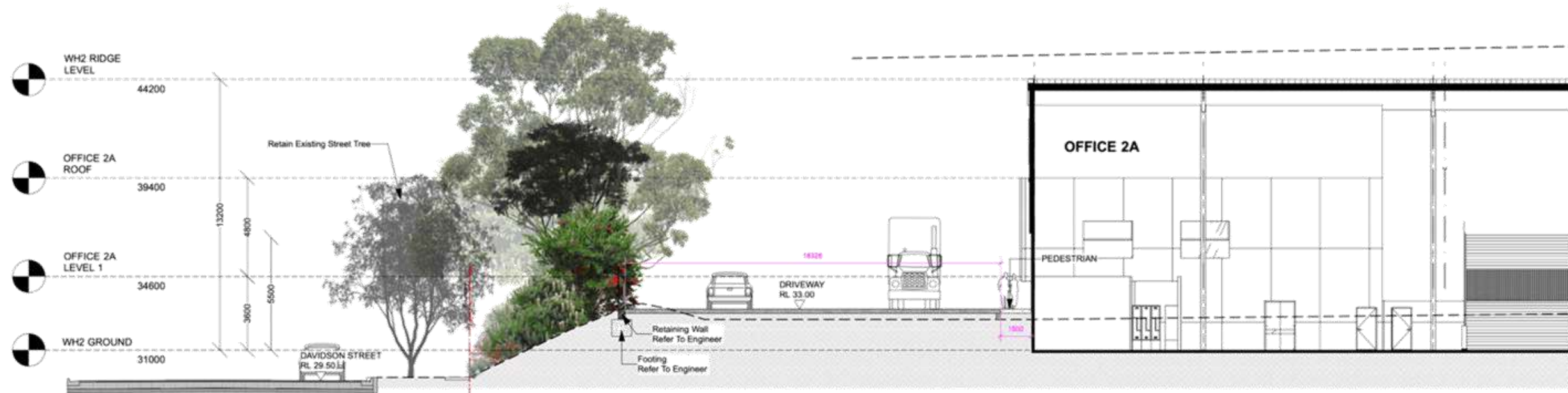
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 All structural work and site drainage to be subject to Engineer's advice or verification where required by Council. This shall include 1:10 slab and footing, 1:10 and steel beams & columns, wind loading to AS 1720 and AS 4055, anchor bolts or rods, tie beams, bracing etc., stresses, loads and drainage to Council's satisfaction. All orders to be in accordance with SAA Timber Structures Code AS1720 and SAA Timber Framing Code AS 1845. All work to be carried out in a professional and workmanlike manner, according to the plans and specifications.
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 Address: DAVIDSON ST, GREENACRE, NSW
 Date: 03/08/2021
 Drawing Title: DETAIL PLAN 4
 Scale: 1:250@A1
 Drawing No. 1337

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1 SECTION A
Scale: 1:100

GENERAL NOTES
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 All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include: (i) slabs and footings, (ii) and steel beams & columns, steel bracing, (iii) AS 1758 and AS 1759, and/or walls or posts, for slabs, beams, etc., stresses, deflections, drainage to Council's satisfaction. All orders to be in accordance with SNA Timber Structure Code AS1721 and SNA Timber Framing Code AS 1684. All work to be carried out in a professional and workmanlike manner, according to the plans and specifications.
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Project **PROPOSED INDUSTRIAL DEVELOPMENT**
 Address **DAVIDSON ST, GREENACRE, NSW**
 Drawing Title **SECTION A**

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AMENDMENTS

Date **03/08/2021**
 Scale **N.T.S@A1**
 Drawing No. **1337**

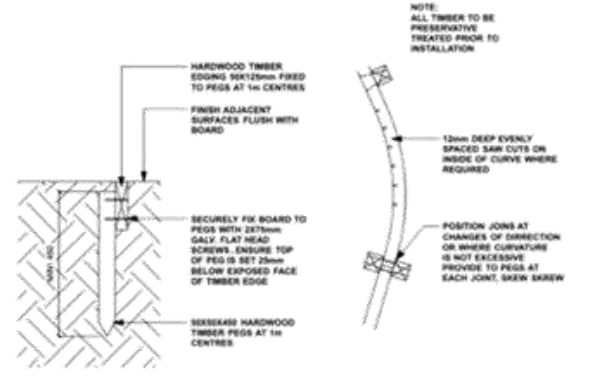
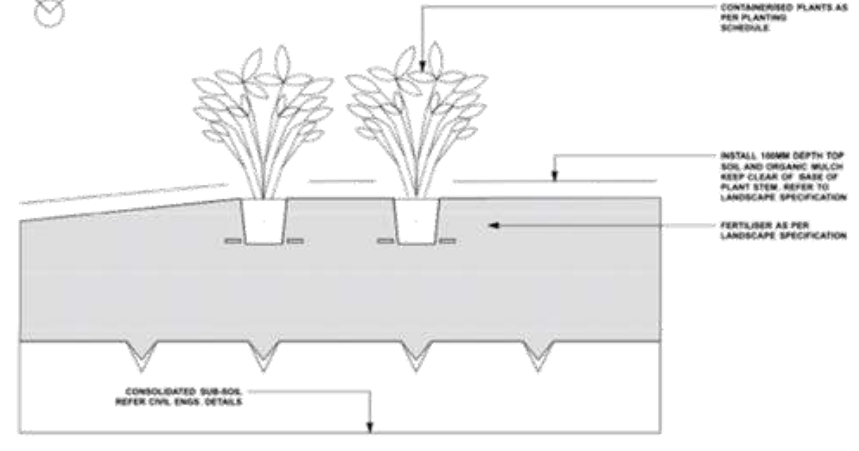
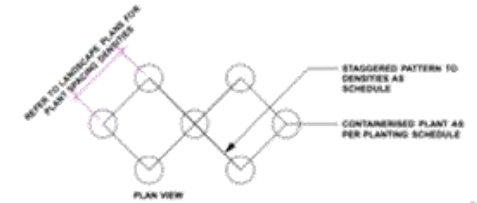
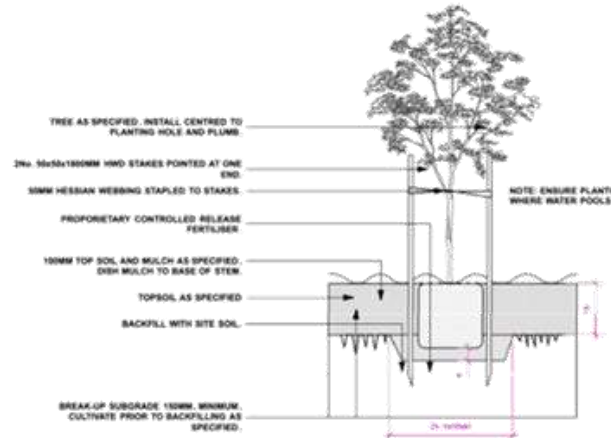
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ID	Qty	Common Name	Botanical Name	Scheduled Size	Mature Height	Mature Spread
Trees						
AF	12	Rough-barked Apple	Angophora floribunda	45L	10 - 15m	6 - 10m
Bac-my	20	Grey Myrtle	Backhousia myrtifolia	45L	8m	4m
cal-vmkp	50	Weeping Bottlebrush	Callistemon viminalis 'King Park Special'	45L	3 - 5m	3.5 - 6m
ML	7	White Feather Honeymyrtle	Metastelma decora	45L	5 - 10m	6 - 10m
TLaur-us	18	Kanooka Water Gum	Tristanopsis laurina 'fuscous'	45L	5 - 10m	3.5 - 6m
Shrubs						
Ban-er	33	Heath-leaved Banksia	Banksia ericifolia	200mm	3 - 5m	3.5 - 6m
bur-api	179	Sweet Bursaria	Bursaria spinosa var. macrophylla	150mm	3 - 5m	2.0 - 3.5m
dur-re'g	89	Sheena's Gold	Duranta repens 'Sheena's Gold'	150mm	0.8 - 2m	1m
Gar-aug-8	470	Gardenia	Gardenia augusta 'Florida'	150mm	1m	1m
gre-ho	33	Grevillea Honey Barbara	Grevillea honey gem sylvia	200mm	1 - 2m	1m
Gre-jun'Mo'	653	Grevillea molonglo	Grevillea juniperina 'Molonglo'	150mm	0.0 - 1 m	2 m
Mur-pan	173	Orange Jessamine	Murraya paniculata	150mm	1.5 - 3m	3.5 - 6m
lily-a'ne'	224	Lilly Pilly	Syzygium australe 'Resilience'	150mm	1 - 2.5m	1.5m
Ground Covers						
Aju-rep	576	Bugle, Wild Mint	Ajuga reptans	100mm	0.0 - 0.3m	0.6 - 0.9m
Grasses						
Jun-us	1048	Tussock grass	Juncus subulatus	Tubestock	1m	0.8m
Lom-ran	783	Spiny-headed Mat-Rush	Lomandra longifolia	Tubestock	0.6m	1.0m
Th-aus	220	Kangaroo Grass	Themeda australis	Tubestock	0.9 - 1.9m	0.3 - 0.6m
Total	4568					

LANDSCAPE MAINTENANCE NOTES

MONTH	MOONING (MOWING)	FERTILIZING (FERT)	CHECK (CHK)	WEED (WEED)	PRUNING (PRUN)	REPLACEMENT (REPL)	PLANT REPLACEMENT (PLANT)
JAN	W	M	M	W	F	M	D
FEB	W	M	M	W	F	M	D
MAR	W	M	M	W	F	M	D
APR	F	M	M	F	M	M	D
MAY	F	N/A	M	F	M	M	D
JUN	F	N/A	M	M	M	M	D
JUL	M	N/A	M	M	N/A	N/A	2ND D
AUG	M	N/A	M	M	N/A	N/A	2ND D
SEP	M	N/A	M	M	N/A	N/A	2ND D
OCT	M	N/A	M	M	N/A	N/A	2ND D
NOV	M	M	M	M	N/A	N/A	2ND D
DEC	F	F	M	F	M	M	D
JAN	F	F	M	F	M	M	D



MAINTENANCE GENERAL NOTES

SECTION C: LANDSCAPE MAINTENANCE SPECIFICATION 1.0 SCOPE

1.1 PERIOD
The 52 week Planting Establishment Period commences at the date of registration of the respective plan. The contractor is to also allow for maintenance from the date of Practical Completion to the start date of the 52 week Planting Establishment Period. The allowance shall be for a weekly rate which will then be implemented until the formal maintenance period commences.

1.2 PROGRAM
Furnish a proposed planting maintenance program with the tender.

1.3 MAINTENANCE LOGBOOK
Contractor to keep a maintenance record of works carried out on a monthly basis. Log should include but not limited to: - Activities carried out during each attendance; - Irregularities encountered and actions taken; - Maintenance payments will be evaluated on submission of monthly logbooks.

1.4 RECURRENT WORKS
Throughout the Planting Establishment Period, continue to carry out recurrent works of a maintenance nature including, but not limited to, watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, staking and tying, replanting, cultivating, pruning and keeping the site neat and tidy. All rubbish related to landscape works shall be removed by the landscape contractor before it is allowed to accumulate.

1.5 PLANTING
Commence recurrent planting maintenance works at the completion of planting. Ensure the stock arriving on site is protected and maintained for healthy growth.

1.6 REPLACEMENTS
Continue to replace failed, damaged or stolen plants for the extent of the Planting Establishment Period.

1.7 MULCHED SURFACES
Maintain the surface in a clean and tidy condition and reinstale the mulch to be standard hard wood chip as necessary.

1.8 GRASSED AREAS
Commence grass maintenance works at the completion of furling, and continue to carry out grass maintenance throughout the contract and Planting Establishment Period, maintaining healthy weed free growth.

1.9 STAKES AND TIES
Adjust or replace as required. Remove those not required at the end of the Planting Establishment Period.

1.10 WATERING/ IRRIGATION
An irrigation system is to be installed to all mass planted beds and new tree planting, connected to a pump and the rainwater tank /OSD tank. Install one tap near the front boundary (Wurrook Circuit) and one tap on the rear (eastern) boundary. This system shall be installed and maintained for the duration of the maintenance period (52 weeks) and in perpetuity of the development. All irrigation works shall be performed by a licensed irrigation contractor. Materials to be used are to be submitted to the site superintendent for approval. The contractor shall provide design drawings and material specifications/samples prior to commencing work. All works are to be conducted to all current and relevant Australian Standards. The contractor is to be completely responsible for the coordination of the installation of the irrigation system with other services throughout the site. Recommended flow rates. The system shall be set up on a trial basis and then adjusted to suit the local requirements and conditions. Once the system is satisfactorily adjusted the contractor shall make fortnightly visits within the establishment period to ensure satisfactory performance of the system and to adjust the watering periods as required. A minimum even coverage of 25mm of water per week is recommended.

2.0 REPORTS

2.1 LANDSCAPE MAINTENANCE REPORT
Landscape Maintenance Reports shall be submitted to the Principle Certifying Authority by the contractor verifying that satisfactory maintenance of the landscape works has been undertaken and that any necessary rectification measures have been carried out to a high professional standard. This documentation is to be submitted through the plant establishment period.

F	03/08/21	DA ISSUE FOR REVIEW
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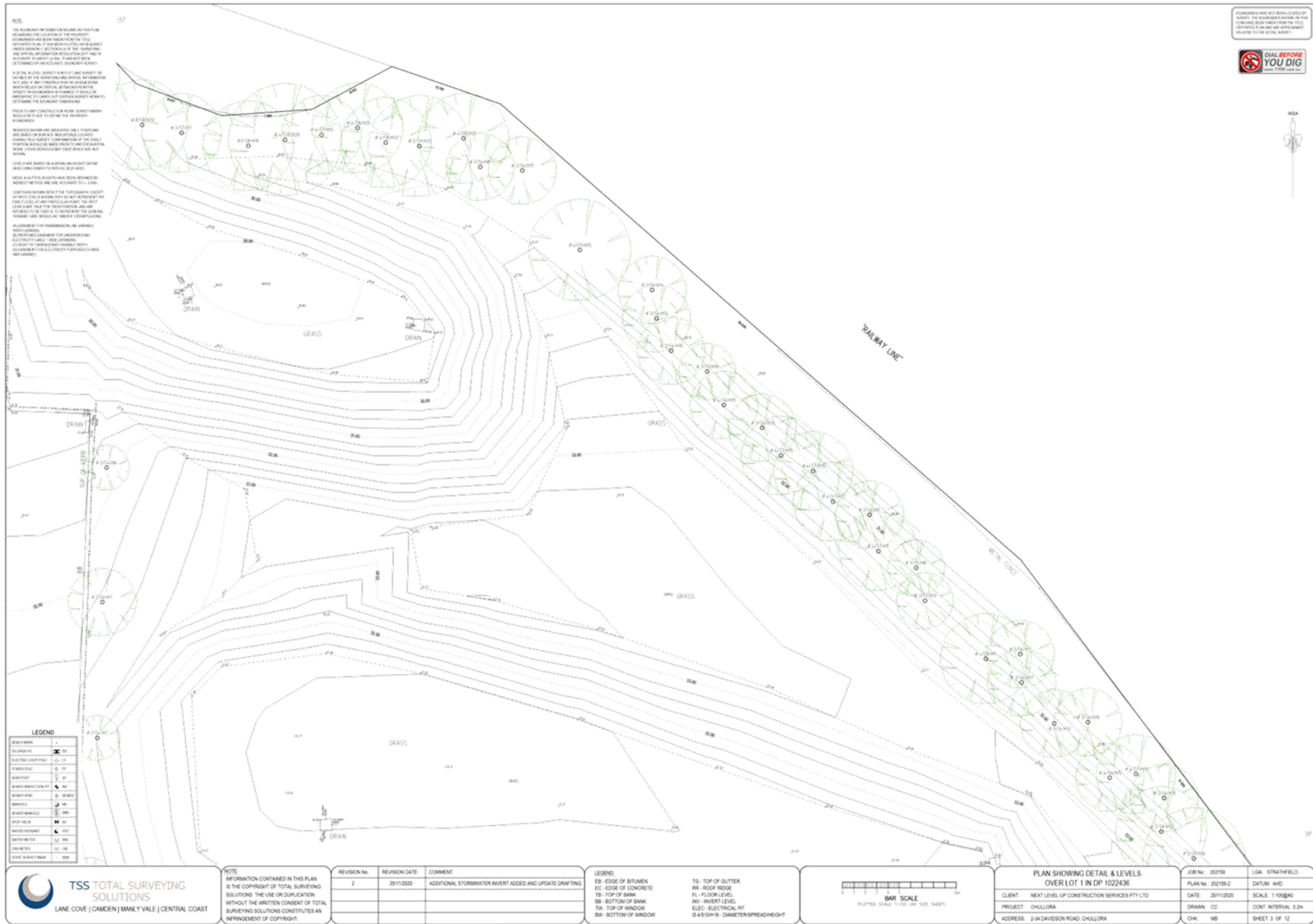
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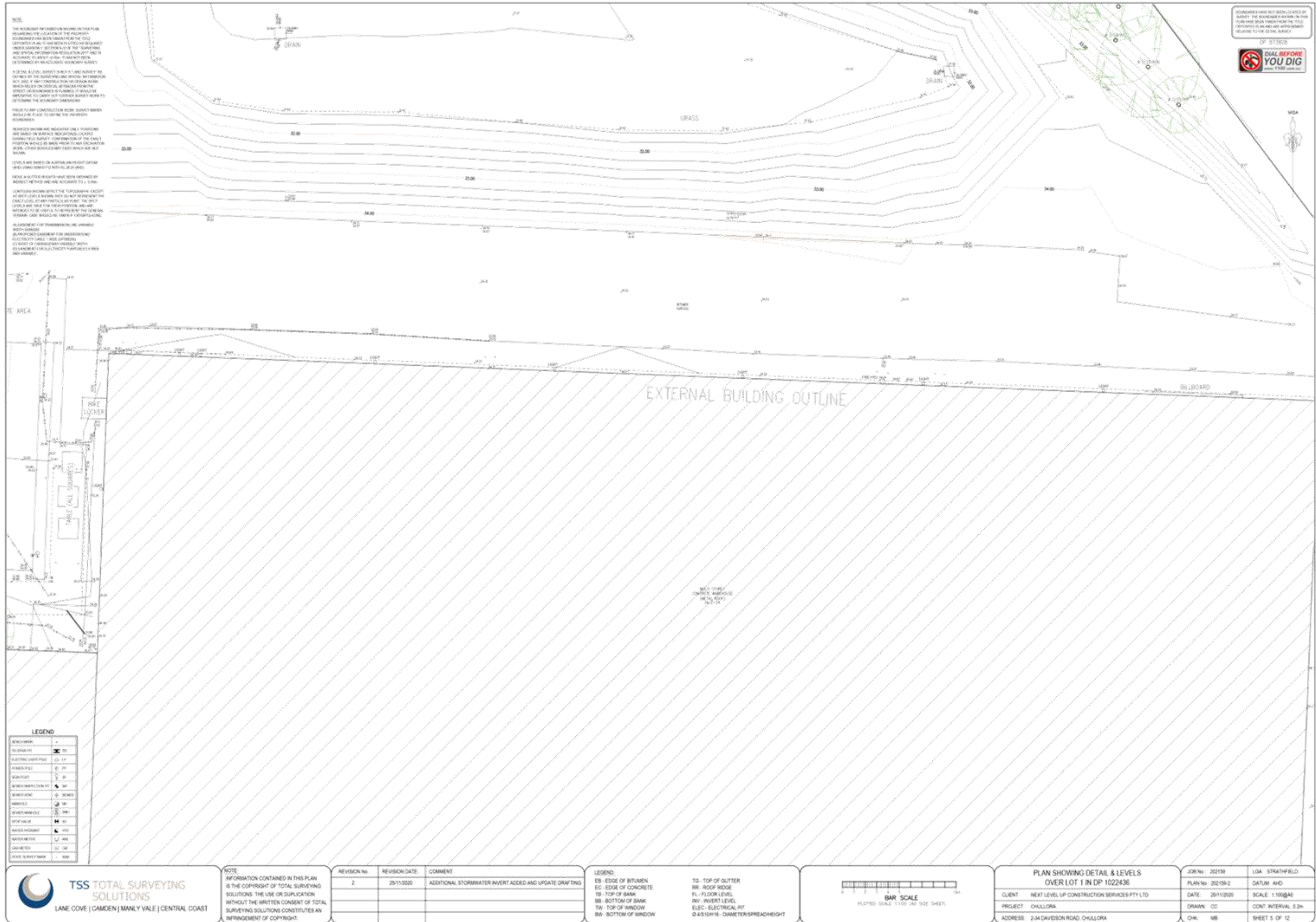
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Address	DAVIDSON ST, GREENACRE, NSW
Drawing Title	PLANTING DETAILS
Date	03/08/2021
Scale	N.T.S@A1
Drawing No.	1337

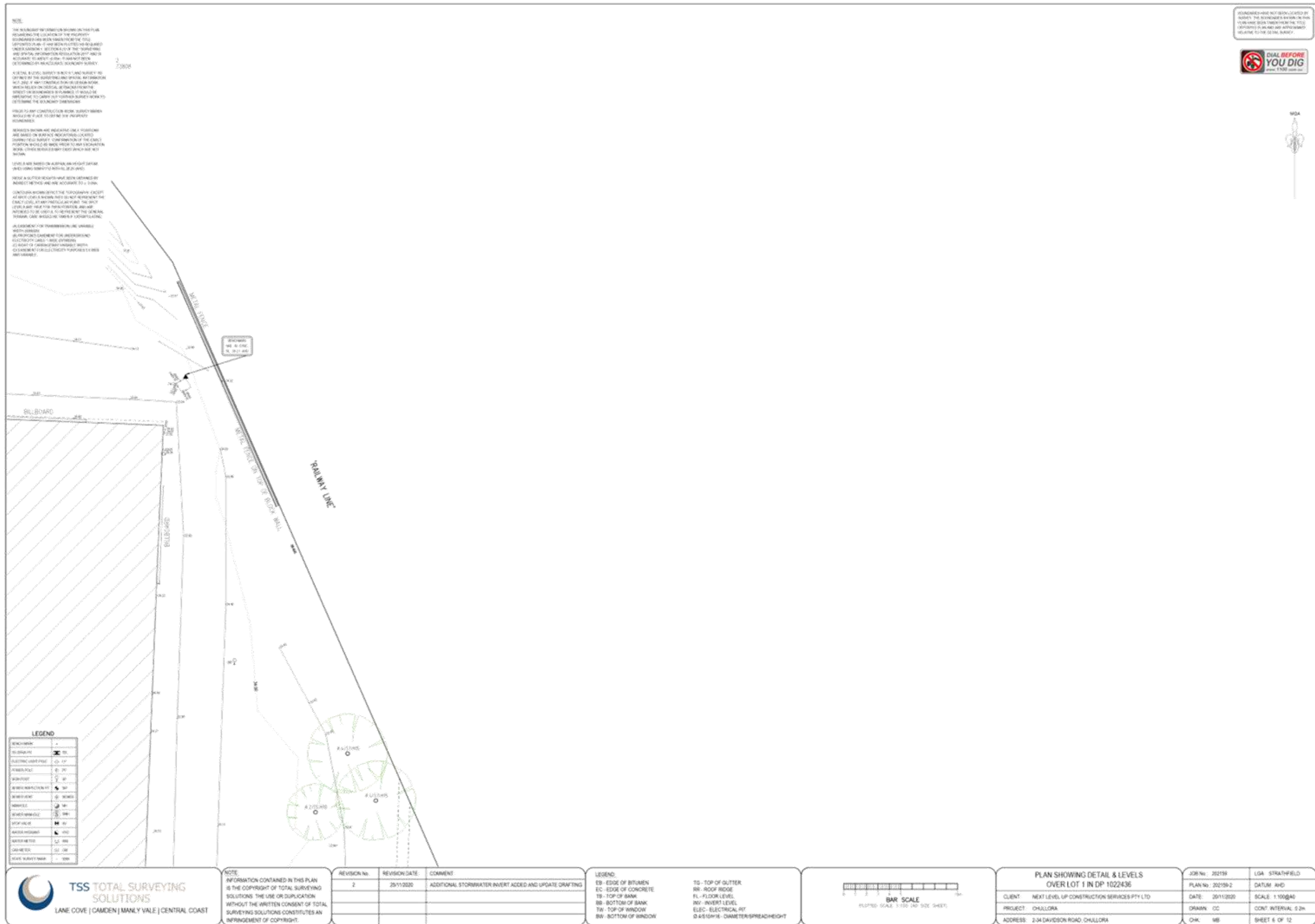
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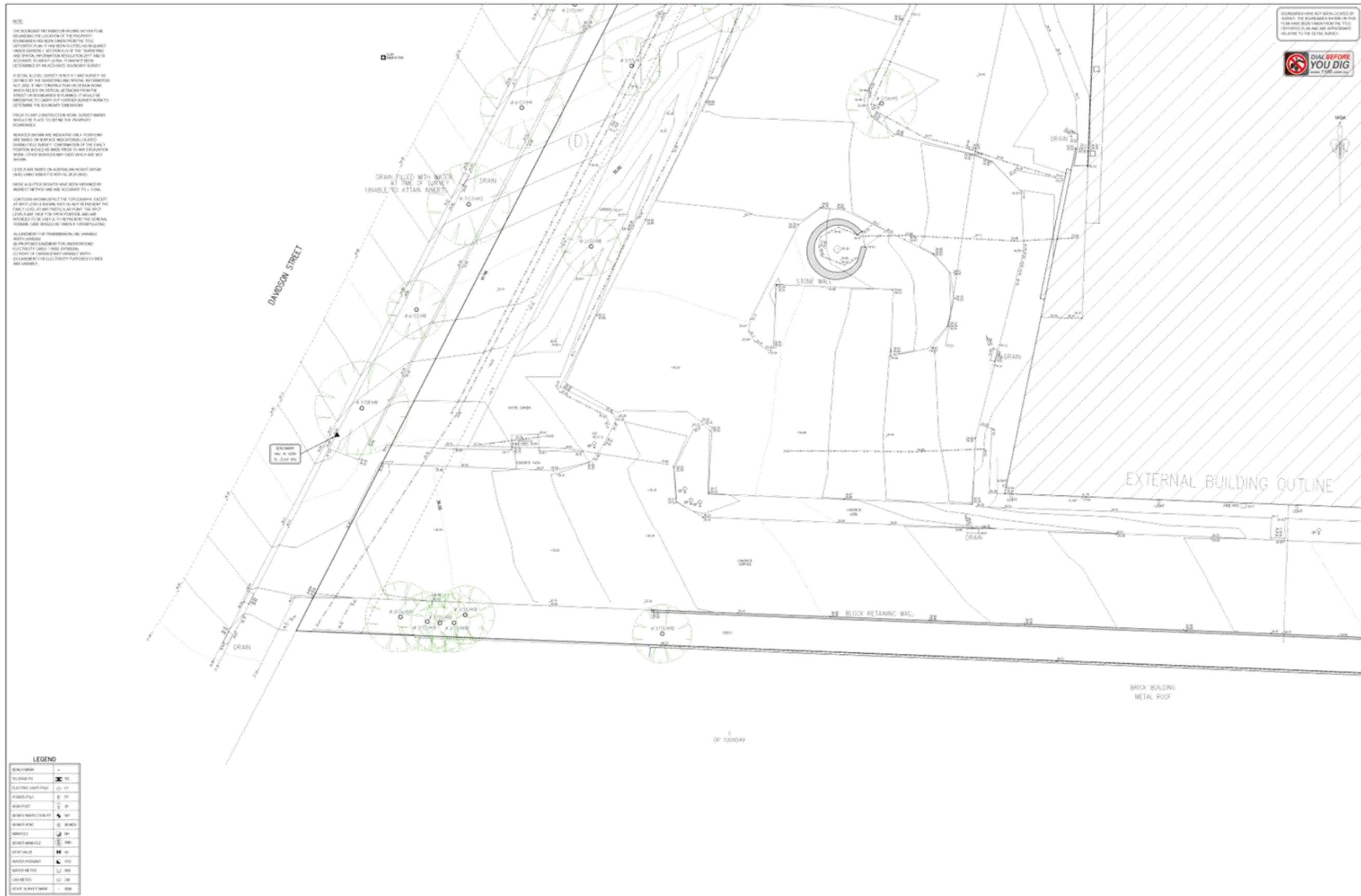
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		REVISION No.	REVISION DATE	COMMENT									
2	25/11/2020	ADDITIONAL STORMWATER INVERT ADDED AND UPDATE DRAFTING											
<p> CLIENT: NEXT LEVEL UP CONSTRUCTION SERVICES PTY LTD PROJECT: CHALLORA ADDRESS: 2/34 DAVIDSON ROAD, CHALLORA </p>													



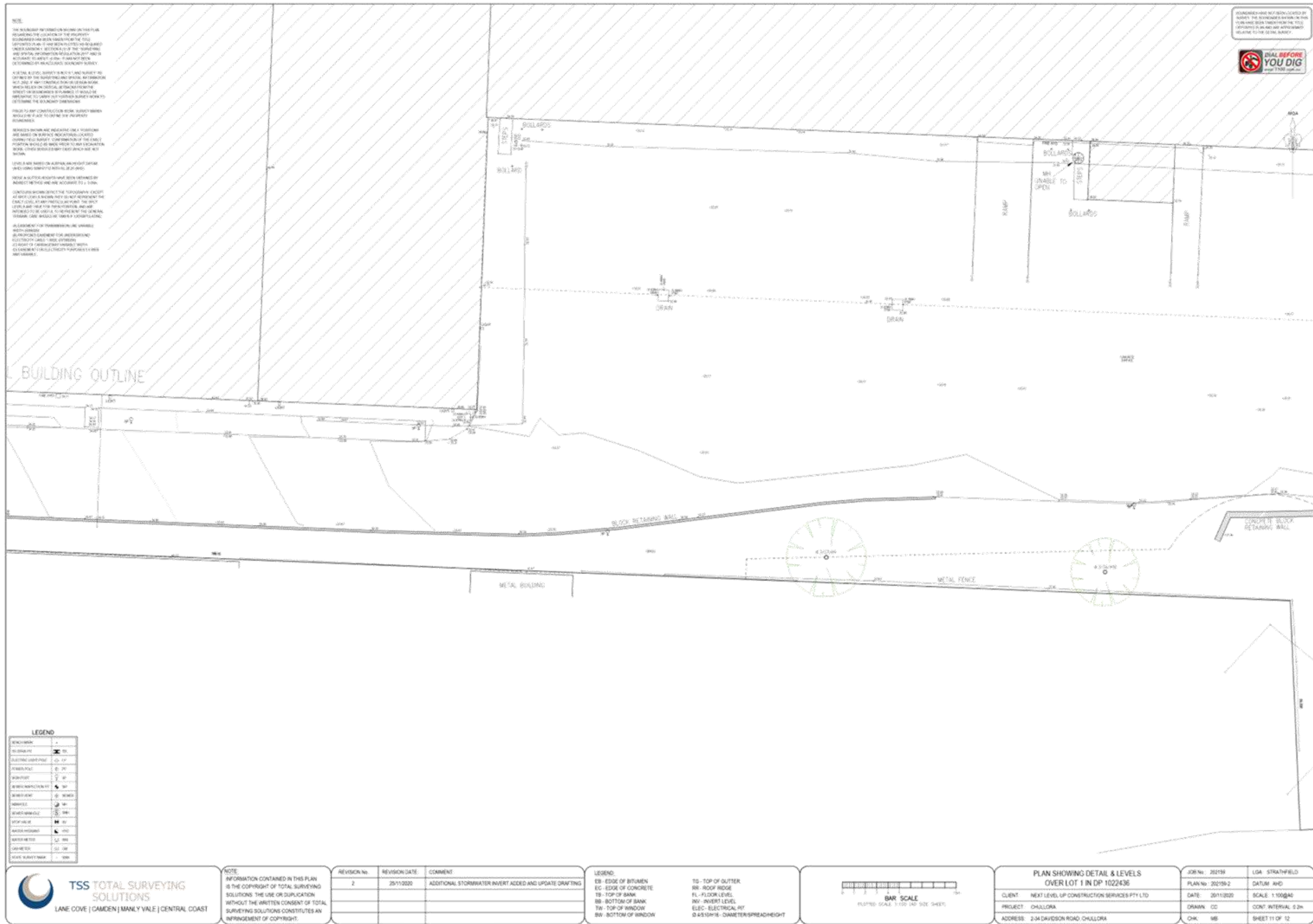


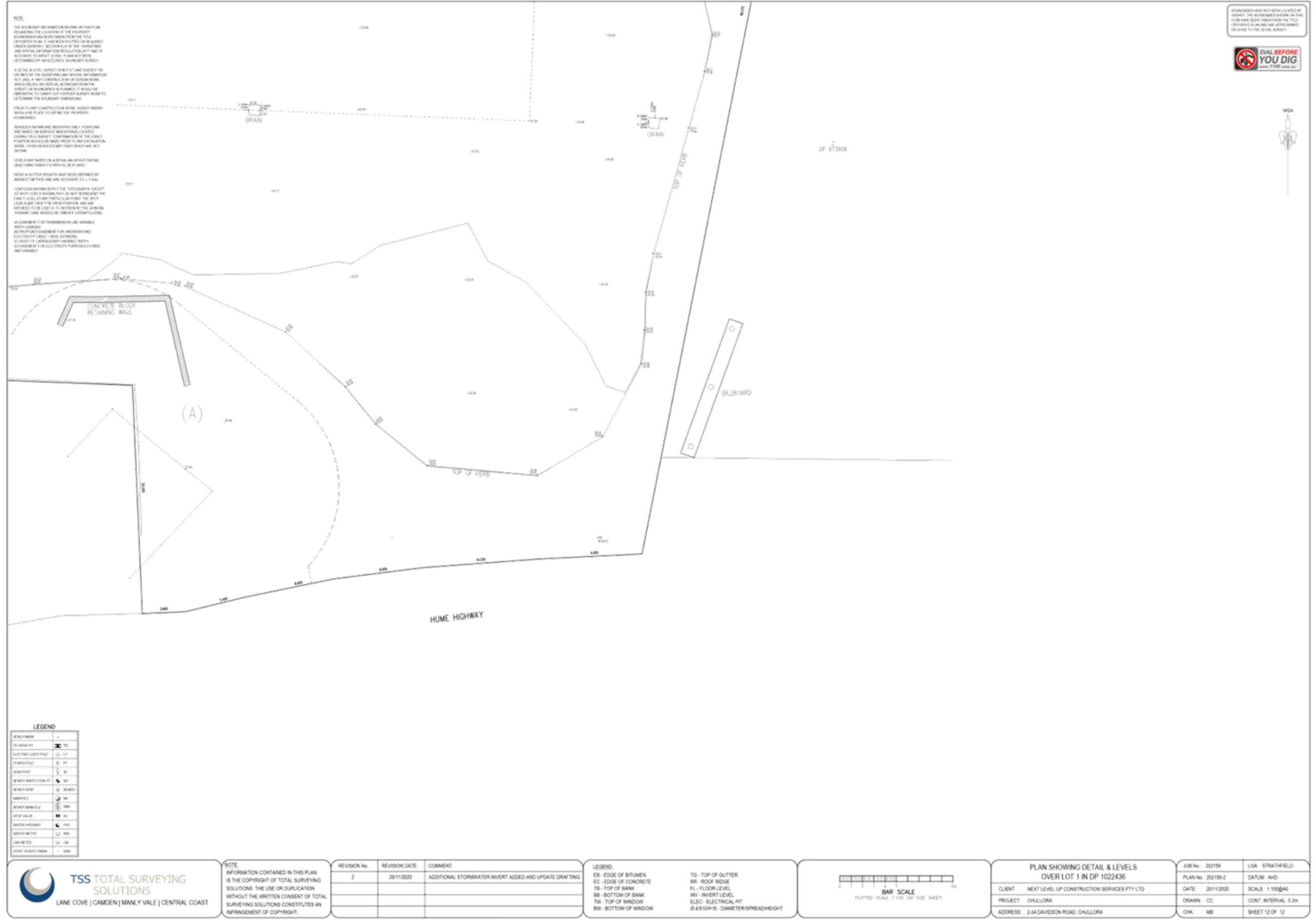






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LEGEND	
BENCHMARK	BM
TO BENCHM	SB
ELECTRIC MASTHEAD	EM
POWER POLE	PP
ROADSIDE SIGN	RS
BENCH MARK COLUMN	BC
BENCH MARK	BM
MARKER	MA
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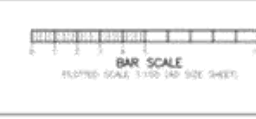
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REVISION No	REVISION DATE	COMMENT
2	26/11/2020	ADDITIONAL STORMWATER INVERT ADDED AND UPDATE DRAFTING

LEGEND	
EB - EDGE OF BITUMEN	
EC - EDGE OF CONCRETE	
TS - TOP OF BANK	
BS - BOTTOM OF BANK	
TR - TOP OF WINDOW	
BR - BOTTOM OF WINDOW	

TO - TOP OF OUTER
RR - ROOF RIDGE
FL - FLOOR LEVEL
IN - INVERT LEVEL
ELEC - ELECTRICAL PIT
DASH - DASH DIAMETER/SREADHEIGHT



PLAN SHOWING DETAIL & LEVELS OVER LOT 1 IN DP 1022436

CLIENT: NEXT LEVEL UP CONSTRUCTION SERVICES PTY LTD
PROJECT: CHALLORA
ADDRESS: 2/24 DAVIDSON ROAD, CHALLORA

JOB No: 262196	LGA: STRATHFIELD
PLAN No: 202159-2	DATUM: AHD
DATE: 26/11/2020	SCALE: 1:100@A4
DRAWN: CC	CONT. INTERVAL: 0.2m
CHK: MB	SHEET 12 OF 12

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 40
SUBJECT: DA2020/240 - ADDENDUM REPORT - 2-4 PARRAMATTA ROAD, HOMEBUSH - LOTS A AND B DP 171468 AND LOT 1 DP 124584
DA NO. DA2020/240

SUMMARY

Proposal:	Consolidation of three (3) allotments and subdivision into two (2) lots with alterations and additions to the existing storage premises including office and storage space on proposed Lot A.
Applicant:	Kennards Self Storage Pty Ltd
Owner:	Kennards Self Storage Pty Ltd
Date of lodgement:	11 January 2021
Notification period:	27 January to 15 February 2021
Submissions received:	Nil
Assessment officer:	M Rivera
Estimated cost of works:	\$8,179,187.00
Zoning:	B4 – Mixed Use zone – SLEP 2012 R4 – High Density Residential zone – SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	Yes CI 4.3 – maximum building height – 40% or 8.8m CI 4.4 – floor space ratio – 74.9% or 6,688.9m ²
Extent of the variation supported?	Not supported.
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

BACKGROUND

On 7 October 2021, the subject application was included as a matter for determination by the Strathfield Local Planning Panel (SLPP). The application was deferred by the SLPP at the request of the applicant so that discussions can take place with Council.

This Addendum Report addresses the matter raised by the SLPP that resulted in the application being deferred on 7 October 2021. The following resolution was provided by SLPP:

"This application be deferred so that discussions can take place between the applicant and the council."

DA2020/240 - ADDENDUM REPORT - 2-4 Parramatta Road, Homebush - Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)

To assist in providing further background to this application and to assist the SLPP in their determination, a copy of the report presented to the SLPP on 7 October 2021 has been included as an attachment to this report.

FURTHER DISCUSSIONS WITH APPLICANT AND COUNCIL

On 12 November 2021, a meeting was held at Council premises between Council's assessment officer and the applicant's team. The following points of discussion were made at the meeting:

1. There is disagreement between parties on the following matters:
 - a. Which development standards relating to maximum building height and maximum floor space ratio (FSR) under the Strathfield Local Environmental Plan 2012 (SLEP 2012) are applied to the site, whether they are Clauses 4.3 and 4.4 or Clauses 4.3A and 4.4A, which provide exceptions to these standards in the Parramatta Road Corridor;
 - b. The application of key site provisions under Clause 6.9 of the SLEP 2012;
2. Collaboration between parties including provision of external legal advice to the applicant to confirm Council's decision;
3. The timings of providing confirmation with applicant regarding opportunities to collaborate; and
4. Additional information required to proceed with a more favorable development outcome.

During the meeting Council mentioned that it is evident that the fundamental issue that remains critical and must be resolved is the agreement/determination of the appropriate development standards to the site and whether or not the key site provisions apply with regard to the proposal.

Council mentioned that it had sought its own external legal advice and this advice provided the basis for the recommendation in the previous SLPP report (7 October 2021). It is noted that the advice was not replicated in the report, however, it was mentioned in parts.

During the meeting the applicant's team asked what information is required and whether the supplied information (to date) was satisfactory. Council mentioned that further information will be required including design amendments; however, without resolving Item 1 – no further information will be required or be of any benefit. The resolution of Item 1 and any outcomes from its resolution will essentially drive the possible re-design, amendments and additional information required for the application.

Council advised the applicant that the next steps would be for the assessment officer to discuss the above matters with Council's Deputy CEO and General Manager – Planning, Environment and Urban Services, and the Executive Manager – Land Use Planning, to confirm that legal advice can be supplied to the applicant team and if collaborative discussions and meetings with Council and applicant and respective legal teams can be undertaken.

On 16 November 2021 the applicant provided legal advice to Council confirming their position on the key site provisions and the application of these in relation to the proposed development.

On 22 November 2021, Council's assessment officer advised the applicant's team that it was not appropriate to provide any legal advice on the matter due to the confidentiality of this advice and that the application will be determined on the information at hand. It is evident from the current

DA2020/240 - ADDENDUM REPORT - 2-4 Parramatta Road, Homebush - Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)

information that Item 1 cannot be resolved as both parties remain in disagreement with regard to the application of development standards and key site provisions.

There was some discussion during the public meeting with the SLPP with regard to the general application of development standards and applications involving existing use rights. Based on the current information and the outcomes from the meeting (12 November 2021) both Council and the applicant are in agreement that development standards generally apply to the proposal, despite it involving an existing use. The matter that cannot be resolved and that requires further discussion is only in relation to the key site provisions under Clause 6.9 of the SLEP 2012, which then triggers the provisions of Clauses 4.3A and 4.4A.

KEY SITE PROVISIONS IN THE SLEP 2012

On 16 November 2021 the applicant provided legal advice to Council in response to the application of key site provisions and the building height and FSR uplifts in Clauses 4.3A and 4.4A, with regard to the proposal. This advice is included as part of the attached documentation to this report. An excerpt of this legal advice is provided below:

"In short, the matters calling for opinion can be distilled to the following:

- *First, are clauses 4.3A and 4.4A engaged so that they provide for the additional heights and floor space ratio indicated by those clauses; and*
- *Second, does clause 6.9 place any insurmountable obstacle to approval of the current proposal?*

For the reasons set out in the discussion below I consider:

- *Clauses 4.3A and 4.4A are engaged.*
- *Clause 6.9 does not place any insurmountable obstacle – and the approach taken in the LPP Report is wrong."*

Council reviewed the applicant's legal advice and the following considerations are critical with regard to whether Clause 6.9 is applicable and Clauses 4.3A and 4.4A are triggered by the proposed development:

- The applicant's legal advice confirms that there is no disagreement on whether or not development standards apply.
- The applicant's legal advice disagreed with a Land and Environment Court (LEC) judgement – GM Architects Pty Ltd vs Strathfield Council [2016] NSWLEC 1216 (24 June 2016), and believes key site provisions can apply to individual sites within the area bounded by a key site. In any regard, the applicant's legal advice maintains that the judgement is irrelevant to this proposal as their proposal is for the entire Key Site 93;
- To date, there are no existing development proposals that have been approved by Council, that allowed for a separate lot comprising any key site to be developed and for this development to benefit from the key site provisions under Clause 6.9 and utilise uplifts in building height and FSR under Clauses 4.3A and 4.4A; and
- In another and more recent Class 1 matter under the LEC – ZTA Group Pty Ltd v Strathfield Council [2021] NSWLEC 1688 (11 November 2021), the commissioner confirmed that the key site provisions and Clauses 4.3A and 4.4A did not apply to a mixed use/boarding house development on a separate lot comprising one (1) of three (3) sites forming a key site (Key Site 25). In their judgement, it was confirmed that the development did not comply with the maximum height of buildings development standard (in Clause 4.3 of the SLEP), which was 22m as the proposal involves an individual site that is part of a key site. The height uplift of 29m under Clause 4.3A would only benefits the sites forming Key Site 25, provided development of all sites is proposed.

Council maintains that whilst the proposed development may include the three (3) lots identified as Key Site 93; which are proposed to be consolidated and then re-subdivided into two (2) lots, the

DA2020/240 - ADDENDUM REPORT - 2-4 Parramatta Road, Homebush - Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)

only works proposed are within the Parramatta Road lot (containing the existing Kennard's Storage Facility). No development works are proposed on the second lot, which forms part of the key site, and hence, the key site provisions cannot be applied. Council's approach and interpretation of key site provisions under the SLEP 2012 are clearly evidenced in past development proposals and are reflected and supported by LEC matters.

In light of the above, Council re-affirms the stance outlined in the previous SLPP report for DA2020/240 – to which the key site provisions are not applicable to the proposed development as it does not involve an amalgamation and re-development of all sites comprising Key Site 93.

As mentioned in the SLPP report for DA2020/240 – Council considers that the applicable building height and development standards are 22m (building height) and 1.65:1 (FSR), respectively. The applicant has failed to address these in the information provided – thereby reflecting their stance on applying the key site provisions and seeking approval under those provisions only.

PUBLIC BENEFITS

During the public meeting with SLPP on 10 October 2021 the applicant mentioned the possibility of providing a public benefit such as via a Voluntary Planning Agreement (VPA) and incorporating this into the proposal.

It is noted that the meeting held on 12 November 2021 between Council's assessment officer and the applicant team did not involve any discussions with regard to public benefits and VPA's.

To date, the applicant has not provided any information in relation to public benefits and VPA's to Council.

Notwithstanding this, Council noted that there are no provisions under Council policy including the SLEP 2012 and SCDCP 2005 that would trigger requirements to provide/facilitate any public benefits (whether it be infrastructure, services or the like) to Council and the community in order to consider proposals that feature non-compliant matters. Further to this, agreements to provide public benefits to the community cannot be used as considerations for justifying matters under Clause 4.6 of the SLEP 2012. Consideration of justifications under Clause 4.6 must relate to planning merit only. As such, Council cannot consider the provision of public benefits as matters that would adequately consider any variations justified under Clause 4.6.

CONCLUSION

Having considered the additional information provided 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 unsatisfactory for approval.

Signed: Miguel Rivera
Senior Planner

PEER REVIEW

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

DA2020/240 - ADDENDUM REPORT - 2-4 Parramatta Road, Homebush - Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)



Signed: George Andonoski
Specialist Strategic Planner

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 compliance with the development standard contained in Clause 4.4 – Floor Space Ratio of the SLEP 2012 is well founded. The consent authority has identified that there are no sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2020/240 for consolidation of three (3) allotments into two (2) allotments and alterations and additions to the existing storage premises including office and storage space at 2-4 Parramatta Road, Homebush be **REFUSED** and that that recommended reasons for refusal, as outlined in the SLPP report for DA2020/240, remain applicable. The application is recommended for **REFUSAL** due to the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:
 - a) The proposal fails to satisfy the objectives of Clause 1.2(a) of the Strathfield Local Environmental Plan 2012 which seeks to achieve a high quality urban form. The proposal is an overdevelopment of the site that is excessive in bulk and scale and fails to demonstrate consistency and compatibility with existing and future desired development in the vicinity. A resultant urban form that is not contextually appropriate and not site responsive is achieved, as a consequence.
 - b) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to promote an efficient and spatial use of land. The proposal is an overdevelopment and is a poorly balanced design outcome. The isolation and restriction of redevelopment of the remaining key site is a critical consideration with regard to satisfying this aim.
 - c) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to integrate transport and land use planning. The proposed vehicular access and parking are not designed appropriately and are not supported.
 - d) The proposal fails to satisfy the aim/s of the R4 – High Density Residential zone as it fails to facilitate housing to meet the needs of the community.
 - e) The proposal fails to satisfy the aim/s of the B4 – Mixed Use zone as it is unable to provide compatible land uses.
 - f) The proposal fails to comply with the maximum building height provision under Clause 4.3 and the relevant objectives of this standard.
 - g) The proposal fails to comply with the maximum FSR provision under Clause 4.5 and the relevant objectives of this standard.
 - h) The application fails to provide sufficient information in order for the consent authority to consider the variation under Clause 4.3 – in accordance with Clause 4.6. A written request was not provided by the applicant to vary this development standard. In this regard, development consent cannot be granted as the consent authority was unable to consider a written request from the applicant that seeks to justify the contravention of this development standard.

DA2020/240 - ADDENDUM REPORT - 2-4 Parramatta Road, Homebush - Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)

- i) The application fails to provide sufficient planning grounds to satisfy Clause 4.6(4) to the extent that the proposed variation under Clause 4.4 can be considered acceptable and supportable.
 - j) The application fails to achieve the provisions under Clause 5.3 as the proposal fails to meet key zone objectives.
 - k) The proposal fails to achieve the provisions under Clause 6.9 as it fails to provide a balanced and appropriately designed planning outcome that encourages commercial and residential uses.
2. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- Streetscape impacts.
 - Visual amenity impacts.
 - Site isolation and restriction of development potential.
3. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development for the following reasons:
- Lack of spatial distribution and excessive bulk and scale that presents poorly to public domain and adjoining properties.
 - Poorly balanced development outcome that will create an undesirable precedence and have unacceptable impacts.
4. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent. The proposal involving a significant expansion and intensification of a prohibited land use, fails to address substantive issues and numerous variations and non-compliant matters that are unacceptable and fail to demonstrate merit.

ATTACHMENTS

1. Legal Advice - Kennards
2. SLPP Report - October 2021

STRATHFIELD COUNCIL
RECEIVED

DADA2020/240
16 November 2021

Kennards Self Storage Pty Ltd & Strathfield Council
Development Application No. 2020/240
2-4 Parramatta Road, Homebush

Opinion – LEP Key Site provisions

Introduction

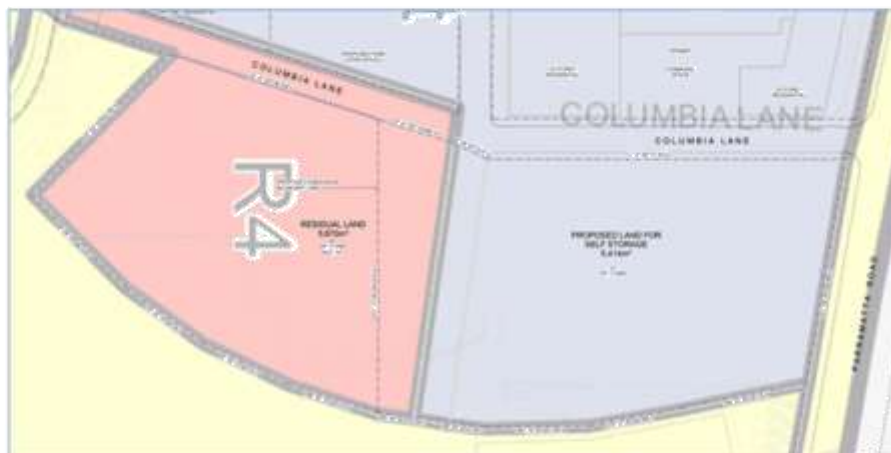
1. My instructing solicitors act for Kennards Self Storage Pty Ltd (**KSS**), the applicant for the above development application (**DA**) at the above site (**Site**).
2. The DA seeks consent to consolidate three existing allotments and subdivision into two lots, and alterations and additions to the existing storage premises particularly by demolition of the southern component and addition to the northern component by increasing it from four to eight storeys.
3. The existing arrangement of lots is shown in the extracted¹ aerial map below.



Figure 1: Location map – the subject site (outlined in yellow) and surrounding context.

¹ Report to Strathfield Local Planning Panel for the DA, 7 October 2021 (**LPP Report**), page 181.

4. The proposed arrangement of lots, including the indicative division of uses with the storage use on Lot A and residual land on Lot B, overlaid on the zoning of the Site under *Strathfield Local Environmental Plan 2012 (SLEP)* is shown below.



5. The SLEP identifies the Site as Key Site 93.
6. This identification potentially engages with clauses of the SLEP concerning height (clauses 4.3, 4.3A) and floor space ratio (clauses 4.4, 4.4A) and an additional local provision (clause 6.9).
7. The matter was considered by the Strathfield Local Planning Panel (LPP) and deferred.
8. Part of that consideration included a particular approach to the provisions identified above – on which my opinion is now sought.
9. In short, the matters calling for opinion can be distilled to the following:
 - 9.1 First, are clauses 4.3A and 4.4A engaged so that they provide for the additional heights and floor space ratio indicated by those clauses; and
 - 9.2 Second, does clause 6.9 place any insurmountable obstacle to approval of the current proposal?
10. For the reasons set out in the discussion below I consider:
 - 10.1 Clauses 4.3A and 4.4A are engaged.

- 10.2 Clause 6.9 does not place any insurmountable obstacle – and the approach taken in the LPP Report is wrong.

Discussion

11. For the purposes of this opinion I have assumed familiarity with the elements of development of the DA. Only where necessary will reference be made to specific aspects.
12. I note my instructions that the LPP Report overlooked amendments to the proposal made in the course of the application to date that had the effect of reducing the proposed floor space ratio from 3.11:1 to 2.88:1 and the maximum height from 29.87m to 27.42m.

Key Sites under the LEP

13. The SLEP, which takes the basic form of Standard Instrument, identifies what it calls 'key sites' by mapping. Clauses 4.3A, 4.4A and 6.9 then refer variously to land that is so mapped on the 'Key Sites Map'.
14. An extract from the Key Sites Map (sheet 004) showing the Site is reproduced below.



15. As noted, the Site is identified as Key Site 93.

Clauses 4.3A, 4.4A

16. In each case, where engaged, clauses 4.3A and 4.4A displace the height and floor space ratio development standards prescribed under clauses 4.3 and 4.4, being 22m and 1.65:1 respectively. They are reproduced below.

4.3A Exceptions to height of buildings (Parramatta Road Corridor)

Despite clause 4.3, the height of a building on land in "Area 1" identified on the [Height of Buildings Map](#) that comprises a key site shown in Column 1 of the Table to this clause and is identified as a key site on the [Key Sites Map](#) is not to exceed the maximum height shown opposite in Column 2.

Column 1	Column 2
Key site number	Maximum height
Part of 75	20 metres
4, 7, 9, part of 10, 12, part of 19, 23, 24, 38–41 or 53	22 metres
Part of 8, 14, 46, or 56	26 metres
Part of 11, 17, part of 19, 25, 26, 30, part of 43, part of 44, part of 45, 47–49, 60, part of 62, part of 64, part of 65, part of 66, 67–69, part of 76, part of 77, 80–82, 85 or 86	29 metres
27, 29, 52, part of 70, part of 78, part of 87, part of 91 or part of 93	32 metres
18, 51, 57 or part of 71	35 metres
16, part of 31, part of 83 or part of 88	42 metres
Part of 92	80 metres
33	80 metres

4.4A Exceptions to floor space ratio (Parramatta Road Corridor)

Despite clause 4.4, the floor space ratio of a building on land in "Area 1" identified on the [Floor Space Ratio Map](#) that comprises a key site shown in Column 1 of the Table to this clause and is identified as a key site on the [Key Sites Map](#) is not to exceed the floor space ratio shown opposite in Column 2.

Column 1	Column 2
Key site number	Floor space ratio
1–4, 6, 38–41, 47–50, 53, 63 or 67–69	2:1
7, 9, 10, 28, 46, 52, 54, 58, 60, 61 or 72–74	2.25:1
12–14, 17, part of 19, 22–24, 37, 51, 56 or 57	2.5:1
5, 8, 11, 27, 43, 44, 75, 79–82, 84–86, 88–90 or 93	2.7:1
15, 16, 18, part of 19, 59, 62, 64–66, 83, 87 or 91	2.95:1
45 or 55	3.1:1
20, 21, 25, 26, 29–32, 70, 71 or 76–78	3.15:1
92	5:1
33	4.5:1

17. My attention has been drawn to a decision of a Commissioner, *GM Architects Pty Ltd v. Strathfield Council* [2016] NSWLEC 1216.
18. That decision was concerned with another key site, Key Site 16 and looked at the interpretation of each of clauses 4.3A and 4.4A.
19. The factual context of the appeal in *GM Architects* was quite different. There, an application was made in respect of three of the four lots comprising Key Site 16. They were the lots with frontage to Parramatta Road. The remaining lot, oriented perpendicularly and with frontage to Hillcrest Street, was not part of the application under appeal.
20. Council contended that, in those circumstances, clauses 4.3A and 4.4A were not engaged, because the development was not of the whole of the Key Site.
21. The Court upheld this argument. In doing so, it identified that each of clauses 4.3A and 4.4A contain three elements that needed to be met, in order to be engaged. The elements were:
 - 21.1 That the site is within Area 1 on each of the height and floor space ratio maps;
 - 21.2 That the site 'comprises a key site'; and
 - 21.3 That the site is 'identified as a key site'.
22. There was no dispute that Key Site 16 was within Area 1 on each height and FSR map.
23. The Court's essential reasoning was, instead, that the land was not 'identified as a key site' nor 'comprises a key site': see at [38]-[39], and [40], [47].
24. At the outset, it can be observed that, unlike *GM Architects*, the land which is the subject of the DA is the whole of Key Site 93. This is a crucial distinction.
25. As a consequence, the land with which the DA is concerned is both 'identified as a key site' and 'comprises a key site', applying the construction arrived at in *GM Architects*. Both clauses are plainly engaged, in my view.
26. The result is that the governing height and floor space ratio development standards are those prescribed by clauses 4.3A and 4.4A, viz. 32 metres and 2.7:1, respectively.

27. Further, I also consider the Court was arguably incorrect in its construction. As it is not critical to the opinion I will outline my reasoning only briefly.
28. The principles governing construction of environmental planning instruments are well settled. They were summarised in *GM Architects* at [35]-[37].
29. To that can be added two other principles, not stated in *GM Architects*.
30. The process of construction commences with the text in question, the language used being the surest guide to the legislative intention: cf. *Alcan (NT) Alumina Pty Ltd v. Commissioner of Territory Revenue (Northern Territory)* (2009) 239 CLR 27 at [47] (Hayne, Heydon, Crennon and Kiefel JJ) . Consideration is also to be given to the context and purpose, but the general purpose may not detract from the words: *R v. A2* (2019) 373 CLR 214 at [35]-[37] (Kiefel and Keane JJ).
31. The other, relevant particularly to planning, is that “any attempt to always find logic in planning instruments is generally a barren exercise”: *Calleja v. Botany Bay City Council* (2005) 142 LGERA 104 at [25] (Tobias JA).
32. In my view, the construction exercise in *GM Architects* departed from the text, with a search for context and planning logic, in such a way that the construction of clauses 4.3A and 4.4A were arguably in error.
33. First, one may start with the observation that despite the SLEP identifying Key Sites, it imposes no requirements for lot consolidation for land so identified as a pre-condition to development of such a site. Such requirement is not uncommon in planning instruments and could easily have been prescribed, if that was the planning intent.
34. Yet, the Court identified a ‘planned consolidation pattern.. tied to optimum height’: at [51]. This seems to be a search for planning logic that is simply not in the SLEP.
35. Second, the focus on land that ‘comprises as a key site’ as only the whole sits ill with the identification in the table to each clause of ‘part of’ a numbered site. This is so with respect to both height and floor space ratio.
36. This matter was touched upon only incidentally, at [49]. But rather than being a pointer to a different possible interpretation, the Court appeared to ignore the issue in favour of the words preceding the Table. The clauses however, need to be read as a whole.

37. The phrase is "comprised of a key site *shown in...* the Table" (my emphasis). The very words direct attention to how land is described in the Table. That the Table identifies some sites as 'part of' suggests it need not be the whole of a site as identified in the Key Sites Map.
38. Further, the analysis focused on height only (clause 4.3A): cf. [56]-[57]. Whilst such an expression might be rationalised as intending to locate building height in a particular part of a Key Site, that same logic does not translate to the concept of a floor space ratio.
39. In my view, the use of 'part of' in the Table, particularly in the floor space ratio context, supports an interpretation that land 'identified as a key site' can be something other than the whole of such a site as identified in the Key Sites Map.
40. Third, the Court's focus on land 'identified as a key site on the Key Sites Map' adopted one only of the dictionary definitions of 'identify' as meaning being 'the state or fact of being the same one', to conclude that some of a site is not the same as the whole. As a matter of logic, that proposition is of course, correct. The crucial question however is whether this is the correct construction of 'identify'? I consider arguably not. Clauses 4.3A and 4.4A do not identify key sites. Structurally for the purposes of SLEP that is the function of the Key Sites Map.
41. The reference in clauses 4.3A and 4.4A to 'key sites as identified on the Key Sites Map' can be understood simply as no more than identifying land by reference to that to which the clauses apply. That is, the second and third elements identified in *GM Architects* are part of a composite way of identifying the land to which the clauses apply, rather than (again) being construed to implement a particular planning logic not stated in the instrument.
42. Thus, the Court's parsing of the elements of clause 4.3A and 4.4A appear to be again a search for planning logic, not contained in the SLEP. This search is evident in the Court's references to 'the integrity of the set of controls': at [61]; to 'the evident planning aspirations for site consolidation': at [63].
43. If anything, the context tells against the conclusion. At [51], the Court observed that the clause 4.3A does not have stated objectives but is directly linked to clause 4.3, which does have stated objectives. That observation is correct, given that the subject matter of both clauses is identical, being height.

44. The objective in clause 4.3(1)(c) is “to achieve a diversity of small and large development options”. This objective is more readily achieved by the key site provision for height being applicable to part of a key site, rather than its whole. As such an interpretation would better promote the objective, it should be preferred: cf. s33 of the *Interpretation Act 1987*.
45. The same argument can be readily made for clause 4.4A and 4.4. The objectives of clause 4.4 include the objective in (1)(c) to “minimise the impact of new development on the amenity of adjoining properties”. That is more readily achieved when a finer-grain approach is taken to locating density, expressed in floor space ratio terms, on parts of a key site. This is not inconsistent with the particular proposal’s distribution of density.
46. I also observe, in passing, objective (1)(f) of clause 4.4. On its face, it is an expression of an overall planning objective, a ‘sustainable consolidation pattern’. But it is subtly different to a consolidation requirement. The objective is an outcomes-based one, reflecting that it is seen to be appropriate that the floor space within Parramatta Road Corridor can be higher comparatively to land outside the corridor, which is again more readily achieved by enabling development of parts of key sites to the planned FSR. In this fashion, the objective of a ‘sustainable consolidation pattern’ can be achieved, without importing a *de facto* consolidation requirement.
47. For these reasons, I consider it arguable that the Court’s interpretation of clauses 4.3A and 4.4A in *GM Architects* was erroneous. However, it does not matter for present purposes, given that the DA relates to whole of Key Site 93, such that the clauses are engaged.

Clause 6.9

48. Clause 6.9 in in the following terms:

6.9 Additional provisions for development in Parramatta Road Corridor

(1) The objectives of this clause are as follows—

- (a) to encourage a mix of commercial and residential land uses,*
(b) to encourage the integration of developments that require large floor areas

with other land uses.

(2) This clause applies to land identified as “Key Sites Area” on the [Key Sites Map](#).

(3) *Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will contribute to—*

- (a) *the general mix of residential and non residential land uses in the area, and*
- (b) *the vertical and horizontal integration of land uses in the area.*

49. It can be seen that clause 6.9(3) creates a precondition to the power to grant consent, qualified by an evaluative state of satisfaction. Both elements are quite general in the sense that they direct attention to affairs “in the area”.
50. So far as the DA is concerned, it is readily open for the consent authority (or the Court) to conclude that the subject use will contribute to the general mix of non residential land uses, as well as vertical integration of land uses given the addition of storage premises floor space vertically in proposed Lot A.
51. So far as horizontal integration is concerned, as I understand the DA, the proposed vehicular access to the storage premises will occur from Columbia Lane, along the southern boundary of proposed Lot A. This configuration would readily lend itself to a common driveway access for future development in the southern portion of the site, Lot B, including perhaps access to basement parking under any future high density residential development, consistent with the R4 zoning of that part of the Site. In this way, the development also contributes to horizontal integration of land uses.
52. For these reasons, I do not see clause 6.9 as being any insurmountable obstacle in the sense of it not being open to the consent authority to come to the requisite states of satisfaction. I have not been asked to, nor could I predict the outcome of this evaluative exercise.
53. I would observe, additionally, that the approach taken in the LPP Report at page 204 seems to be depart significantly from the matters in clause 6.9(3). They are not mentioned at all. Instead, the author seems to have conflated the objectives of that clause with the same considerations as clauses 4.3A and 4.4A. This, with respect to the author, is a clear departure from what clause 6.9(3) requires.
54. To the extent it is said that the land use is not an appropriate one (because it is the subject of an existing use) the rationalisation of the use to the northern part of the Site is not inimical to planned, permissible uses. Indeed, with the removal of the storage premises from the southern part of the Site, proposed Lot B, could be seen as wholly consistent with such planned uses being enabled.

55. Further, the size and shape of proposed Lot B (some 3,800 sqm) appears to readily lend itself to high density residential development – the notion that Lot B would be sterilised or isolated appears to have little factual foundation to it.

Conclusion

56. I consider clauses 4.3A and 4.4A of SLEP are engaged for this DA. The relevant development standards for height and floor space ratio are 32 metres and 2.7:1 respectively.
57. I also consider clause 6.9 does not create any insurmountable obstacle to the grant of development consent to the DA. The facts, as known, make it clear that it is entirely open for the consent authority to come to the requisite states of satisfaction.

T To

Sir James Martin Chambers

12 November 2021



TO: Strathfield Local Planning Panel Meeting - 7 October 2021
REPORT: SLPP – Report No. 33
SUBJECT: DA2020/240 - 2-4 PARRAMATTA ROAD, HOMEBUSH
 - LOTS A AND B DP 171468 AND LOT 1 DP 124584
DA NO. DA2020/240

SUMMARY

Proposal:	Consolidation of three (3) allotments and subdivision into two (2) lots with alterations and additions to the existing storage premises including office and storage space on proposed Lot A.
Applicant:	Kennards Self Storage Pty Ltd
Owner:	Kennards Self Storage Pty Ltd
Date of lodgement:	11 January 2021
Notification period:	27 January to 15 February 2021
Submissions received:	Nil
Assessment officer:	M Rivera
Estimated cost of works:	\$8,179,187.00
Zoning:	B4 – Mixed Use zone – SLEP 2012 R4 – High Density Residential zone – SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	Yes Cl 4.3 – maximum building height – 40% or 8.8m Cl 4.4 – floor space ratio – 74.9% or 6,688.9m ²
Extent of the variation supported?	Not supported.
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

On 11 January 2021, the subject application was lodged to Council. This application seeks approval for the consolidation of three (3) allotments and subdivision into two (2) allotments, alterations and additions to the existing storage premises including office and storage space. The alterations and additions involve an expansion of the existing four (4) level self-storage premises (Kennards Self Storage) and construction of an additional four (4) storeys.

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The application was publicly notified on 27 January 2021, in accordance with Strathfield Council's Community Participation Plan (CPP), with the last date for public submissions being 15 February 2021. No submissions were received during this period.

The proposed development fails to comply with a number of the relevant development standards, objectives and controls under Council policy including the Strathfield Local Environmental 2012 (SLEP 2012). The proposal involves the following significant contraventions:

- Cl 4.3 – maximum building height – 40% or 8.8m; and
- Cl 4.4 – floor space ratio (FSR) – 74.9% or 6,688.9m².

The proposed development fails to demonstrate sufficient planning merit in contravening these development standards.

The premises comprising Kennards Self Storage, has been in existence since 1997. It is noted that this land use, defined as a *self-storage units* is a prohibited use under both B4 – Mixed Use and R4 – High Density Residential zones and relies on *Existing Use Rights*. As such, the proposed development results in an undesirable extension and expansion of a prohibited use as well as an excessive built form and overdevelopment of the site. The proposal fails to deliver a suitable planning outcome for an identified key site within the Parramatta Road Corridor that is desired and anticipated for and reflected by redeveloped allotments in surrounding locality.

Accordingly, the application is recommended for refusal.

The subject application is referred to Strathfield Local Planning Panel (SLPP) due to the proposed variations to the above development standards of greater than 10%.

BACKGROUND

11 January 2021	The subject application was lodged with Council.
27 January 2021	The application was publicly notified and advertised for at least fourteen (14) days as per the CPP, with the last date for public submissions being 15 February 2021. No submissions were received during this period.
2 March 2021	A site visit was undertaken by Council's assessment officer.
23 April 2021	A Deferral Letter was provided to the applicant detailing urban design issues and noting the need for a review by the Design Review Panel (DRP).
16 June 2021	A DRP meeting was held with the DRP, Council, applicant and the architect/s and urban designer for the proposed development.
5 July 2021	The DRP minutes were provided to Council.
5 July 2021	The DRP minutes were sent to the applicant.
8 July 2021	Council's internal experts provided final advice on the proposal.
3 August 2021	A 2 nd Deferral letter was sent to the applicant. This letter contained advice on Council's position on the proposed variations to the maximum building height and FSR development standards and the application of key site provisions with regard to the proposal. It was

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clarified in this letter that the development is to be amended to comply with development standards.

10 August 2021

The applicant e-mailed Council to request for an extension to 10 September 2021 – to provide any additional information required for addressing the matters raised in the 2nd Deferral Letter.

10 September 2021

The applicant submitted additional information via the Planning Portal.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site consists of three (3) allotments that are legally described as Lots A and B in DP 171468 and Lot 1 in DP 124584 and collectively, are commonly known as No. 2-4 Parramatta Road, Homebush. The site features an irregular shape and is located on the southern side of Parramatta Road and eastern side of Columbia Lane (refer to Figure 1). The site comprises a total site area of 9,084.3m² and is split as follows:

- Lot A in DP 171468: 4,226.5m²;
- Lot B in DP 171468: 4,427.1m²; and
- Lot 1 in DP 124584: 430.7m².



Figure 1: Location map – the subject site (outlined in yellow) and surrounding context.

The subject site contains a self-storage unit facility, spread throughout the site, and within several three (3) storey buildings (refer to Figure 2). Several buildings and structures appear to be vacant (unused) by the facility.

Figures 3 to 7 show photographs of the existing self-storage unit facility.

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Figure 2: Current footprint of the self-storage unit facility (outlined in orange). All other buildings appear to be vacant (unused).



Figure 3: Existing self-storage units within ground floor entry of southern building.

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Figure 4: Existing self-storage units within ground floor of southern building.



Figure 5: Existing self-storage units within first floor of southern building.

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Figure 6: Eastern side of southern building.



Figure 7: Southern side of southern building.

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The site is bounded to the east and south by a railway corridor and railway land, and bounded to the west by an occupied multi-storey, mixed-use residential flat building and a vacant land that has an approved mixed-use development (DA2019/143). The context of immediate vicinity surrounding the site is dominated by a combination of transport infrastructure (Parramatta Road, the M4 Motorway and railway line) and modern style, mixed use buildings that have intend on facilitating streetscape activation and delivering residential housing along a busy classified road.

The site is within two (2) separate land use zones, the B4 – Mixed Use and R4 – High Density Residential zones, pursuant to the provisions of SLEP 2012 (refer to Figure 8).



Figure 8: Land use zone map - subject site (outlined in blue). It is noted that the site is part B4 – Mixed Use and part R4 – High Density Residential.

It is noted that all three (3) allotments comprising the subject site is within Key Site 93 (refer to Figure 9).

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Figure 9: Subject site within Key Site 93 (outlined in green).

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 consolidation of three (3) allotments and subdivision into two (2) allotments, with alterations and additions to the existing storage premises including office and storage space proposed Lot A. Specifically, the proposed development involves:

Site consolidation to amalgamate three (3) lots and to create two (2) lots. The following lots are created:

- Lot A – northern lot: 5,414m²; and
- Lot B – southern lot: 3,670m²;

Additions and alterations to expand the self-storage unit facility on Lot A comprising:

- Demolition of the buildings situated at the rear of the site whilst retaining the existing front half of the site;
- Construction of a new storage facility toward the middle of the site;
- Construction of associated lifts;
- Construction of a new showroom;
- Construction of a new meeting area and toilet facilities;
- Provision of car parking spaces for twenty-eight (28) cars as well as new loading and unloading facilities;

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- Construction of a new storage area;
- Installation of signage on the building to reflect the Kennards Self Storage premises;
- Safety and security upgrades as required;
- Associated landscaping works and provision of open space; and
- Carrying out of fire upgrades and associated construction upgrades.

The Subdivision Plan, Site Plan and Elevations of the proposal are shown in Figures 10 to 15.

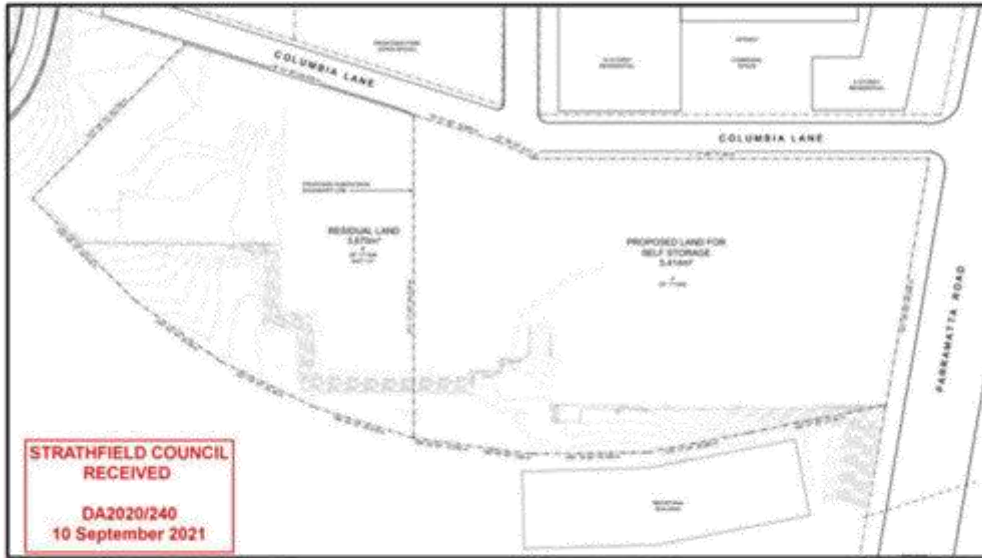


Figure 10: Subdivision Plan



Figure 11: Site Plan

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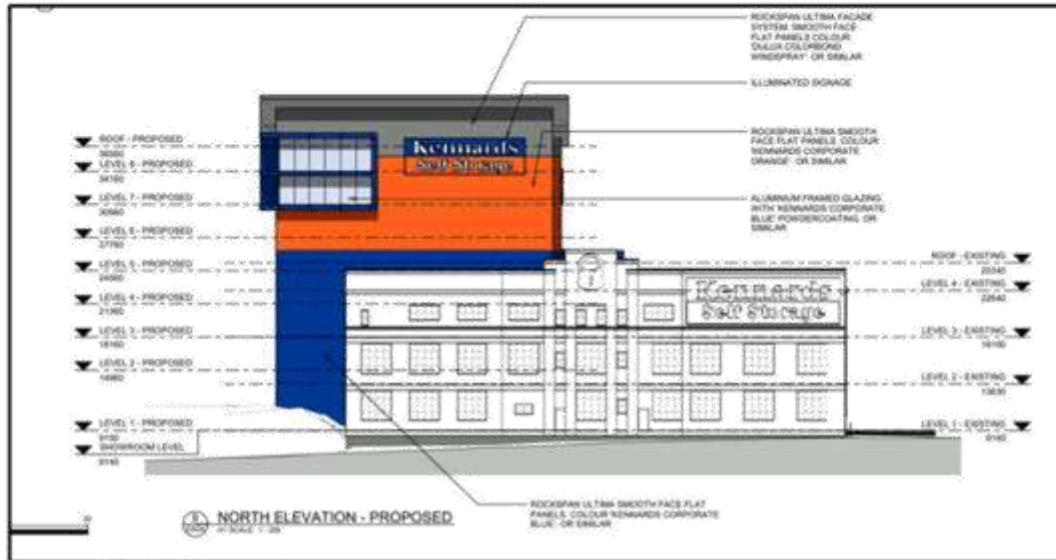


Figure 12: North Elevation

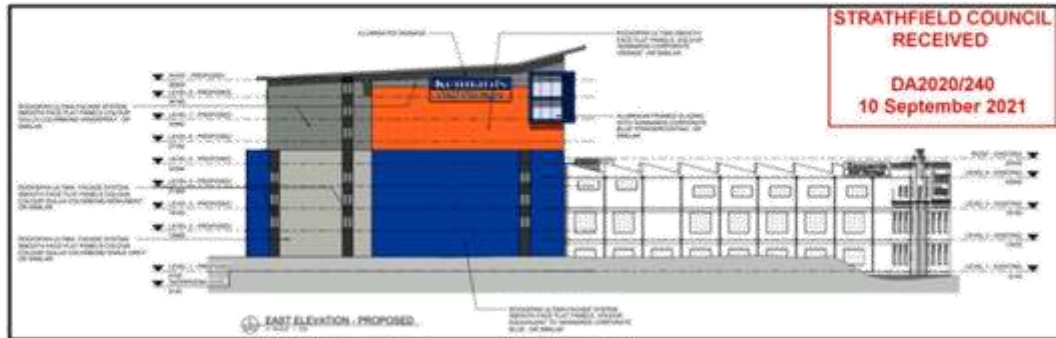


Figure 13: East Elevation



Figure 14: West Elevation

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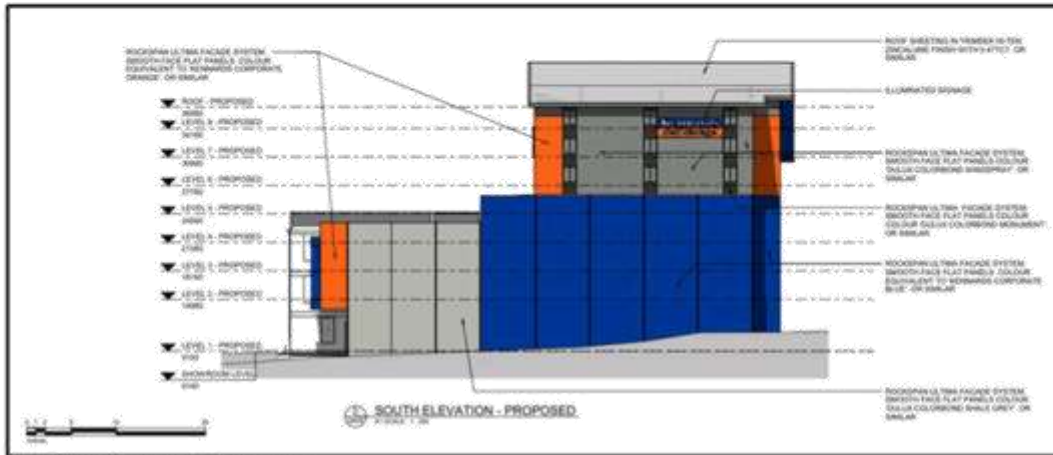


Figure 15: South Elevation

REFERRALS

INTERNAL REFERRALS

Building Surveyor Comments

Council’s Building Surveyor confirmed that there are no objections to the proposal, subject to the imposition of recommended conditions of consent.

Development Engineer Comments

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

Heritage Advisor Comments

Council’s Heritage Advisor provided the following commentary:

“A Heritage Statement by GBA heritage in relation to these items has been included as part of the application. The report has stated the warehouse is not a heritage item and is “undistinguished existing ancillary building”. The report concludes that the views of the heritage items or from the heritage items won’t be affected by the development as it is:

The proposed development is set well back from Parramatta Road, thus would not obscure views to Railway bridge Arnott’s sign over road on both sides of the bridge.” (P 5)

I concur, with this report, that it is unlikely this development in relation to the ongoing change in character of the area will impact these heritage items, as such I have no objection to the development.

However, given the site has important NSW/Australian art culture history. I would like the following condition on interpretation signage included and that the applicant is liaised with to ensure acceptable wording. This is to ensure that the history of this present and these buildings can be interpreted by the public from the public domain, as a celebration to this areas rich history.”

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Council's Heritage Advisor confirmed that there are no objections to the proposal, subject to the imposition of recommended conditions of consent.

Traffic Manager Comments

Council's Traffic Manager provided the following comments on the proposal:

"The applicant is requested to submit amended plans to include details on the carpark delineation and pavement arrows. Loading area shall be clearly delineated to ensure uninterrupted circulation and safety. All parking spaces shall conform to AS2890 series. Further information is required to detail how the spaces adjacent to the storage units would be managed to maintain access to the storage area."

Council's Traffic Manager confirmed objections to the proposal due to the above outstanding matter raised.

Tree Management Coordinator Comments

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

Waste Officer Comments

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

EXTERNAL REFERRALS**Design Review Panel (DRP)**

The proposed development, as originally proposed, was referred to a DRP. It is noted that the final amended design was not evaluated by the DRP. The following advice from DRP, which relates only to the initial design proposed, was received:

"Key Issues and Recommendations

The Panel is not supportive of the proposed development in its current form. This is further discussed below.

Context:

The site as existing comprises three Torrens title lots: one large lot to the north and a large lot to the south separated by a narrow lot in the centre. The lot to the north and the narrow central lot are zoned B4 mixed use and the lot to the south zoned R4 high density residential. The site is owned and operated by Kennard's self-storage with a number of storage buildings located across the various lots.

The proposal includes boundary adjustment to create two new larger Torrens title lots. The existing/original u-shaped three storey building on the northern lot, subject to this proposal, will be retained and form part of the proposed alterations and additions.

The other existing buildings are proposed to be demolished with the southern lot to be made vacant. This lot is referred to as residual land; there is no proposal for development on this site as part of the development application.

The use of the site for the purposes of self-storage units is prohibited in a B4 zone under Strathfield Council's current LEP. The proposal therefore relies on existing use rights.

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It is likely that the lot to the south will be redeveloped at some stage in the future for residential development, consistent with the current high density residential zoning.

The Panel understands from Council that the surrounding development is characterised by larger scale residential flat buildings approved under a planning Proposal.

The primary issues include the relationship between the proposed non-residential built form and land use with the surrounding residential flat buildings, the interface and impacts of any new residential development on the lot to the immediate south and the visual and urban design impacts of the new addition to the storage building on the surrounding streets including the views from Parramatta Road.

Architectural Form:

This proposal for a large expansion of the site's existing commercial small-unit storage function has a box-like, relatively unarticulated built form that is typical of many buildings found in industrial areas. The minimal openings reflect the internalised function of a storage facility, and whilst this may be acceptable in a typical industrial precinct, the design is not well suited to the prominent location of its site, the anticipated future character of its setting as a medium to high-density residential environment.

The Panel strongly supports the proposed retention of the original U-shaped three storey sawtooth-profile masonry building, either with its existing storage use or re-purposed to a different, more appropriate use that better leverages the buildings distinctive qualities and character.

The Panel considers that the proposed new building to the rear of the existing building is not a convincing urban design proposition – its bulk and scale is excessive and would need to be reduced to be more in keeping with surrounding residential flat buildings, and also to have less impact on any potential development within the southern portion of the existing site.

Furthermore, the internal floor plan layout and profile is unnecessarily complicated and internalised, and could be re-designed as three elements separated by access corridors that run across the plan of the building. This would allow articulation of the bulky form by introducing full-height vertical slots of recessed windows at either end, which would introduce natural light (and perhaps natural ventilation) in a logical and effective way on every floor.

This approach has the potential to break down the building bulk, and in doing so improve the interface with the existing sawtooth-profile industrial building on site, the surrounding residential apartment buildings and the wider precinct.

Future Residential Development on the Southern Lot:

The Panel notes that the site is identified as a key site under the Strathfield LEP. This potentially allows for an uplift in building height to 30m when redeveloped for residential purposes.

There is however an expectation by Council that key sites are developed with one appropriate development rather than any individual lots within a site sub-division being able to separately have the benefit of the site uplift.

At 30m the proposal would exceed the maximum building height of 22m for the site. This height is proposed to extend to the indicated site sub-division boundary, which if approved

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would have severe impacts on any future residential development within the new lot created to the immediate south.

The Panel therefore does not support additional height for the entire site when it is not redeveloped as per the Strathfield LEP, and is therefore yet to be convinced that the proposed building height is justified in this particular case.

The Panel is not convinced that the proposed southern lot can be redeveloped to its full potential while achieving ADG compliance if the proposed 30m high building has zero setback to a common boundary.

The Panel therefore recommends that the applicants prepare a Master plan for the entire site that demonstrates how the southern lot can be appropriately redeveloped for residential purposes in a manner that coexists comfortably with the subject proposal.

The Master plan should respond to a detailed contextual analysis, include the wider setting of the site, and illustrate relationships with developments on adjoining sites.

The Master Plan will need to demonstrate how ADG compliance can be achieved for any new residential development on the southern lot – how is solar access ensured, how are any acoustic impacts from the railway corridor mitigated, whilst providing natural cross ventilation and other compliance requirements.

The Panel considers that:

- new built form must be re-designed to mitigate its perceived mass and bulk.*
- the proposed corporate colour scheme is too imposing and inappropriate to the precincts residential character, and must be more subtle in its visual impact.*
- unless any new residential development on the southern lot can achieve ADG compliance that is clearly demonstrated in a detailed Master Plan for the site, the proposed non-compliant 30m building height and zero side setback are not supported."*

Council response: The matters raised by DRP above are considered substantive and require addressing. It is noted that the applicant provided additional information in an effort to resolve some matters raised by DRP. An evaluation of these plans identified that most of the matters raised by DRP remain outstanding. Of particular concern are:

- Architectural form;
- Building height;
- Limited setback to the southern boundary; and
- Re-development of southern lot.

NSW Transport for NSW (TfNSW)

The application was referred to TfNSW for comment given that the application is defined as Traffic Generating Development and the site has frontage to Parramatta Road. The following comments were received:

"TfNSW has reviewed the development application and raises no objections, however requests that the following requirements are included in any determination issued by Council:

- 1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Parramatta Street boundary.*

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2. All vehicles shall enter and exit the site in a forward direction.
3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking restrictions may be required to maintain the required sight distances at the driveway.
4. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
5. Bicycle Parking should be provided in accordance with AS2890.3.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Should the proposal be supported a condition can be imposed to capture the above comments from TfNSW.

Sydney Trains

The application was referred to the Sydney Trains as a significant portion of the site adjoins railway land. The following comments were received:

I refer to Council's Referral requesting comments for the above development application in accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007. Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor and to process the review for this development application. As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the relevant Transport for NSW Assets Standard Authority standards and Sydney Trains requirements. To ensure that the proposed development is undertaken in a safe manner Council is now requested to impose the conditions provided..."

Should the proposal be supported a condition can be imposed to capture the above comments from Sydney Trains.

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.

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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 SEPP 55 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 was referred to Council's Tree Management Coordinator who outlined specific conditions to be imposed with any development consent in order to ensure the protection of any trees to be retained.

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 (Infrastructure) 2007

The subject application was referred to Transport for NSW (TfNSW) as it involves development with frontage to a classified road (Parramatta Road) and is considered traffic generating development. Accordingly, Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is triggered. The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comments provided by TfNSW are mentioned above and conditions can be imposed in accordance with these. As such, subject to the imposition of these conditions, the proposal has demonstrated alignment with the above objectives under Clause 101.

An assessment of the proposal against Clauses 101, 102 and 104 under SEPP Infrastructure is summarised below.

Clause	Consideration	Proposed
101(1)	<p>The objectives of this clause are—</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p>	Compliant – as confirmed by TfNSW.

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Clause	Consideration	Proposed
	<i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i>	Compliant.
101(2)	<p><i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,</i></p>	<p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p>
101(2)	<i>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.</i>	N/A

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State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 establishes a number of considerations for development involving the installation of signage. An assessment of the proposed development against the requirements of SEPP 64 is provided below:

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and likely future character of the area.	The proposed signs are compatible with the existing and future character of Parramatta Road.	Yes.
		Consistent with a particular theme for outdoor advertisement.	The proposed signage are not excessive in terms of design and scale and demonstrates consistency within the streetscape. The theme and primary intention of the signage is for identifying the facility are appropriate.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of: a) environmentally sensitive areas; b) heritage areas; c) natural or other conservation areas; d) open space; e) waterways; f) rural landscapes; or g) residential areas?	The proposed signage does not detract from the amenity or visual quality of any surrounding areas. The signage are compatible with the overall streetscape quality of Parramatta Road.	Yes.
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	The proposed signage does not obscure or compromise any important views.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?	The scale, proportion and form of the new signage are appropriate for the streetscape and its setting.	Yes.
		Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? d) Protrude above buildings,	The proposed signage are within an appropriate location and does not protrude above buildings, structures or tree canopies. The signage will not require vegetation management.	Yes.

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		structures or tree canopies? e) Require ongoing vegetation management?		
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site?	The proposed signage respects important features of the site and building.	Yes.
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The actual signage comprises the logos of Kennards Self Storage – reflecting the intended use of the premises.	Yes.
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Distract from nearby residence or accommodation?	Illumination can be conditioned as appropriate.	Yes.
		Can illumination be adjusted or subject to curfew?	See above.	Yes.
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed signage are considered acceptable and will not pose a safety hazard to motor vehicle drivers, pedestrians or bicyclists on the basis that they do not consist of moving signs, complex displays or flashing lights.	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>	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>	No
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes

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(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	Yes

Comments: The proposed development is considered a poor outcome and represents an overdevelopment of the site – such that:

- It fails to achieve a high quality urban form that is consistent and compatible with existing and anticipated development (namely permissible forms of mixed use development) for the site and Parramatta Road Corridor. Further, it fails to demonstrate that a high quality urban form with sufficient amenity and appropriate architectural expression can be delivered on the southern lot;
- It delivers an excessive expansion of a prohibited use for the site as demonstrated by the significant variations proposed. The proposal fails to demonstrate sufficient merit for the proposed excess massing and height and will set an undesirable precedence; and
- It does not adequately address parking and vehicular access matters to which would satisfy Council in that the proposed parking and access arrangements are able to support the development and minimise impacts in terms of traffic congestion.

Permissibility

The subject site is zoned B4 – Mixed Use and R4 – High Density Residential under Strathfield Local Environmental Plan 2012 (SLEP 2012) (refer to Figure 8).

The proposal, being *self-storage units*, is a prohibited form of development within both zones. Notwithstanding this, given the nature of the proposal involves additions and alterations to an existing use, the relevant provisions under Clause 4.65 under the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) are triggered. The existing use provisions aim to balance the potential hardship and dislocation that could result if landowners or occupiers were required to discontinue uses no longer permitted under current planning controls, against the need to transition to the new and preferred planning regime for the area.

Under Section 41 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) certain development of existing uses is allowed as follows:

- (1) *An existing use may, subject to this Division:*
- be enlarged, expanded or intensified, or*
 - be altered or extended, or*
 - be rebuilt, or*
 - be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
 - if it is a commercial use--be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
 - if it is a light industrial use--be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

The proposed alterations and additions to the existing self-storage unit facility fits within the definition under Section 41(1)(a): 'an existing use may be enlarged, expanded or intensified'. Therefore, under the provisions of the *Environmental Planning and Assessment Act 1979* and EP&A Regulation, existing use rights for the purpose of applying for development consent for the proposed development are relevant and applicable.

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Existing Use Rights and Application of LEP

Legal advice was sought to determine the application of the SLEP 2012 on proposals relying upon existing use rights. Council clarified with the applicant that development standards in the SLEP 2012 are relevant to the proposal. In reference to Land and Environment Court (LEC) cases such as *Made Property Group Pty Limited v North Sydney Council* [2020] NSWLEC 1332 (29 July 2020) and *Saffioti v Kiama Municipal Council* [2019] NSWLEC 57, it is Council's position that development standards applied to applications that rely upon provisions relating to existing use rights. The LEC has held that the provisions of FSR and HOB which fix development standards, do not derogate from the incorporated provisions because these provisions do not impinge on any entitlement to make a development application.

Zone Objectives

An assessment of the proposal against the objectives of the R4 – High Density Residential and B4 – Mixed Use zones is included below:

R4 – High Density Residential zone

Objectives	Complies
To provide for the housing needs of the community within a high density residential environment.	No
To provide a variety of housing types within a high density residential environment.	No
To enable other land uses that provide facilities or services to meet the day to day needs of residents	Yes

Comments: The proposed development does not involve any new residential development. It is noted; however, that the proposed expansion of the premises significantly restricts the ability for the vacant lot to deliver an appropriately designed residential building. As such, two (2) objectives of the zone cannot be met by the proposal.

B4 – Mixed Use zone

Objectives	Complies
To provide a mixture of compatible land uses.	No
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.	Yes
To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.	Yes
To provide local and regional employment and live and work opportunities.	Yes

Comments: The proposed development fails to provide a compatible land use as it involves an overdevelopment of the site and an expansion of a prohibited land use that will result in land use conflict and limitations on redevelopment of the south-adjointing lot.

Part 4: Principal development standards

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

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	22m	Upper roof, lowest	No

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point - 26m
Ridge - 30.8m

	Objectives	Complies
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	No
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	No
(c)	To achieve a diversity of small and large development options	No

Comments: The proposed development features a maximum height of 30.8m from the ridge of the roof line of the new extension, which tapers down to 26m at the lowest portion of the upper roof. The proposal involves a contravention to the maximum building height development standard of 8.8m or 40%. It is noted that the entire development and its roofline, is well above the maximum height allowed for the site. Accordingly, the proposed development represents a built form that is excessive in scale and therefore, not compatible with the existing area and is unable to provide a positive contribution to the streetscape and aesthetic of the vicinity. The height variation is not a sustainable outcome in that it will result in an undesirable precedence and unnecessary constraint on the newly created southern lot, with regard to its redevelopment. As such, the proposed variation demonstrates no merit and is not supported.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	1.65:1 (8,933.1m ²)	2.89:1 (15,622m ²)	No

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	N/A
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	N/A
(c)	To minimise the impact of new development on the amenity of adjoining properties	No
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: <ul style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and 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 	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	No

Comments: The proposed development comprises a FSR that fails to comply with maximum FSR prescribed under Clause 4.4. The proposed FSR represents a significant non-compliance (of 6,688.9m² or 74.9%) to the maximum FSR development standard – thereby resulting in an excessive and bulky built form that does not encourage a sustainable consolidation pattern. Further, the excess massing will result in site isolation for the newly created lot and streetscape and visual amenity impacts for the vicinity by introducing an overdevelopment of the site that is not compatible with surrounding development. Given that a number of objectives cannot be met by the proposal and the proposed contravention to the development standard is not supported.

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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 following development standards:

- Cl 4.3 – Building Height – 40% or 8.8m; and
- Cl 4.4 – Floor Space Ratio – 74.9% or 6,688.9m².

The area of non-compliance relates to the entire building comprising the existing self-storage unit facility and its expansion.

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."*

FSR

The applicant provided a written request that seeks to justify the proposed contravention to the maximum FSR development standard. It is noted that the applicant designed the proposal against the key site provisions under SLEP 2012. The applicant's written request refers to and utilizes the bonus FSR Key Site provisions. These provisions can only apply when all of the allotments within any given key site are developed in a consolidated manner. This was communicated to the applicant throughout the assessment process. The written request fails to mention that the proposal involves a singular (part) development of one of the allotments forming Key Site 93 and thus critically abandons the Key Site provisions as well as the relevant objective of Clause 6.9 (Additional provisions for development in Parramatta Road Corridor).

Height

The applicant did not provide a written request to justify the proposed contravention to the maximum building height development standard despite Council, on several occasions, highlighting that the maximum building height development standard under Clause 4.3 remains relevant to the proposal and that the height uplift as per the key site provisions under the SLEP 2012 do not apply. The applicant disagreed with Council's position and would not provide a written request to justify the variation to the maximum building height development standard.

Excerpts of the written request to justify the variation to the maximum FSR development standard are provided below:

"We respectfully submit that the written request justifies the contravention of the floor space ratio development standard contained in clause 4.4A (read in conjunction with clause 4.4) of SLEP, respectively, by demonstrating that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the standard.*

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Compliance is unreasonable and unnecessary in the present circumstances as the development is consistent with the zone objectives and is in the public interest for the reasons otherwise mentioned above. In our opinion, the following planning grounds sufficiently justify the departure from the control in this case.

- *As respects the addition of the extra massing, the impact on the future southern adjoining allotment to be the site of the proposed future residential flat building will be acceptable by reason that the design/location of building minimises potential amenity impacts on the surrounding lots. This has been achieved through orientation of the building and location of the more bulky part in the south eastern corner.*
- *The proposal provides a compatible building bulk and scale, when compared with that of surrounding newer developments.*
- *The extra massing is in large part the result of the applicant's intention to retain, as part of the proposed development, the existing front half of the site including maintaining the 'saw tooth' facade along Columbia Lane. The existing development is a sensitive adaptive re-use of the former EMI Records manufacturing facility and recording studio formerly located on the site which has some cultural significance as many famous recordings were made at the studio which was used by many Australian musicians and singers of yesteryear.*
- *The proposal will not impact on the surrounding heritage items, been; 'Railway bridge with Arnott's sign over road' and 'Railway Viaduct over Powell's Creek'. The application is supported by GBA Heritage.*
- *The scheme provides compatible FSR, as recommended from the PRCUTS for Homebush.*
- *The work assists in rejuvenating the area, as currently is it an 'old rundown site', very much in need of improvement. The creation of the R4 residential lot, will also facilitate residential use.*
- *The work will contribute positively to the visual aesthetic of the area.*

On its face, and looked at solely in numerical terms, the departure from, relevantly, the floor space ratio development standard contained in clause 4.4A (read in conjunction with clause 4.4) of SLEP could perhaps be seen to be not insignificant. However, when dealing with numerical non-compliances with development standards, each such non-compliance is a question of fact and degree and each case must be considered based on its own circumstances. In this case the environmental impacts are acceptable.

The written request shows that the proposed development will be in the public interest because it is consistent with such of the objectives of the development standard as are of relevance to the subject-matter of the development application and the objectives for development within the zones in which the development is to be carried out."

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)*

FSR

The applicant's written request to justify the contravention of the maximum FSR 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,

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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 and justification in relation to environmental planning grounds for supporting the contravention. The proposed variation will result in:

- An incompatible, bulky and excessive built form;
- An overdevelopment of the site that is not consistent within the streetscape and is an unacceptable expansion of a prohibited use;
- An undesirable precedence and a critical failure to achieve key SLEP and zone objectives as well as the intentions of the key site provisions;
- A poor outcome and inability to strategically deliver appropriate redevelopment that is anticipated to occur along the Parramatta Road Corridor (including the newly created lot).

Height

As mentioned above, the applicant did not provide a clause 4.6 written request. As such, Council is unable to consider this variation further as Clauses 4.6(3) and 4.6(4) cannot be satisfied.

- (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 not considered to be consistent with the objectives of the development standard in that the excessive scale and bulk of the development represents an overdevelopment of the site that is not compatible with surrounding development and will have unacceptable impacts in terms of site isolation, streetscape and amenity.

The site is part zoned R4 – High Density Residential and B4 – Mixed Use zone. The proposal fails to achieve a number of objectives in both zones – as highlighted above.

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

The SLPP may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued on 21 February 2018.

In conclusion, the applicant's written request to justify the contravention of Clause 4.4 – maximum FSR development standard is not considered to be well-founded in that the applicant is unable to satisfactorily demonstrate 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 relevant provisions contained within Part 5 of the SLEP 2012 are addressed below as part of this assessment:

5.3 Development near zone boundaries

As the subject land situated at the edge of two (2) separate land use zones, Clause 5.3 applies. The objective of this clause is "to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone."

Under Clause 5.3(4):

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Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The proposal does not achieve the provisions relating to the above given that the proposed development encourages an expansion of an existing but prohibited use that is excessive in bulk and scale – greatly exceeding the maximum limits allowed for the site. Its design and architectural expression fail to positively contribute to the streetscape and restricts the redevelopment of the newly created lot. The overall scheme is considered an unacceptable overdevelopment of the site that fails to align with the objectives of respective zones.

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 (ASS)

The subject site is identified as having Class 5 soils and is located more than 500m from any Class 1-4 soils. The proposed development does not involve any basement works and only minor excavation works. Subject to the imposition of these conditions of consent, the proposal is considered to meet the objectives of this clause.

6.2 Earthworks

The proposal involves minor earthworks. Appropriate conditions of consent can be imposed to ensure appropriate management of earthworks and erosion and sediment movement onsite can be achieved. Overall, the proposal is considered to comply with the objective of this clause, subject to the imposition of conditions of consent.

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 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.

6.9 Additional provisions for development in Parramatta Road Corridor

The consolidated Lot A, which incorporates two of the three (3) original allotments that form Key Site 93 (refer to Figure 9) results in a lot that only forms part of Key Site 93 (60% site area) and as such does not benefit from the Key Site provisions. The proposed development fails to conform to the amalgamation pattern required for these sites. The objectives of Clause 6.9 are:

(a) to encourage a mix of commercial and residential land uses,

(b) to encourage the integration of developments that require large floor areas with other land uses.

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The proposed development involves an expansion of a prohibited use (a self-storage unit facility) – that is not considered a commercial nor a residential use that is anticipated to occur within the Parramatta Road Corridor. The proposal fails to encourage appropriate integration of developments that require large floor areas. The primary intent of Clause 6.9 is to rationalize land and facilitate accessible and activated design outcomes without isolating/sterilizing adjoining land parcels within the Parramatta Road Corridor. By virtue of abandoning the provisions under Clause 6.9, the proposed development fails to demonstrate site suitability and in achieving the objectives of this clause due to the following reasons:

- The proposed redevelopment of the northern lot is such that it will result in an unacceptable isolation of the other site within Key Site 93; and
- The proposed development will severely limit development potential for remaining lot within Key Site 93 as the additional density and building height provisions for Key Site 93 cannot be applied to this site. It is noted that these uplift provisions would only apply if a single development involving consolidation of all three (3) key site allotments was proposed.

Clause 6.9(3) states that:

Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will contribute to—

- (a) the general mix of residential and non residential land uses in the area, and*
- (b) the vertical and horizontal integration of land uses in the area.*

In light of the above reasons the proposed development fails to satisfy Clause 6.9(3) as it will result in site isolation impacts and a poor and undesirable planning and design outcome for both northern and southern lots. Thus, the proposal fails to demonstrate that an appropriate development and an acceptable planning and design outcome are achieved by abandoning the provisions under Clause 6.9.

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.

Strathfield Development Control Plan No. 20 – Parramatta Road Corridor Area

Given that the application is reliant on Existing Use Right provisions, the development standards and objectives within DCP 20 – Parramatta Road Corridor do not directly apply to the development, however are used as a guide in assessing the merits of the application in regards to the existing and desired future character and redevelopment of the Parramatta Road Corridor.

Section	Development Control	Required	Proposed	Compliance
2.2	Built form/footprint	Proposal to conform to the	The building footprint does not accord with the Parramatta	No.

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Section	Development Control	Required	Proposed	Compliance
		building footprint shown in figure 11.	Road Corridor Built Form Masterplan. It is noted that the Key Site provisions under SLEP 2012 override this control. As mentioned above the proposal fails to achieve the consolidation pattern in accordance with these provisions.	
2.3	Building Height	Proposal to conform to building height identified in figure 8, which requires max. 6 storeys.	Use maximum building height development standard under SLEP 2012.	N/A
2.6	Façade Composition	Entrance should be distinguishable in the façade.	Demonstrates consistency with the current entrance of the existing facility.	Yes.
		Facades should maintain a human scale to the street by incorporating appropriate architectural features.	The architectural treatments of the new proposal will be highly visible given its context being exposed to several transportation routes. There are numerous opportunities to view the development via open corridors. Given the sheer scale and massing of the development, the overall façade and design are not considered acceptable.	No.
		Materials and finishes should blend together with min. 30% to incorporate face brickwork.	The development is considered excessive and further, is clearly interpreted as a self-storage unit facility with strong, vibrant colouration that fails to integrate with existing development – in particularly newer, modern mixed use building along Parramatta Road.	No.
		Consider the use of glass in facades on northern and western elevations in terms of glare impacts.	Glazing is minimised in the proposal – reflecting its use as a self-storage unit facility.	No.
2.8	Visual and Acoustic Privacy	Visual privacy to be provided by separation or screening.	Given the use – visual privacy is not considered a substantive matter. There is limited glazing incorporated in the design.	Yes.

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Section	Development Control	Required	Proposed	Compliance
2.10	Solar Access	Min. 3 hours solar access maintained to habitable rooms and POS of adjoining development.	Limits development potential for south-adjoining lot due to overshadowing impacts.	N/A
2.11	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
2.12	Disabled Access	One main entrance barrier free and accessible.	Barrier free access to and from the main entrance.	Yes
2.13	Vehicle Access and Parking	Accessible parking provided.	To satisfy BCA	Yes
		Car parking provision must comply with part I of Strathfield Consolidated Development Control Plan 2005 – Provision of Off-Street Parking Facilities.	Council's Traffic Manager confirmed issues.	No
2.14	Site Facilities and Services	Comply with driveway ramp gradient and dimension requirements.	No issues identified.	Yes

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately addresses Part H and considered satisfactory.

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

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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 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*

All likely impacts on the natural and built environment as well as social and economic impacts, have been addressed elsewhere in this report. Impacts relating to site isolation, limiting development potential of the remaining allotment forming Key Site 93, streetscape, visual amenity and traffic impacts are considered unacceptable and unreasonable.

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

The proposed development is not considered to be suitable to the site due to the issues and impacts relating to its design and poor response to the site's constraints and context. The proposed development fails to demonstrate general compliance with the relevant considerations and provisions under Council policy. It is evident that the site is not suitable 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 Council's CPP from 27 January to 15 February 2021. No submissions were received during this time.

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 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).

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Given that the application is recommended for refusal, no contributions will be imposed. If the application is supported, conditions reflecting the correct amount of contributions can be imposed accordingly.

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: Miguel Rivera
Senior Planner

PEER REVIEW

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



Signed: George Andonoski
Specialist Strategic Planner

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 compliance with the development standard contained in Clause 4.4 – Floor Space Ratio of the SLEP 2012 is well founded. The consent authority has identified that there are no sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. DA2020/240 for consolidation of three (3) allotments into two (2) allotments and alterations and additions to the existing storage premises including office and storage space at 2-4 Parramatta Road, Homebush be **REFUSED**, given the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:
 - a) The proposal fails to satisfy the objectives of Clause 1.2(a) of the Strathfield Local Environmental Plan 2012 which seeks to achieve a high quality urban form. The proposal is an overdevelopment of the site that is excessive in bulk and scale and fails to demonstrate consistency and compatibility with existing and future desired development in the vicinity. A resultant urban form that is not contextually appropriate and not site responsive is achieved, as a consequence.

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- b) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to promote an efficient and spatial use of land. The proposal is an overdevelopment and is a poorly balanced design outcome. The isolation and restriction of redevelopment of the remaining key site is a critical consideration with regard to satisfying this aim.
 - c) The proposal fails to satisfy the objectives of Clause 1.2(b) of the Strathfield Local Environmental Plan 2012 which seeks to integrate transport and land use planning. The proposed vehicular access and parking are not designed appropriately and are not supported.
 - d) The proposal fails to satisfy the aim/s of the R4 – High Density Residential zone as it fails to facilitate housing to meet the needs of the community.
 - e) The proposal fails to satisfy the aim/s of the B4 – Mixed Use zone as it is unable to provide compatible land uses.
 - f) The proposal fails to comply with the maximum building height provision under Clause 4.3 and the relevant objectives of this standard.
 - g) The proposal fails to comply with the maximum FSR provision under Clause 4.5 and the relevant objectives of this standard.
 - h) The application fails to provide sufficient information in order for the consent authority to consider the variation under Clause 4.3 – in accordance with Clause 4.6. A written request was not provided by the applicant to vary this development standard. In this regard, development consent cannot be granted as the consent authority was unable to consider a written request from the applicant that seeks to justify the contravention of this development standard.
 - i) The application fails to provide sufficient planning grounds to satisfy Clause 4.6(4) to the extent that the proposed variation under Clause 4.4 can be considered acceptable and supportable.
 - j) The application fails to achieve the provisions under Clause 5.3 as the proposal fails to meet key zone objectives.
 - k) The proposal fails to achieve the provisions under Clause 6.9 as it fails to provide a balanced and appropriately designed planning outcome that encourages commercial and residential uses.
2. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
 - Streetscape impacts.
 - Visual amenity impacts.
 - Site isolation and restriction of development potential.
 3. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development for the following reasons:
 - Lack of spatial distribution and excessive bulk and scale that presents poorly to public domain and adjoining properties.
 - Poorly balanced development outcome that will create an undesirable precedence and have unacceptable impacts.
 4. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent. The proposal involving a significant expansion and intensification of a prohibited land use, fails to address substantive issues and numerous variations and non-compliant matters that are unacceptable and fail to demonstrate merit.

DA2020/240 - 2-4 Parramatta Road, Homebush
- Lots A and B DP 171468 and Lot 1 DP 124584 (Cont'd)

ATTACHMENTS

1. Site map
2. Clause 4.6 written request
3. Architectural Plans - cover sheet
4. Demolition Plan
5. Elevations and Sections
6. Floor Plans
7. Landscape Plan
8. Photomontages
9. Residential Concept 1
10. Residential Concept 2
11. Roof Plan
12. Schedule of Colours and Finishes
13. Shadow Diagrams
14. Signage Elevations
15. Site Analysis Plan
16. Site Plan
17. Subdivision Plan
18. Truck Paths
19. Heritage Impact Statement
20. Stormwater Plans
21. Traffic and Parking Assessment
22. Waste Management Plan
23. Arboricultural Assessment

TO: Strathfield Local Planning Panel Meeting - 2 December 2021
REPORT: SLPP – Report No. 41
SUBJECT: DA2020/250/2 - CHISHOLM STREET, BELFIELD (84-108 MADELINE STREET, STRATHFIELD SOUTH) - LOT 1 DP 556743
DA NO. DA2020/250/2

SUMMARY

Proposal:	Section 4.55(1A) Modification Application to amend Conditions 1, 4, 5, 12 and 13 of the consent.
Applicant:	Aussie Skips Recycling Pty
Owner:	Isas Pty Limited
Date of lodgement:	15 July 2021
Notification period:	22 July to 6 August 2021
Submissions received:	Thirty-seven (37) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$2,915,000.00
Zoning:	IN1 – General Industrial – SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	REFUSAL

EXECUTIVE SUMMARY

On 6 May 2021, the Strathfield Local Planning Panel granted consent for development application (DA2020/250). This application was seeking approval for the demolition and the construction of an acoustic enclosure comprising recycling yard, storage bays and workshop and construction of two (2) weighbridges and a single-storey office, and ancillary structure.

On 15 July 2021, Council received a Section 4.55(1A) modification application to amend Conditions 1, 4, 5, 12 and 13 of the consent. These conditions are specific to the approved plans and documents, developer contributions, design changes and acoustic assessment and noise mitigation measures.

The subject application was notified as per Strathfield Council’s Community Participation Plan (CPP), from 22 July to 6 August 2021. A total of thirty-seven (37) submissions were received during this period. The general theme of the matters raised in these submissions relate to concerns that changes to the conditions could result in noise, air quality and traffic impacts. Other issues mentioned are associated with the operations of the waste management facility, including past complaints, and breaches to EPA licenses and current consents. These were previously raised by submissions for recently approved development applications for the premises (DA2021/14 and DA2020/250).

The subject modification application was referred to the Strathfield Local Planning Panel (SLPP) as it involves contentious development – with the application receiving over three (3) submissions.

DA2020/250/2 - Chisholm Street, Belfield (84-108 Madeline Street, Strathfield South) - Lot 1 DP 556743
(Cont'd)

The proposed modification does not involve any significant physical changes to the acoustic enclosure and any associated ancillary structures as approved by the parent application. The modification proposes amending consent conditions 1, 4, 5, 12 and 13. The proposed amendments solely involve the wheel wash bay, altering the design of the truck egress/access point, and altering specific noise assessment and mitigation measures. Council's internal experts provided guidance and recommendations with regard to the proposal and it was concluded that the proposed modifications cannot be accepted. Instead, the applicant would need to consider submitting a revised modification specifically addressing noise mitigation. Accordingly, the application is recommended for refusal.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) states as follows:

“4.55 Modifications of consents – generally

(1A) *Modifications involving minimal environmental impact*

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 proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.”

With regard to subclause 'a', current consent conditions 12 and 13 require the applicant to amend its current Noise Impact Assessment report so Council can be satisfied that the development, including its operational noise, will be below the required levels. This includes the applicant monitoring noise levels at various sites. The applicant's proposed modifications reduce the applicant's obligation to amend its report. For example, the operational noise assessment requirement would be removed. This means Council cannot be satisfied that the development, including operational noise from the development, will be below the required levels. Council's internal experts, having assessed the application and relevant supporting documentation, have confirmed this is a concern. Council, is therefore, not satisfied that the proposed modification will have minimal environmental impacts and accordingly, the application fails to satisfy Section 4.55(1A)(a) of the EP&A Act 1979.

With regard to subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all). The nature of the changes are

DA2020/250/2 - Chisholm Street, Belfield (84-108 Madeline Street, Strathfield South) - Lot 1 DP 556743 (Cont'd)

generally considered minor and primarily relate to the conditions in the consent. Notwithstanding this, the likely impacts of the proposed modification are not considered acceptable and reasonable.

With regard to subclauses 'c' and 'd', the application has been notified in accordance with the CPP and thirty-seven (37) submissions were received. A discussion of the matters raised in these submissions is contained below.

Clause 4.55(3) of the EP&A Act 1979 states the following:

(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 reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reason for originally granting consent for the approved development (DA2020/250) was as follows:

"The Panel generally agrees with the planning officer's report but has amended conditions to improve environmental and local amenity outcomes."

The proposed modification retains the approved land use as an acoustic enclosure and other ancillary structure relevant to the current use of the premises as a waste management facility. The resultant changes from the proposed modification mean Council is less able to assess, and potentially to enforce, noise levels which have adverse environmental impacts. An evaluation of the proposed modification, against the above reason provided by SLPP for granting development consent, has identified that the above reason for granting consent would not remain satisfied if the modification was approved.

As such, Council's evaluation of the proposed modification confirmed that the subject modification application fails a number of tests under Section 4.55 of the EP&A Act 1979 and Council, as consent authority, is unable to grant consent for the proposal.

BACKGROUND

17 April 2000	Council granted consent to Development Application (No. 9899/452) for use of the subject premises as a waste transfer and recycling facility (waste management facility) for solid inert building and demolition wastes.
18 June 2003	Council granted consent to Development Application (No. 0203/040) for the erection of a wall along part of the site boundary adjacent to the Sydney Water channel.
19 July 2005	Council approved a proposed modification of the above development consent (DA0203/040) to enable an extension of the wall further along the site boundary adjacent to Cox's Creek and along the eastern site boundary.
24 February 2016	Council granted consent to Development Application (DA2015/144) for installation of two (2) vehicle weighbridges to be used in conjunction with the approved waste transfer station.
28 October 2016	Council refused a proposed modification of the earlier development consent (DA9899/452) to allow for receipt of new waste streams including household waste, green waste and electrical waste.

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6 June 2019	Strathfield Local Planning Panel (SLPP) refused Development Application (DA2018/174), which was seeking approval for the construction of an acoustic enclosure.
25 June 2019	Heads of Agreement was reached between Strathfield Municipal Council and the applicant in front of the Land and Environment Court (LEC). For future reference and only in relation to the assessment of this application – the Heads of Agreement will be referred to as <u>Court orders</u> . It is noted that one (1) of the requirements in the Court orders is to ensure that all loading and unloading activities are undertaken within a lawfully constructed acoustic enclosure.
1 April 2021	The SLPP granted consent to Development Application (DA2021/14). This application was seeking approval for the demolition of an acoustic wall and hardstand, restoration and reinstatement of Council land (Lot 1 DP 107494) and the installation of a temporary acoustic wall on the boundary between Council land and Facility land (Lot 1 DP 556743).
6 May 2021	The SLPP granted consent to Development Application (DA2020/250).
15 July 2021	The subject modification application was lodged to Council.
22 July 2021	Public notification of the application commenced as per the CPP, with the closing date for receipt of submissions being 6 August 2021. A total of thirty-seven (37) submissions were received during this period.
23 September 2021	A deferral letter was sent to the applicant outlining the following matters of concern that required resolution: <ul style="list-style-type: none">• Acoustic Engineer comments; and• Air Quality Expert comments.
8 October 2021	The applicant provided additional information in response to the deferral letter.
18 October 2021	A 2 nd deferral letter was sent to the applicant outlining the following outstanding issues that required resolution: <ul style="list-style-type: none">• Condition 1;• Condition 5;• Condition 12; and• Condition 13.
21 October 2021	The applicant provided additional information in response to the 2 nd deferral letter.
23 November 2021	Council's experts reviewed the supplied information and provided their final comments.

Note: Due to the NSW Government's Public Health Orders in response to the COVID-19 outbreak in greater Sydney, Council officers were unable to attend the site. The application has been assessed utilising Council's geographic information systems data and other available information relating to the existing site conditions.

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DESCRIPTION OF THE PROPOSED MODIFICATION(S)

The specific elements of the modification(s) sought under Section 4.55(1A) are as follows:

- Modify Condition 1. Condition 1 contains a list of documents and plans Council is said to have 'approved'. The applicant wants the existing noise impact assessment report and its addendum included in the documents referenced in Condition 1. If this occurred, it would suggest the existing noise impact assessment report and its addendum has been approved, when the applicant's noise impact assessment report has not been approved, and in fact requires amendment under the current Condition 12.
- Modify Condition 4 to correct the numerical values indicated for the developer contributions (Section 7.12 contributions).
- Modify Condition 5 in relation to design change conditions. Specifically, these changes relate to the wordings of the conditions relating to the wheel wash bay and the opening for truck access and egress.
- Modify Condition 12 in relation to the obligation for an amended noise impact assessment report to address further issues. If the proposed amendments to this condition are accepted, then minor changes would be required for Condition 1 to reflect these amendments by requiring the applicant to implement the development application in accordance with that report; and
- Modify Condition 13 in relation to acoustic requirements and in reference to the new noise impact assessment report.

DESCRIPTION OF THE SITE AND LOCALITY

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

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

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



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(Cont'd)

Figure 1. The subject site (shown in yellow) and surrounding context.

REFERRALS

INTERNAL REFERRALS

Acoustic Engineer Comments

The application was referred to Council's Acoustic Engineer and the following issues are raised:

“Condition 1

The proposed amendment to Condition 1 is not supported.

It is recommended that Condition 1 does not include EMM's 17 December 2020 Noise Impact Assessment report. The report must be addressed under Conditions 12 and 13. This is because EMM's report has not been amended, including to address any increased noise under the proposed modification to Condition 5. This means the report is not an 'approved' document, unlike the other documents in Condition 1.

Condition 5

The proposed amendment to Condition 5 is not supported.

The proposed design change to the 'acoustic enclosure' allowing 2 doors, instead of 1, for trucks to enter and leave the property may affect the level and generation of noise from the facility. Because of this, the re-design would need to comply with Condition 12 and this has not been addressed in EMM's report.

Condition 12 and operational noise

The proposed amendment to Condition 12 is not supported.

It is recommended that the consent retains Condition 12's operational noise paragraph. Based on reviewing EMM's 17 December 2020 Noise Impact Assessment report, it is considered that this paragraph is important so as to ensure that operational noise is properly addressed. For example, EMM's 17 December 2020 Noise Impact Assessment report does not qualify all the noise sources, operational locations, operating times, operating restrictions, and emission levels for the various scenarios that can occur on the site. It is noted that there is no access to the report's modelling data. Additionally, the report does not deal with the proposed design change allowing two (2) doors for trucks to enter and exit the acoustic enclosure.

Condition 12 and monitoring at 17 Excelsior Avenue and Leq levels

The monitoring at No. 17 Excelsior Avenue's first floor receiver can be removed from this condition so long as the 48dB(A) Leq level paragraph contains the following additional sentence "The 48 dB(A) limit applies to any point on both the ground level and the first floor level of 17 Excelsior Avenue."

It is also recommended that the following sentence is included in Condition 12: The development must be implemented in accordance with the amended version of EMM's 17 December 2020 Noise Impact Assessment report, as approved by Council under Condition 12.

Condition 13

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(Cont'd)

The proposed amendment to Condition 13 is not supported.

Even though DA2020/250 originally used the expression 'approved Noise Impact Assessment Report' (since the report needs approval under Condition 12 before Condition 13 becomes relevant), it is recommended that Condition 13 be amended by adding the following sentence: "The development must be implemented in accordance with the amended version of EMM's 17 December 2020 Noise Impact Assessment report, as approved by Council under Condition 12." This addition directs AS to implement the development in accordance with the amended report, once approved."

Given the above considerations, Council's Acoustic Engineer confirmed objections to the proposed modification.

Air Quality Expert Comments

Council's Air Quality Expert confirmed that the proposed changes to the conditions are generally acceptable, subject to a modified condition of consent (Condition 5). The Air Quality Expert has suggested the following amendments:

"Each of the two openings to the building are to be reduced to the minimum required size (6m high and 6m wide each) for the largest proposed trucks, either entering or exiting the building (refer to attached "Entrance Plan and Elevation drawing DA 03 B". Each opening is to accommodate the passage of only one truck movement at a time and must include at least 1m long flexible flaps to the top of the opening. The flexible flaps must be maintained in order to keep the opening size minimised."

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

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

A review of the available history of the site and Council records suggest that the land associated with this development may be contaminated. The current use of the site as a waste management facility makes it likely, in Council's experience that some contamination actually exists on the subject site. The proposed modification does not involve changing the land use and will result in continued use of the facility. As such, no remediation works would be required for the site and the proposal is considered satisfactory with regard to the provisions of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

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

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

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

(a) land in a prescribed zone, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(Cont'd)

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (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	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	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	Yes
(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	Yes
(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Comments: The approved development as modified by this Section 4.55 modification application is consistent with the general aims of SLEP 2012.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

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

Part 4 – Principal Development Standards

The proposed development does not trigger any provisions under Part 4 of SLEP 2012.

Part 5 – Miscellaneous Provisions

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

Part 6 – Additional Local Provisions

Clause 6.1 Acid sulfate soils

The subject site is identified as within Acid Sulfate Soils (ASS) – Class 4 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not

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disturb, expose or drain acid sulfate soils and cause environmental damage. Within Class 4, the trigger under SLEP 2012 is works more than 2m below the natural ground surface and is likely to lower the water table more than 2m below natural ground surface. Given that the proposed modification does not involve ground disturbance works that are more than 2m below natural ground surface, an Acid Sulfate Soils Management Plan is not required. Therefore, the proposal satisfies the requirements of Clause 6.1.

Clause 6.2 Earthworks

The proposed modification does not alter the earthworks relating to the approved development. It is further noted that these works are considered minimal. Conditions for appropriate management of soils will be retained in the modified consent to ensure the relevant provisions under this clause are satisfied.

Clause 6.3 Flood planning

A minor portion of the site is located at or below the 'flood planning level'. This affectation is generally confined to the extent of the open stormwater channel that traverses the site. The proposed modification is located within that portion of the site affected by the flood planning level; however, given the nature of the proposal involves ancillary development for a waste management facility; the relevant provisions of this clause are considered satisfied.

Clause 6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed 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**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)**

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

PART D – INDUSTRIAL DEVELOPMENT

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

Section 2.14 – Air, Noise and Water Pollution

Given the above commentary from Council's Acoustic Engineer, it is considered that the proposed modifications do not sufficiently address potential noise impacts. As such, the matters under Section 2.14 are not satisfied by the proposal.

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

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

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

Not applicable.

(i) any coastal zone management plan

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

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

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

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

The proposed modification does not substantially change the scale and character of the approved development. However, the proposed modification will result in significant adverse noise impacts. These impacts are considered unacceptable and it is recommended that the proposal be refused.

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

The approved development as modified by the current Section 4.55 modification application ensures that the development is not suitable to the site due to resultant adverse noise impacts.

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

In accordance with the provisions of the CPP, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. Thirty-seven (37) submissions were received from the following properties:

- No. 6 Birriwa Avenue, Belfield – two (2) submissions;
- No. 12 Birriwa Avenue, Belfield;
- No. 23 Blanche Street, Belfield – two (2) submissions;
- No. 11 Chatfield Avenue, Belfield – three (3) submissions;
- No. 13 Chatfield Avenue, Belfield – two (2) submissions;
- No. 16 Chatfield Avenue, Belfield – two (2) submissions;
- No. 2 Chisholm Street, Belfield;
- No. 6E Chisholm Street, Belfield – two (2) submissions;
- No. 7 Chisholm Street, Belfield;
- No. 12 Chisholm Street, Belfield – two (2) submissions;

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- No. 22 Chisholm Street, Belfield;
- No. 7 Excelsior Avenue, Belfield
- No. 9 Excelsior Avenue, Belfield – two (2) submissions;
- No. 12 Excelsior Avenue, Belfield;
- No. 17 Excelsior Avenue, Belfield – three (2) submissions;
- Madeline Street Belfield;
- No. 75 Madeline Street, Belfield – two (2) submissions;
- No. 85 Madeline Street, Belfield;
- No. 103 Madeline Street, Belfield;
- No. 6 Sunlea Crescent, Belfield;
- No. 8 Sunlea Crescent, Belfield;
- No. 10 Sunlea Crescent, Belfield – two (2) submissions;
- Anonymous and no address – two (2) submissions

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

Issue / Concern	Response
Wheel wash bay	Associated changes to the wheel wash bay are generally considered acceptable. The applicant has made sufficient changes on the wording of respective condition/s to the satisfaction of Council's Air Quality Expert.
Design changes to the entry door	Associated changes to the opening and entry door are not acceptable due to potential noise impacts, as confirmed by Council's Acoustic Engineer.
Changes to noise monitoring, acoustic assessment and other noise-related conditions are not appropriate and will result in unacceptable impacts.	As detailed above, Council's Acoustic Engineer confirmed objections to changes in relation to noise monitoring and acoustic assessment.
Misting system should be retained and utilised to minimise dust emissions.	The proposed modification does not involve removal of any misting system/s within the facility.
Proposed modification will result in increased noise, air and dust emissions, traffic congestion and other impacts. Proposed modification will undermine the purpose and intent of the consent.	Noise impacts have not been resolved by the proposed modification.
Past breaches and non-compliances by the operator. This application reflects the operator's intent to not comply with the consent.	Any breaches or non-compliance matters in relation to the operations of the facility are to be resolved on a case-by-case basis and are separate from the subject modification application.

4.15 (1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation. The approved development as modified by the current modification application is not contrary to the public interest.

DA2020/250/2 - Chisholm Street, Belfield (84-108 Madeline Street, Strathfield South) - Lot 1 DP 556743
(Cont'd)

LOCAL INFRASTRUCTURE CONTRIBUTIONS

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

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposal; however, these have already been captured in the current consent for the approved development (DA2020/250). The proposed modification only involves changes to consent conditions. Accordingly, the relevant conditions relating to developer contribution payments remain relevant and any errors can be corrected by the proposed modification.

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
Senior Planner

PEER REVIEW

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

Signed: Stephen Clements
Deputy CEO, GM Planning, Environment & Urban Services

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2020/250 involving to amendments to Conditions 1, 4, 5, 12 and 13 of the consent be **REFUSED** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:
 - a) Fails to satisfy Section 4.55(1A)(a) of the *Environmental Planning and Assessment Act 1979* in that the proposed modification will result in adverse environmental impacts that are significant and not minor in nature. The consent authority is unable to grant consent for the proposed modification as it fails this test and the proposal is not considered a Section 4.55(1A) modification.
 - b) Fails to satisfy Section 4.55(3) of the *Environmental Planning and Assessment Act*

DA2020/250/2 - Chisholm Street, Belfield (84-108 Madeline Street, Strathfield South) - Lot 1 DP 556743 (Cont'd)

- 1979 in that the proposed modification is unable to satisfy the reason/s for granting approval for the development and will result in adverse environmental impacts.
- c) Fails to meet the objectives of the IN1 – General Industrial zone in that the proposed modification fails to minimise adverse effects of industry on other land uses.
2. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:
 - a) Fails to achieve the objective under Section 2.14 of Part D of the DCP in that the proposed modification is unable to ensure that the facility does not create a pollution problem by the discharge of an unacceptable level of noise pollution.
 - b) Fails to satisfy the guidelines under Section 2.14 of Part D of the DCP in that the proposed modification will not result in the design of the development being able to inhibit the transmission of noise and
 - c) Fails to satisfy the guidelines under Section 2.14 of Part D of the DCP in that the proposed modification is unable to ensure that the use of the premises is able to comply with noise policies and pollution guidelines under NSW Government.
 3. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
 - a) Noise impacts.
 4. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development for the following reasons:
 - a) Modifications/changes proposed will result in the generation of adverse noise impacts that cannot be resolved and will contravene operational requirements of the facility including the Heads of Agreement (issued by the Land and Environment Court).
 5. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

1. Statement of Modification
2. Revised Ground Floor Plan
3. Revised Noise Assessment Submission

2nd Revision S4.55(1A)
Application to modify
Conditions of
Development Consent
DA2020/250 20/10/21

AUSSIE SKIPS RECYCLING PTY LTD
CHISHOLM ST, BELFIELD NSW 2136 – LOT 1 DP556743



This is a S4.55(1A) application seeks to modify the Development Consent granted by the Strathfield Local Planning Panel (SLPP) at its meeting of 6 May 2021.

As4.55 modification was lodged with Council on 15 July 2021 (**Original Modification Application**)

A deferral and RFI request was received from Council on 23 September 2021

A revised response was submitted by the applicant on 8 October 2021 (**Amended Modification Application**)

A second deferral and RFI request was received from Council on 17 October 2021

We have considered latest comments from Council and its experts and offer the following 2nd revision response to each of the Conditions in dispute. Specifically, this further revised application seeks to:

- Modify Consent Condition No. 4 in relation to Indirect Contributions ambiguities (**no change from Amended Modification Application**).
- Modify Condition No.5 where Council/SLPP has imposed some design Conditions on the development. The modifications proposed preserve the intent by Council/SLPP in their Consent Conditions but make the design changes workable and operationally possible. An additional elevation plan has been included by way of explanation. (**following changes from Amended Modification Application: revised wordings, plans and additional comments from EMM and Architect**)
- Modify Condition No. 12 relating to the requirements by Council/SLPP for additional acoustic measuring and reporting. If the proposed amendments to this Condition are accepted, then there is a flow need to make minor corrections to Conditions Nos. 1 & 13 as indicated. (**following changes from Amended Modification Application: modified comments from EMM, revised wordings and deletions and attached Addendum**)

The modifications to the various Conditions are discussed below with revised alternate wordings and justification comments:

Condition No.1 Approved Plans and Documentation

Proposed inclusion (below the existing approved plans and documentation)

Description	Reference Number	Date	Revision	Prepared by
Noise Impact Assessment	J200889 RP1	17 December 2020	Final	EMM
Addendum noise report	J1708411	30 September	Final	EMM

Justification for changes

1. See reasoning in relation to condition 12 (2) and attached EMM addendum letter.

Condition No.4 Fees to be paid

1

Current Wording

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

Proposed Wording

A Section 7.12 contribution in the amount of \$29,150.00 has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan (3 September 2010).

Justification for changes

The incorrect indirect contribution figure was included in this paragraph of Condition 4. The correct number (1% of the development costs = \$29,150.00) was contained in an earlier table in the Condition. This change will eliminate any ambiguities. (no revised changes)

Conclusion: It's our belief that the revised wording to condition 4 is acceptable to Council as it has not been raised in the deferral correspondence.

Condition No.5 Required Design Changes**Current Consent Wording**

Wheel wash bay : A wheel wash bay must be included for trucks entering and exiting the site with a minimum size of 6m in length

Proposed Wording

Wheel wash bay: A 6m wheel wash must be included for use by all trucks exiting the shed.

Revised Proposed Wording

Wheel wash bay : A wheel wash must be included for all trucks exiting the shed with a minimum wheel washing travel length of 6m.

Justification for changes

1. Aussie Skips considers that the use of a wheel wash is always when vehicles leave any site. This is so they do not track waste/mud/dirt etc back onto the street. It is not practical or necessary that they also clean the wheels as vehicles enter the site.
2. The inside of the shed is to be serviced by a dust suppression misting system so the appropriate location for a wheel wash is for all trucks exiting as is the case for all waste facilities, quarries, and construction sites. We have provided alternate wording to this part of the Condition above.

The revised wording now reflects that proposed by Council and is acceptable

Condition No.5**Required Design Changes****Current Consent Wording***Entrance to the building*

The opening to the building is to be reduced to the minimum required size for the largest proposed truck entering and exiting the building. This opening is to accommodate only one truck at a time, and should include flexible flaps to the sides and top of the opening so that damage is not caused to any truck should it brush up against the opening.

Proposed Wording

Entrance to the building

The opening to the building is to be reduced to the minimum required size for the largest proposed trucks entering and exiting the building **over the weighbridges.**

Revised Proposed Wording (contained in Amended Modification Application)

Entrance to the building

The openings to the building are to be reduced to the minimum required size (total 6m high, 12m wide) for the largest proposed trucks, either entering or exiting the building (refer attached elevation plan DA 03 C). Each opening is to accommodate the passage of only one truck movement at a time and should include flexible flaps to the sides and top of the opening so that damage is not caused to any truck should it brush up against the opening.

Further Revised Proposed Wording

The openings to the building are to be reduced to the minimum required size (total 6m high, 12m wide) for the largest proposed trucks, either entering or exiting the building (refer attached elevation plan DA 03 C – dated 21/10/2021). Each opening is to accommodate the passage of only one truck movement at a time and should include flexible flaps to the sides and top of the opening so that damage is not caused to any truck should it brush up against the opening.

Justification for revised changes

1. The original assessments undertaken by EMM, which included the proposed entrance (without this Condition), already satisfied the acoustic and noise requirements. EMM confirms, in its attached letter, that the noise modelling adopted one opening of 8m high by 20m wide. The current final design shows two roller doors totalling 6m (5m + 1m rubber curtain) high by 12m wide and therefore considerably smaller than adopted in noise modelling. Refer to Figure 1 below. This will improve noise outcomes as compared to modelling results. Council's concern

that the proposed opening could have negative noise implications is therefore addressed.

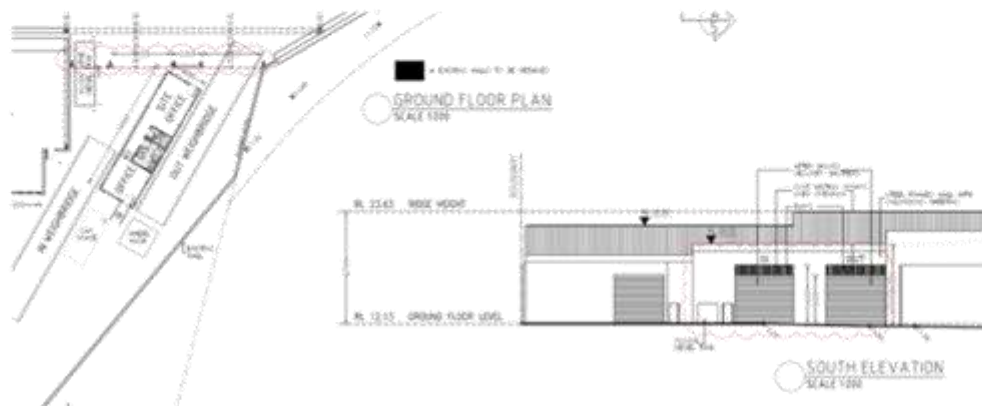


Figure 1 – Proposed shed doors

2. Councils external dust consultant made the following observation:

"the size of the opening to the south has been noted as a concern so a condition requiring that this opening be as small as possible to accommodate the largest expected dimensions of vehicles entering the site, with edges to that opening containing a hard, flexible rubber edge in case vehicles brush up against the opening" (p331 SLPP report)

The above comment has then manifest itself into the current condition. The intent of this comment has been achieved with the revision of this condition wording.

3. Aussie Skips contends that the intent of the condition (dust management) can be met, as outlined below. However, if the shed entrance design is modified to reflect the literal interpretation of the current condition, then the ingress and egress to the shed will not be operational or functional. The idea that one truck at a time can enter and exit through a narrowed doorway is unworkable. Consideration must be given to the fact that the weighbridge configuration is two weighbridges separated by a weighbridge office and it would be impossible to funnel trucks from these weighbridges with their respective swept path requirements. In essence, a single ingress and egress point which would only allow one truck to enter or leave at a time is unworkable, serves no purpose, and would require numerous vehicles to potentially cross paths creating safety hazards. To effectively clear the weighbridges, it is suggested by Aussie Skips that there be two smaller doors rather than one bigger door such that trucks can proceed generally straight on and off the weighbridges and not have to turn sharply. This would create a wall pillar behind the weighbridge office reducing the opening sizes to what the Council's Dust Consultant referred to "as small as possible". Please refer to the attached "Entrance Plan and Elevation DA 03 C" to show the proposed arrangement.

4. To achieve the noise and dust intent and the ability to get in and out of the shed across two weighbridges with associated manoeuvring, the concept of minimising the opening is agreed. It is not possible for trucks to enter and exit one at a time through a single opening (unless it is a very large opening) and Aussie Skips suggest that two smaller openings will give a better outcome (see revised attached elevation plan DA 03 C) in terms of safety and vehicle movement and the total area of the two openings will be smaller than the current alternative. This will enhance dust and acoustic management outcomes.

Aussie Skips intends to provide roller doors to be able to secure the shed building outside operational hours and will also install dust misting around the two proposed doorways to assist in managing dust when the doorways are open. The revised attached "Entrance Plan and Elevation - DA 03 C" shows the enclosed entrance area details. It indicates "in and out doorways" aligned to the in and out weighbridges. These doorways have been dimensioned to accommodate the largest trucks and their swept paths. Flexible flaps will be used at the top and sides of each doorway.
5. We believe this revised modified entrance design will significantly enclose the entrance, as per Council's intent, with a solid wall structure with flaps and misting will provide functional and effective dust management solutions to satisfy the intent of the original condition as suggested by Council's independent dust consultant.
6. Date of the revised plan has been added to the condition and the wheel wash modified to align with the wheel wash condition requirements

Condition No.12 Amended Noise Impact Assessment Report

Current Consent Wording

The following amendments to the Noise Impact Assessment Report are required to address the following issues:

Operational noise

The provided assessment fails to consider then operations of the facility (locations, operational hours and associated noise). As such, it is difficult to ascertain if the noise targets identified in the assessment can be achieved. The Noise Impact Assessment Report must demonstrate how noise targets identified in the assessment can be achieved.

First floor receiver – 17 Excelsior Avenue, Belfield

The assessment fails to include the first floor receiver at No.17 Excelsior Avenue, Belfield. The noise monitoring and results from the monitoring in the amended Noise Impact Assessment Report must extend to include this receiver.

Leq level

The amended Noise Impact Assessment Report must apply a noise emission limit of 48dB(A) as an Leq (15 minute) level to any affected residential receiver location

The assessment must ensure that the Leq (15 minute) level is adjusted in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017) to account for any special audible characteristics.

The amended Noise Impact Assessment Report must be submitted to Council and approved by Council prior to the application for a Construction Certificate.

Proposed Wording

The following amendments to the Noise Impact Assessment Report are required to address the following issues:

Leq level

The amended Noise Impact Assessment Report must apply a noise emission limit of 48dB(A) as an Leq (15 minute) level to any affected residential receiver location

The assessment must ensure that the Leq (15 minute) level is adjusted in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017) to account for any special audible characteristics.

Revised Proposed Wording

The following amendments to the Noise Impact Assessment Report are required to address the following issues:

Leq level

The amended Noise Impact Assessment Report must apply a noise emission limit of 48dB(A) as an Leq (15 minute) level to any affected residential receiver location in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017),

The assessment must ensure that the Leq (15 minute) level is adjusted in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017) to account for any special audible characteristics.

Further Revision for purpose of present Modification Application

The following amendments to the Noise Impact Assessment Report are required to address the following issues:

Operational noise

The provided assessment fails to consider then operations of the facility (locations, operational hours and associated noise). As such, it is difficult to ascertain if the noise targets identified in the assessment can be achieved. The Noise Impact Assessment Report must demonstrate how noise targets identified in the assessment can be achieved.

Leq level

The amended Noise Impact Assessment Report must apply a noise emission limit of 48dB(A) as an Leq (15 minute) level to any affected residential receiver location in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017),

The assessment must ensure that the Leq (15 minute) level is adjusted in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017) to account for any special audible characteristics.

Justification for the revised changes

See attached letter and Addendum from EMM, which speaks to the operational noise in particular. In summary, the applicant agrees that the amended noise report will demonstrate how operational noise will meet the 48dBA limit.

1. First floor receiver- 17 Excelsior Avenue, Belfield

The attached addendum report confirms that the predicted noise level presented in the 17 December 2020 noise impact assessment report for location R2 (17 Excelsior Avenue Belfield) of 48dB(A) Leq,15minute is for the upper floor position of that residence. Council's concerns in respect of differences in noise levels between the ground and upper floor locations are valid for the current site configuration ie with the noise barrier. However, this possible marginal differential is diminished with the proposed enclosure since noise cannot escape from the enclosure as it currently does with the barrier. Therefore, this part of the condition is unnecessary and should be deleted.

2. Leq level

The target of 48dB(A) Leq,15minute is accepted for 17 Excelsior Avenue. The condition further states that this is to be in accordance with the EPA Noise Policy for Industry (NPfI), which is also accepted. No amendments have been made to this part of Condition 12."

Condition No.13 Acoustic Requirements

Current Consent Wording *Compliance with the approved Noise Impact Assessment Report*

The Construction Certificate plans must demonstrate compliance with the amended and approved Noise Impact Assessment (as per Condition 12 of this consent)

Proposed Wording **Compliance with the approved Noise Impact Assessment Report**

The Construction Certificate plans must demonstrate compliance with the approved Noise Impact Assessment Report

Revised Proposed Wording **Compliance with the approved Noise Impact Assessment Report**

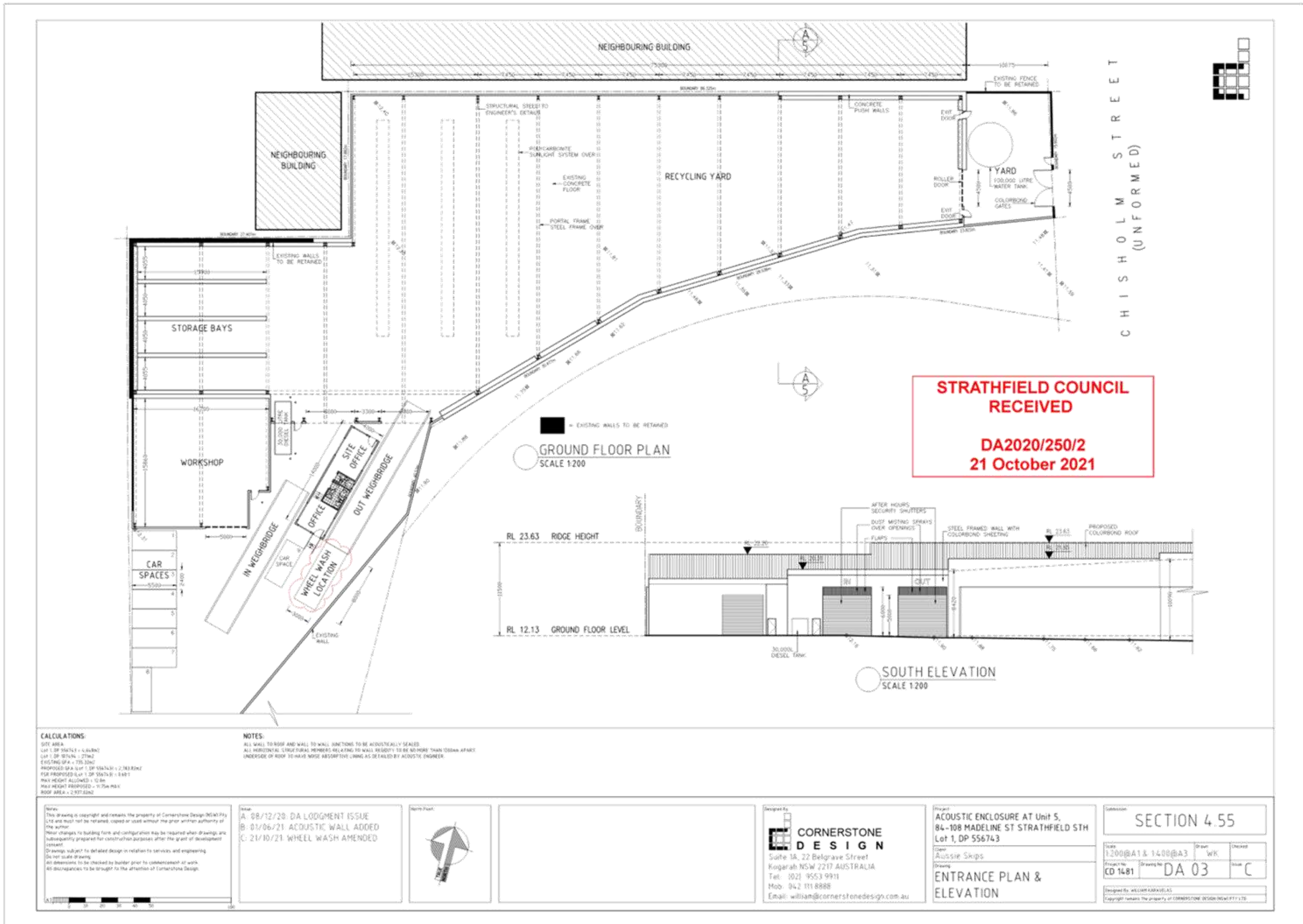
The Construction Certificate plans must demonstrate compliance with the approved Noise Impact Assessment Report and Addendum.

Further Revised Wording

The Construction Certificate plans must demonstrate compliance with the amended Noise Impact Assessment (as required by Condition 12 of this consent).

Justification for changes

1. The wording would automatically need to change due to the proposed revisions to Condition 12 and the inclusion of an Addendum.



CALCULATIONS:

SITE AREA
 Lot 1 DP 554741 = 4,648sqm
 Lot 1 DP 557474 = 274sqm
 Existing GFA = 751,30sqm
 PROPOSED GFA (Lot 1 DP 554741) = 2,263,82sqm
 FOR PROPOSED Lot 1 DP 554741 = 9481
 MAX HEIGHT ALLOWED = 12.5m
 MAX HEIGHT PROPOSED = 11.75m MAX
 ROOF AREA = 2,937,62sqm

NOTES:

ALL WALL TO ROOF AND WALL TO WALL JUNCTIONS TO BE ACoustically SEALED
 ALL HORIZONTAL STRUCTURAL MEMBERS RELATING TO WALL READY TO BE 40-90mm THAN 1500mm APART
 UNDERSIDE OF ROOF TO HAVE NOISE ABSORPTIVE LINING AS DETAILED BY ACOUSTIC ENGINEER

Notes:
 This drawing is copyright and remains the property of Cornerstone Design (NSW) Pty Ltd and must not be retained, copied or used without the prior written authority of the author.
 Minor changes to building form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.
 Drawings subject to detailed design in relation to services and engineering.
 Do not scale drawing.
 All dimensions to be checked by builder prior to commencement of work.
 All discrepancies to be brought to the attention of Cornerstone Design.

Revised:
 A: 08/12/20: DA LODGMENT ISSUE
 B: 01/06/21: ACOUSTIC WALL ADDED
 C: 21/10/21: WHEEL WASH AMENDED



Designed by
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 Email: william@cornerstonedesign.com.au

Project:
 ACOUSTIC ENCLOSURE AT Unit 5,
 84-108 MADLINE ST STRATHFIELD STH
 Lot 1, DP 556743
 Client:
 Aussie Skips
 Drawing:
ENTRANCE PLAN & ELEVATION

Section:
SECTION 4.55
 Title:
 1:200@A1 & 1:400@A3 WK
 Project No:
 CD 1481
 Drawing No:
DA 03
 Block:
C
 Designed By: WILLIAM KARAVELAS
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1 October 2021

Ewen McKenzie
Project Manager
c/o Aussie Skips
5/84-108 Madeline St
Strathfield South NSW 2136

**STRATHFIELD COUNCIL
RECEIVED**

**DA2020/250/2
8 October 2021**



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St Leonards NSW 2065
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E info@emmconsulting.com.au
www.emmconsulting.com.au

Re: Aussie Skips Strathfield Acoustic Enclosure DA 2020/250 - revised noise submission in response to s4.55 application.

Dear Ewen,

The following provides responses to comments in relation to noise matters as described in Strathfield Council's s4.55 response letter of 23 September 2021. Council's Miguel Rivera provided further clarification in an email of 23 September 2021 on Council's reasoning behind its position on the proponent's application to amend noise conditions in Consent DA 2021/14. The Consent described in the Notice of Determination of 6 May 2021 is of relevance.

Attached hereto is an addendum to the noise impact assessment report (Aussie Skips Strathfield Noise - Addendum to December 2020 report) and the original noise impact assessment report (Alterations and additions at 5/84-108 of 17 December 2020 prepared by EMM.

1 Condition 1

The attached Addendum to the noise assessment together with the 17 December 2020 noise impact assessment report prepared by EMM provides Council with further information to address the matter raised. Council's reasoning for not supporting the changes to this condition relate to the first-floor noise level at 17 Excelsior Avenue not being reported on in the noise impact assessment report (EMM 2020). The addendum provides clarification specifically for Consent Condition 12 and consequently changes to Condition 1 & 13. This addendum report attached addresses Council's concerns.

Condition 1 should be revised to include the below:

Proposed inclusion (below the existing approved plans and documentation)

<i>Description</i>	<i>Reference Number</i>	<i>Date</i>	<i>Revision</i>	<i>Prepared by</i>
Noise Impact Assessment	J200889 RP1	17 December 2020	Final	EMM
Addendum noise report	J1708411	30 September 2021	Final	EMM

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2 Condition 5

The attached addendum report confirms that the original noise modelling adopted one opening of 8m high by 20m wide. The current final design shows two roller doors totalling 6m (5m opening plus 1m of rubber curtain) high by 12m wide and therefore considerably smaller than the opening adopted in noise modelling. Refer to Figure 1 below. The impact of the two opening design will improve noise outcomes as compared to modelling results. Council's concern that the proposed opening could have negative noise implications is unfounded and therefore an appropriate modification to the Condition is proposed below:



Figure 1 – Proposed shed doors

Condition 5 Required Design Changes

Entrance to the building

The openings to the building are to be reduced to the minimum required size (total 6m high, 12m wide) for the largest proposed trucks, either entering or exiting the building (refer attached elevation plan DA 03 B). Each opening is to accommodate the passage of only one truck movement at a time and should include flexible flaps to the sides and top of the opening so that damage is not caused to any truck should it brush up against the opening.

3 Condition 12

Operational Noise

The noise impact assessment report (EMM 2020) describes the operations of the facility and list of main sources of noise at site at Section 4.1.1, the hours of operations at Sections 3.2 and 3.3 (ie 7am to 6pm Monday to Saturday consistent with the original consent), the site location at Figure 3.1, the enclosure details at Appendix A, the location of noise sources at Appendix C. Therefore, this part of the condition is unnecessary and should be deleted.

First floor receiver- 17 Excelsior Avenue, Belfield

The attached addendum report confirms that the predicted noise level presented in the 17 December 2020 noise impact assessment report for location R2 (17 Excelsior Avenue Belfield) of 48dB(A) $L_{eq,15minute}$ is for the upper floor position of that residence. Council's concerns in respect of differences in noise levels between the ground and upper floor locations are valid for the current site configuration ie with the noise barrier.

However, this possible marginal differential is diminished with the proposed enclosure since noise cannot escape from the enclosure as it currently does with the barrier. Therefore this part of the condition is unnecessary and should be deleted.

Leq level

The target of 48dB(A) $L_{eq,15min,05}$ is accepted for 17 Excelsior Avenue. The condition further states that this is to be in accordance with the EPA Noise Policy for Industry (NPfI), which is also accepted. No amendments have been made to this part of Condition 12.

Revised wording:

Condition 12

Operational noise

~~The provided assessment fails to consider then operations of the facility (locations, operational hours and associated noise). As such, it is difficult to ascertain if the noise targets identified in the assessment can be achieved. The Noise Impact Assessment Report must demonstrate how noise targets identified in the assessment can be achieved.~~

First floor receiver—17 Excelsior Avenue, Belfield

~~The assessment fails to include the first floor receiver at No.17 Excelsior Avenue, Belfield. The noise monitoring and results from the monitoring in the amended Noise Impact Assessment Report must extend to include this receiver.~~

Leq level

The amended Noise Impact Assessment Report must apply a noise emission limit of 48dB(A) as an L_{eq} (15 minute) level to any affected residential receiver location in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017).

The assessment must ensure that the L_{eq} (15 minute) level is adjusted in accordance with the NSW Environment Protection Authority's Noise Policy for Industry (2017) to account for any special audible characteristics.

4 Condition 13

As a result of clarifications outlined above and the provision of an Addendum to the original Noise Impact Assessment of 17 December 2020, the provision of an amended noise impact assessment report is not considered necessary. The following revised wording is proposed for Condition 13:

Revised wording

Condition 13 Compliance with the approved Noise Impact Assessment Report

The Construction Certificate plans must demonstrate compliance with EMM's Noise Impact Assessment Report and addendum as described in Condition 1.

We trust the above meets your requirements and if you need anything further please contact Najah Ishac.

Yours sincerely



Najah Ishac
Director, National Technical Leader, Acoustics
nishac@emmconsulting.com.au

Appendix A

Addendum to the noise impact assessment report



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30 September 2021

Ewen McKenzie
 Project Manager
 c/o Aussie Skips
 5/84-108 Madeline St
 Strathfield South NSW 2136

Re: Aussie Skips Strathfield Noise - Addendum to December 2020 report

Dear Ewen,

The following report is an Addendum to EMM's Noise Impact Assessment report of 17 December 2020.

The only change relates to Section 5.1.1 of the 2020 report and clarifies the prediction at R2 is the upper floor location as highlighted.

1 Operational noise results

Assuming the approval and construction of the proposed building, noise level predictions to the nearest representative assessment locations are provided in Table 1. The noise modelling demonstrates that these locations are the most exposed to site noise levels. Noise levels at other residential receivers will therefore be equal to or less than those presented in Table 1, for the respective areas.

Predictions are presented and compared to the NPfi derived project noise trigger levels. The noise level predictions are based on operational noise sources outlined in Section 4.1 of EMM 2020.

Importantly, the prediction presented herein for location R2 (17 Excelsior Avenue Belfield) is the upper floor position of that dwelling.

Table 1 Predicted noise level assessment – inclusive of the proposed enclosure

Receiver ID	Project Noise Trigger Level, $L_{eq,15min}$, dB(A)	Predicted noise levels, $L_{eq,15min}$, dB(A)	Exceedance, dB	Meets Criteria (Y/N)?
R1	48	47	0	Y
R2	48	48	0	Y
R3	48	47	0	Y
R4	48	45	0	Y
R5	48	41	0	Y
R6	48	41	0	Y
R7	48	44	0	Y
R8	48	43	0	Y
R9	48	45	0	Y

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Table 1 Predicted noise level assessment – inclusive of the proposed enclosure

Receiver ID	Project Noise Trigger Level, $L_{eq,15min}$, dB(A)	Predicted noise levels, $L_{eq,15min}$, dB(A)	Exceedance, dB	Meets Criteria (Y/N)?
R10	48	47	0	Y
Cooke Park	53	51	0	Y

2 Summary

In summary, noise level predictions satisfy the 48 dB(A) $L_{eq,15minute}$ noise criterion at all receiver locations for the modelled worst-case operational scenario. Noise emission contours provided in the original report (EMM 2020) also demonstrates that predicted site noise will comply with the 48dB(A) criterion at all neighbouring residential receivers, as well as those listed above. The enclosure proposed will therefore improve the Site's noise contributions at residences as compared to existing and historic levels. It is also important to note that with the enclosure constructed, noise from Site is largely contained and therefore eliminating any possible reflections.

We trust the above meets your requirements and if you need anything further please contact Najah Ishac.

Yours sincerely



Najah Ishac
 Director, National Technical Leader, Acoustics
nishac@emmconsulting.com.au

Appendix B

EMM noise impact assessment report
December 2020



Alterations and additions at 5/84-108 Madeline St, Strathfield South

Enclosure construction and site operations noise impact assessment

Prepared for Aussie Skips Recycling Pty Limited
December 2020

EMM Sydney
Ground floor, 20 Chandos Street
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Alterations and additions at 5/84-108 Madeline St, Strathfield South

Enclosure construction and site operations noise impact assessment

Report Number

J200889 RP1

Client

Aussie Skips Recycling Pty Limited

Date

17 December 2020

Version

Final

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17 December 2020

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1 Introduction

EMM Consulting Pty Ltd (EMM) has been engaged to prepare a detailed acoustic report which assesses the construction and operational noise from the proposal by Aussie Skips Recycling Pty Ltd (Aussie Skips), located at 5/84-108 Madeline Street, Strathfield South (the Site).

The Site currently operates under DA9899/452, which was approved on 17 April 2000 and approves the use of the Site as "a waste transfer and recycling facility for solid inert building and demolition waste" (the 2000 Consent).

The development application proposes to remove an existing boundary wall and construct a building that will enclose the operational area of the Site. A key objective of the proposed building is to enclose waste recycling operations at the Site to reduce noise and dust impacts arising from operations.

This report:

- has been prepared to accompany a development application to Strathfield Council for works including the construction of an enclosure, the demolition of the wall and hardstand on Lot 1 DP 107494; and associated ancillary works such as the repositioning of weighbridges, a new site office and repositioned car parking;
- the proposed development is also consistent with the Heads of Agreement (HOA) dated 25 June 2019 between Strathfield Municipal Council and Aussie Skips (being an agreement reached after a mediation between the parties); and
- provides the details and assessments to support the enclosure proposed through noise modelling and addresses the relevant requirements in the Heads of Agreement.

This assessment is based on design drawings by Cornerstone Design as appended to this report (refer to Appendix A).

The views of the EPA are a relevant consideration, and it has notified the applicant that its preference is that all waste facilities should be fully enclosed.

1.1 Enclosure details

Attached at Appendix A are the architectural drawings for the proposed building. The existing acoustic barrier is to be removed and the new enclosure to be constructed along the designated lot boundary and otherwise constructed as shown in plans prepared by Cornerstone Design.

It is noted that the building incorporates 6m high concrete wall elements combined with metal cladding at higher levels as shown, and this is acoustically significant.

For acoustic purposes, the specifications for the roof include the following to achieve the noise requirements stipulated in the Heads of Agreement:

- 0.42mm base metal thickness (BMT) metal sheeting (e.g. Colorbond);
- 202mm frame and airgap with 50mm insulation;
- 0.48mm BMT metal sheeting inner lining (e.g. Colorbond); and

- underside of roof to include absorptive lining (i.e. insulation blanket with perforated sarking on underside similar to 50mm thick Fletcher Insulation rigid glasswool with perforated foil faced e.g. Sisalation 450).

Skylights are proposed and to be limited to a maximum area of 120 m². Limiting the area of skylights aims at the composite weighted sound reduction index (Rw) of the roof achieving not be less than Rw 27.

The roof system is designed to achieve the acoustic requirements of the Heads of Agreement, and the agreed joint report made by the experts.

2 Existing environment

2.1 Sensitive receivers

The nearest residential noise sensitive receiver to the Site is located approximately 50 m to the south-east at 2 Chisholm Street, Belfield. Noise impacts have been predicted to this residence and several other residential properties to the south and south-east of the Site. These assessment locations are considered to represent the most-affected residences based on our observations, noise monitoring and modelling.

The details of the receivers are shown in Table 2.1 and are identified in Figure 3.1.

Table 2.1 Residential receivers

Receiver ID	Address
R1	2 Chisholm Street, Belfield
R2	17 Excelsior Avenue, Belfield
R3	24 Excelsior Avenue, Belfield
R4	10 Chisholm Street, Belfield
R5	8 Sunlea Crescent, Belfield
R6	11 Chatfield Avenue, Belfield
R7	1 Chisholm Street, Belfield
R8	118 Madeline Street, Belfield
R9	110 Madeline Street, Belfield
R10	75 Madeline Street, Belfield

2.2 Background noise levels at residential locations

Part of any industrial noise impact assessment in NSW requires quantification of the background noise levels at potentially affected residences in accordance with the NSW Environment Protection Authority (EPA) *Noise Policy for Industry* (NPI, 2017). The background noise level is normally required to be quantified in the absence of the industrial site being assessed.

The difficulty for the subject assessment is to obtain background data at nearby residential properties which is representative of the acoustic environment in the absence of noise arising from operations at the Site. Hence, EMM conducted a long term noise monitoring survey at 2 Chisholm Street in the 2018 Christmas holiday period. During the period of 23 December 2018 and 6 January 2019 the site was not operational according to site log records provided to EMM. It is well documented that the holiday periods typically exhibit lower traffic volumes on the roads, industry in general being shut and otherwise relatively quieter environments with people away.

The resulting rating background noise level (RBL) for the relatively quieter holiday period for sampling between 24 December 2018 to 3 January 2019 was 42dB(A) for the daytime in accordance with the NPI. Refer to Appendix B for the logging data. It is therefore concluded that monitoring during 'normal' or non-holiday periods would provide a higher background noise level i.e. at least 43dB(A) being the next value up from 42dB(A).

The issue of representative daytime background noise and resulting intrusiveness criteria is considered final as documented in the Heads of Agreement. Nevertheless, the information relevant to this is provided for completeness, noting that it was required by Council's Planning Panel assessment report.

2.3 Existing noise levels from site

The noise level contribution from site at the most exposed residential locations (i.e. 2 Chisholm St and 17 Excelsior Street Belfield) has been well documented in 2019 and 2020 by the court-appointed independent acoustic expert Dr Renzo Tonin and Stephen Gauld, respectively. The comprehensive data set collected by Tonin confirms existing site noise is satisfying the court order 53 dB(A) $L_{eq,15minute}$ limit. The data and reporting provided by Tonin demonstrates that existing site noise is up to 53 dB(A) $L_{eq,15minute}$ at the closest residences. Similar findings have been shown by Gauld in 2020.

3 Noise criteria and related requirements

3.1 Noise policy for Industry (NPfi)

The *Noise Policy for Industry (NPfi)* (EPA, 2017) provides a contemporary methodology for the assessment of noise from existing industrial sites and is the NSW EPA's current policy applicable to industrial sites.

Noise from industrial operations or processes in NSW is regulated by the local council, DPIE and/or the EPA, and generally have an environmental protection licence (EPL) and/or development consent conditions stipulating noise limits. These limits are typically derived from project specific trigger or operational noise levels predicted at assessment locations. They are based on EPA guidelines (i.e. NPfi) or noise levels that can be achieved by a specific site following the application of all reasonable and feasible noise mitigation.

The objectives of noise trigger levels for industry established in accordance with the NPfi are to protect the community from excessive intrusive noise and preserve amenity for specific land uses. It should be noted that the audibility of a noise source does not necessarily equate to disturbance at an assessment location.

To ensure these objectives are met, the EPA provides project specific noise trigger levels, namely intrusiveness and amenity.

3.1.1 Intrusive noise levels

The intrusive noise trigger levels require that $L_{Aeq,15\text{ minute}}$ noise levels from the site during the relevant operational periods (i.e. day, evening and night) do not exceed the RBL by more than 5 dB. The site does not operate, and the proponent is not proposing to operate, outside of the NSW EPA defined daytime hours of 7am to 6pm Monday to Saturday. Hence, evening and night criteria are not a relevant consideration.

Table 3.1 presents the intrusive noise level determined for the Site based on the adopted daytime rating background level (RBL). It is noted that intrusive noise levels are applicable at residential assessment locations only.

Table 3.1 Project intrusiveness noise levels

Assessment location	Period	Adopted RBL, dB	Project intrusiveness noise level dB, $L_{Aeq,15\text{ minute}}$
All residential receivers	Day	43	48

Notes: 1. Day: 7 am to 6 pm Monday to Saturday.

3.1.2 Amenity noise levels

The assessment of amenity is based on noise levels specific to the land use. The noise levels relate only to industrial noise and exclude road or rail noise. Where the measured existing industrial noise approaches recommended amenity noise level, it needs to be demonstrated that noise levels from new industry will not contribute to existing industrial noise such that amenity noise levels are exceeded.

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, the project amenity noise level for new industrial developments is the recommended amenity noise level (outlined in Table 2.2 of the NPfI) minus 5 dB.

All receivers have been categorised in the NPfI “suburban” amenity category, since they were deemed to be in “an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic flows;
- has some limited commerce of industry; and
- evening ambient noise levels defined by the natural environment and human activity.”

Adopting the suburban category is considered conservative for the closest residences which are more closely aligned with the NPfI “urban” category (e.g. NPfI states “...is near commercial or industrial districts).

The corresponding project amenity noise levels for the site applicable at sensitive land uses (ie residences and active recreation (ie Cooke Park)) are given in Table 3.2.

Table 3.2 Project amenity noise levels

Assessment location	Indicative area	Time period ¹	Recommended amenity noise level (ANL), $L_{Aeq, period}$	Project amenity noise level dB, $L_{Aeq, period}$ (ANL minus 5dB)
All residential receivers	Suburban residential	Day	55	50
Active recreation	All	When in use	55	50

Notes: 1. Day: 7 am to 6 pm Monday to Saturday.

3.1.3 Project noise trigger levels

The project noise trigger level (PNTL) is the lower of the calculated intrusive or amenity noise level and is provided in Table 3.3 for all assessment locations. This is the level that will be used to assess noise impact and drive the process of assessing all feasible and reasonable control measures.

In accordance with the NPfI, +3 dB has been added to the $L_{Aeq, period}$ amenity criteria so that it can be directly compared with the $L_{Aeq, 15minute}$ intrusive criteria.

Table 3.3 Project noise trigger levels

Assessment Location	Period ¹	Intrusive noise level dB, $L_{Aeq, 15 minute}$	Amenity noise level dB ² , $L_{Aeq, 15min}$	Project noise trigger level (PNTL), dB(A)
All residential receivers	Day	48	53	48
Active recreation	When in use	n/a	53	53

Notes: 1. Day: 7 am to 6 pm Monday to Saturday.

3.2 Heads of Agreement

The primary acoustic items in the Heads of Agreement are set out in Clause 8.

Note that references to DA2018/174 are now redundant but the outcomes sought remain relevant and are unchanged for the purposes of this development application.

Clause 8(b)(i) of the Heads of Agreement specifies the noise limits to be adhered to after construction of the acoustic enclosure as follows:

- 8.(b) *The Respondents undertake to ensure its operation of the Facility does not exceed the following limits with regards to noise limits (as per order 1(e) of the Interlocutory Orders):*
- (i) *53dB(A) – Leq (15 minute) when measured at any point on any residential premises between the hours of 7am to 6pm Monday to Saturday, prior to the lawful construction of the proposed acoustic enclosure, and 48dB(A) Leq – (15 minute) thereafter following the lawful construction of the proposed acoustic enclosure. The respondents undertake to amend their Modification Application 9899/452/2 to be consistent with noise criterion for the acoustic enclosure.*
 - (ii) *65dB(A)– Leq (7am to 6pm) when measured at any point immediately to the south/south-east of the acoustic wall erected on the south/south-eastern boundary of the Land and/or Lot 1 DP 107494; and*
 - (iii) *80dB(A) – Leq (7am to 6pm) when measured at any point in or on adjacent industrial premises.*

Clause 8(c)(i) of the Heads of Agreement specifies acoustic requirements of the proposed acoustic enclosure as follows:

- 8.(c) *The Respondents agree in relation to DA2018/174 for the acoustic enclosure to:*
- (i) *address those matters agreed in the joint report between Mr Ishac and Mr Cooper dated 21 June 2019 (Acoustic Joint Report), including to provide revised plans so as to demonstrate that the proposed building/enclosure on Lot 1 addresses the following detailed requirements:*
 - (A) *acoustically seal all wall to roof and wall to wall junctions;*
 - (B) *increase the rigidity of the wall structures by ensuring horizontal members are no more than 1200 mm apart;*
 - (C) *no openings in any roof or eastern wall areas;*
 - (D) *underside of roof to include absorptive lining (i.e. insulation blanket with perforated sarking on underside similar to 50mm thick Fletcher insulation rigid glasswool – perforated foil faced (e.g. sisalation 450);*
 - (E) *the enclosure walls to be of sheet metal sandwich panels similar to the existing noise barrier along the southern site boundary (if this barrier is to be removed);*
 - (F) *the enclosure roof will be of sheet metal and achieve a minimum sound rating of Rw 29; and*
 - (G) *skylights or similar of no more than 25% of roof area such that the performance of the roof is not less than Rw 27*

- (ii) *agree to the imposition of a condition on any development consent issued for DA2018/174 and Modification Application 9899/452/2 to the effect that the noise criteria at residential dwellings once enclosure is constructed is to be 48dB(A) Leq - (15 minute) for operations of 7am to 6pm.*

The joint report between Mr Ishac and Mr Cooper dated 21 June 2019 is attached at Appendix D herein.

An additional acoustics item in the Heads of Agreement is Clause 5 (b), which states:

- 5.(b) *The Respondents agree, as part of DA2018/174, to consider extending the acoustic wall for the full length the right of carriageway to Madeline Street to address the noise impacts of vehicle movements along the driveway.*

This item has been considered as described in Section 4 of this report.

3.3 The 2000 Consent

It is also important to acknowledge the conditions of the 2000 Consent which provides the conditions for the site. Of relevance to this report is condition 16 which provides:

- a) Part B, Condition 16 of the 2000 Consent provides that:

The operating noise level of plant and equipment shall not exceed 45 dB(A) when measured at any point on any residential premises between the hours of 7 am to 6 pm Monday to Saturday.

It is well documented in the joint report of acoustic experts (Appendix D) that the 45 dB(A) noise limit has historically rarely been achieved and that this level could not be achieved without an enclosure.

The associated modification to the 2000 Consent seeks to amend this condition to reflect the agreed position of 48dB(A), which will be achieved following the construction of the enclosure.

3.4 Construction noise

3.4.1 Interim Construction Noise Guideline

The ICNG (DECC 2009) has been jointly developed by NSW Government agencies, including the NSW Environment Protection Authority (EPA) and Department of Planning, Infrastructure and Environment (DPIE). The objectives of the guideline relevant to the planning process are to promote a clear understanding of ways to identify and minimise noise from construction and to identify 'feasible' and 'reasonable' work practices. The guideline recommends standard construction hours where noise from construction activities is audible at residential premises (ie assessment locations), as follows:

- Monday to Friday 7 am to 6 pm;
- Saturday 8 am to 1 pm; and
- no construction work is to take place on Sundays or public holidays.

The ICNG acknowledges that works outside standard hours may be necessary, however, justification should be provided to the relevant authorities.

The ICNG provides two methodologies to assess construction noise emissions. The first is a quantitative approach, which is suited to major construction projects with typical durations of more than three weeks. This method requires noise emission predictions from construction activities at the nearest assessment locations and assessment against ICNG recommended noise levels.

The second is a qualitative approach, which is a simplified assessment process that relies more on noise management strategies. This method is suited to short-term infrastructure and maintenance projects of less than three weeks.

This assessment has adopted a quantitative approach. The qualitative aspects of the assessment include identification of assessment locations, description of works involved including predicted noise levels and proposed management measures that include a complaint’s handling procedure.

i Construction noise management levels - residents

Table 3.4 provides ICNG noise management levels (NML) which apply to residential assessment locations.

Table 3.4 ICNG construction noise management levels for residences

Time of day	NML $L_{Aeq,15min}$	Application
Recommended standard hours: Monday to Friday 7 am to 6 pm, Saturday 8 am to 1 pm, No work on Sundays or public holidays	Noise-affected RBL + 10 dB	The noise-affected level represents the point above which there may be some community reaction to noise. <ul style="list-style-type: none"> Where the predicted or measured $L_{Aeq(15-min)}$ is greater than the noise-affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level. The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.
	Highly noise affected 75 dBA	The highly noise-affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> Where noise is above this level, the relevant authority (consent, determining or regulatory) may require respite periods by restricting the hours that the very noisy activities can occur, taking into account: <ol style="list-style-type: none"> times identified by the community when they are less sensitive to noise (such as before and after school for works near schools, or mid-morning or mid-afternoon for works near residences); if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.
Outside recommended standard hours	Noise-affected RBL + 5 dB	<ul style="list-style-type: none"> A strong justification would typically be required for works outside the recommended standard hours. The proponent should apply all feasible and reasonable work practices to meet the noise affected level. Where all feasible and reasonable practices have been applied and noise is more than 5 dBA above the noise-affected level, the proponent should negotiate with the community. For guidance on negotiating agreements see Section 7.2.2 of the ICNG.

Source: ICNG (EPA, 2009).

ii Construction noise management levels – other noise sensitive land uses

Table 3.5 summarises the ICNG recommendations and provides NML for other nearby sensitive land uses.

Table 3.5 ICNG noise levels at other land use

Land use	Management level, $L_{Aeq,15\text{ minute}}$
Active recreation areas	External noise level 65 dB (when in use)

Source: ICNG (DECC, 2009).

Notes: 1. NML based on AS2017 recommend maximum internal noise level and the premise that windows and doors for such development would typically remain closed, providing 20 dB of outdoor to indoor construction noise level reduction.

3.4.2 Project specific construction noise management levels

Construction activities are proposed to occur only during daytime standard construction hours. The project construction NMLs for recommended standard hours are presented in Table 3.6 for sensitive land uses.

Table 3.6 Project specific construction noise management levels – all assessment locations

Assessment location	Period	Adopted RBL ¹	NML and HNAL, $L_{Aeq,15\text{ minute}}$ dB
All residential locations	Day (standard ICNG hours)	43	53 and 75
Active recreation	When in use	n/a	65

Notes: 1. RBLs as discussed in Section 2.2.



4 Noise predictions

Noise emissions from site construction and operations were modelled using Brüel & Kjær proprietary modelling software, Predictor. Predictor allows predictions under the ISO9613-2 "Acoustics – Attenuation of Sound during Propagation Outdoors – general method" algorithm. This algorithm is accepted by the NSW Environment Protection Authority (EPA) in our experience. Features which affect the predicted noise level and which are considered in the Predictor noise model include:

- equipment sound power levels and locations;
- screening from structures;
- receiver locations;
- ground topography;
- noise attenuation due to geometric spreading;
- ground absorption; and
- atmospheric absorption.

4.1 Equipment

4.1.1 Operations

It has been assumed that all plant and equipment operate simultaneously. This is considered to be a conservative representation of a typical worst-case scenario as it is more typical of operations at this Site to find that individual items of plant are periodically idle or not in use due to maintenance or work flows.

Sound power levels and locations of all plant and equipment modelled on-Site are presented in Table 4.1. Importantly, the emission values for the main plant adopted in modelling are based on measurements by EMM at the site under existing conditions and hence provide the most relevant input. Prior to predicting final residential noise levels, onsite 15-minute readings were used to calibrate the model's sound power levels for actual equipment used on the premises. Single-octave band sound power levels and modelled source locations are provided in Appendix C.

Table 4.1 Modelled plant and equipment

Location	Equipment	Sound power level, SWL $L_{Aeq,15min}$
Inside proposed enclosure	Excavator – Hyundai 25t ¹	107
	Excavator – Hyundai 14t ¹	106
	Excavator – Komatsu 14t ¹	106
	Front end loader – Hyundai 757 ¹	106
	Main trommel and trommel/screen ^{1,2}	106
	Street sweeper	104
Carriageway ³	Trucks (idling)	90
	Trucks (moving)	103

Notes: 1. Measured by EMM Consulting during a site visit on 15 January 2019.
 2. Measurement was external and contained contribution from the main trommel inside the shed and from the smaller external trommel/screen.
 3. Trucks were modelled as line sources when moving, and point sources when idling. All other equipment was modelled by calculating an internal reverberant sound pressure level (SPL) considering all equipment operating concurrently within the proposed acoustic shed. An internal reverberant SPL of 85 dB $L_{Aeq,15min}$ was adopted within the shed.

4.2 Construction

Construction activities associated with proposed works would be limited to the ICNG standard daytime hours only.

Equipment sound power levels have been taken from the Department of Environment, Food and Rural Affairs (DEFRA) 2005, *Update of Noise Database for Prediction of Noise on Construction and Open Sites*, where relevant. Otherwise data was sourced from an EMM database of similar equipment which is based on measurements at other construction sites.

Table 4.2 summarises typical equipment items, sound power level and quantities adopted in the noise modelling, as the exact equipment to be used is not yet known. The model considered the cumulative plant and equipment sound power level (operating at 100% utilisation) as an area source across the site, along with a line source for truck and dog vehicles along the site access route, providing a potential worst-case scenario.

Table 4.2 Typical construction equipment

Equipment	Quantity	Sound power level, dB $L_{Aeq,15min}$
Excavator	1	105
Front end loader	1	105
Truck and dogs	1	103
Generator	1	101
Crane	1	105
Hand tools (e.g. grinder)	1	108

5 Predicted noise levels

5.1 Results

5.1.1 Operations

Assuming the approval and construction of the proposed building, noise level predictions to the nearest representative assessment locations are provided in Table 5.1 (refer to Figure 3.1 for assessment locations). The noise modelling demonstrates that these locations (listed in Table 5.1) are the most exposed to site noise levels. Noise levels at other residential receivers will therefore be equal to or less than those presented in Table 5.1, for the respective areas.

Predictions are presented and compared to the NPfI derived project noise trigger levels, which for residences is consistent with the Heads of Agreement (Section 3.2). The noise level predictions are based on operational noise sources outlined in Section 4.1. Noise emission contours for the site are provided in Figure 5.1 for further reference.

Table 5.1 Predicted noise level assessment – inclusive of the proposed enclosure

Receiver ID	Project Noise Trigger Level, $L_{eq,15min}$ dB(A)	Predicted noise levels, $L_{eq,15min}$ dB(A)	Exceedance, dB	Meets Criteria (Y/N)?
R1	48	47	0	Y
R2	48	48	0	Y
R3	48	47	0	Y
R4	48	45	0	Y
R5	48	41	0	Y
R6	48	41	0	Y
R7	48	44	0	Y
R8	48	43	0	Y
R9	48	45	0	Y
R10	48	47	0	Y
Cooke Park	53	51	0	Y

In summary, noise level predictions satisfy the Heads of Agreement 48 dB(A) $L_{eq,15minute}$ noise criterion at all receiver locations for the modelled worst-case operational scenario. Noise emission contours in Figure 5.1 also demonstrates that predicted site noise will comply with the Heads of Agreement 48dB(A) criterion at all neighbouring residential receivers, as well as those listed above. The enclosure proposed will therefore improve the Site's noise contributions at residences as compared to existing and historic levels (i.e. up to 53dB(A)). It is also important to note that with the enclosure constructed, noise from Site is largely contained and therefore eliminating any possible reflections. The trucks on the access driveway will be the only Site related noise sources that are not contained.

5.1.2 Construction

Noise level predictions to the nearest representative residential assessment locations are provided in Table 5.2.

Table 5.2 Construction noise – Predicted noise level assessment

Receiver ID	ICNG standard construction hours NML $L_{eq,15min}$ dB(A)	Predicted noise levels, $L_{eq,15min}$ dB(A)	Exceedance, dB	Meets NML (Y/N)?
R1	53	63	10	N
R2	53	63	10	N
R3	53	58	5	N
R4	53	55	2	N
R5	53	51	0	Y
R6	53	51	0	Y
R7	53	52	0	Y
R8	53	51	0	Y
R9	53	52	0	Y
R10	53	53	0	Y
Cooke Park	65	<65	0	Y

As seen in Table 5.2, the NML is exceeded by up to a maximum of 10 dB at four assessment locations. These locations are indicative, and it is possible that additional residences will be exposed to similar construction noise levels. Predicted construction noise levels are below the highly affected noise level of 75 dB at all assessment locations.

Exceedances of NML during construction phases are common for sites in close proximity to residences, however the construction phase will be short in duration being up to six months. The predictions in Table 5.2 represent the worst-case construction noise scenario, as it assumes all equipment specified in Section 4.2 is operating concurrently and constantly throughout a 15-minute period. This is unlikely in reality. Nevertheless, standard practice noise mitigation and management measures will be applied to minimise construction noise as far as practicable where noise levels above NMLs have been predicted. To that end, it is important to consider levels above NMLs in the context of the proposed works are largely for the purposes of noise mitigation and hence in such circumstances residual noise above NML are acceptable for the aim of reducing operational noise.

5.2 Joint Report of acoustic experts

As part of the mediation session between Strathfield Municipal Council and Aussie Skips on 21 June 2019, a joint report between Mr Ishac and Mr Cooper was completed. The joint report documented a number of items that were agreed between both experts that have been addressed in this report as follows:

1. The proposed enclosure would include the following detailed requirements (*refer to Appendix A architectural drawings*):
 - a) acoustically seal all wall to roof and wall to wall junctions;
 - b) increase the rigidity of the wall structures by ensuring horizontal members are no more than 1200 mm apart;
 - c) no openings in any roof or eastern wall areas;

- d) underside of roof to include absorptive lining (i.e. insulation blanket with perforated sarking on underside similar to 50mm thick Fletcher Insulation rigid glasswool – perforated foil faced (e.g. sisalation 450); and
 - e) The enclosure walls to be of sheet metal sandwich panels similar to the existing noise barrier along the southern site boundary (if this barrier is to be removed);
 - f) The enclosure roof will be of sheet metal and achieved a minimum sound rating of Rw 29.
 - g) Skylights or similar of no more than 25% of roof area such that the performance of the roof is not less than Rw 27.
2. The following conditions are suggested for acoustic purposes:
- a) Its agreed that the noise criteria at residential dwellings once enclosure is constructed is to be 48dBLAeq,15minute for operations of 7am to 6pm (*refer to Section 2.2*).
3. The applicant has identified that the site operations are restricted to the following equipment (*refer to Section 4.1*):
- a) Exc1 Excavator type Komatsu 14t (as used in the period January to June 2019);
 - b) Exc2 Excavator type Hyundai 25t (as used in the period January to June 2019);
 - c) Exc3 Excavator type Hyundai 14t (as used in the period January to June 2019);
 - d) FEL Front end loader type Hyundai 757 (as used in the period January to June 2019);
 - e) Existing trommel/Screen;
 - f) Existing Trommel;
 - g) Truck Movements; and
 - h) Street sweeper.



6 Conclusion

EMM has conducted a noise impact assessment for the Aussie Skips recycling facility at Strathfield South, NSW. The assessment focussed on potential impacts on neighbouring residential receivers and includes the proposed enclosure detailed in drawings by Cornerstone Design as attached in Appendix A herein.

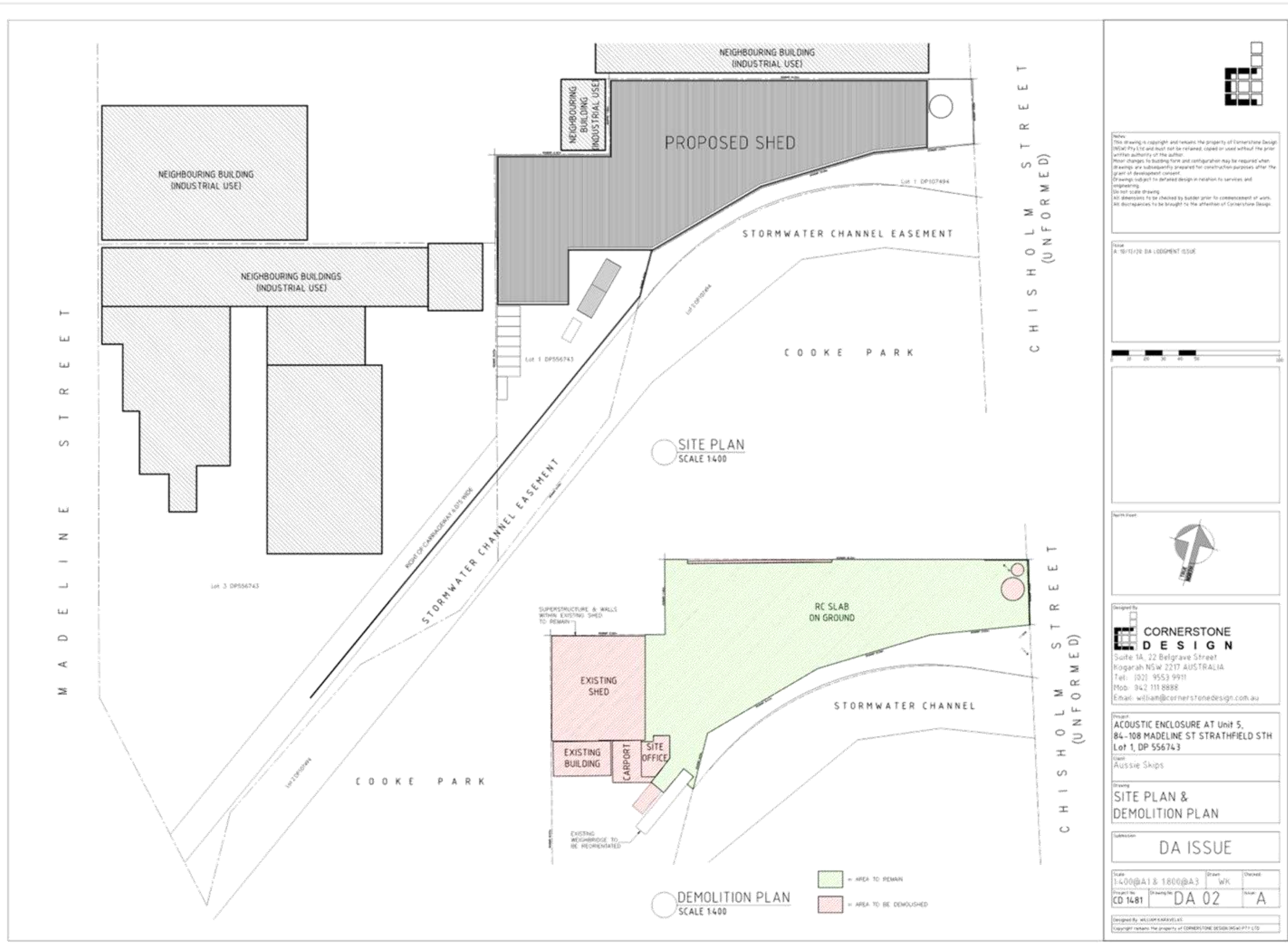
This report shows that the Heads of Agreement (litigated settlement) clauses relating to noise will all be satisfied, including demonstrating that if the enclosure proposed is approved and constructed, the site will comply with the 48dB(A) $L_{eq,15\text{minute}}$ criterion at all residential receivers.

Construction noise from the proposed upgrades has also been assessed to neighbouring residential assessment locations. Potential mitigation and management measures consistent with industry practice will be adopted where NMLs are predicted to be exceeded during worst-case construction scenarios.

Appendix A

Architectural drawings





Notes:
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 Minor changes to building form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.
 Drawings subject to defined design in relation to services and engineering.
 Not for scale drawing.
 All dimensions to be checked by builder prior to commencement of work.
 All discrepancies to be brought to the attention of Cornerstone Design.

Title:
 A-10/11/20 DA LODGMENT ISSUE



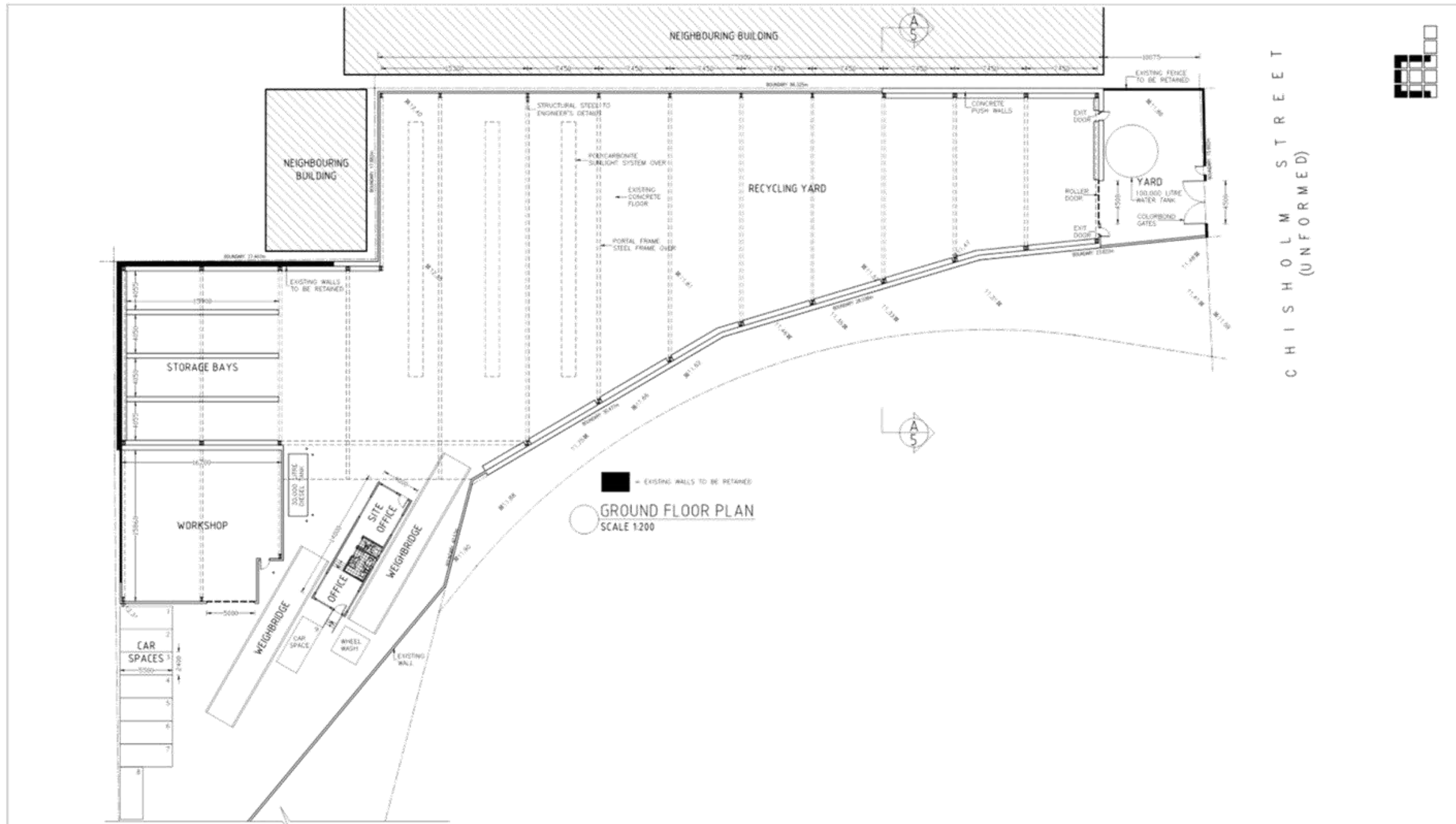
Designed by:
CORNERSTONE DESIGN
 Suite 1A, 22 Belgrave Street
 Kogarah NSW 2217 AUSTRALIA
 Tel: (02) 9553 9911
 Mob: 942 111 8888
 Email: william@cornerstonedesign.com.au

Project:
 ACOUSTIC ENCLOSURE AT Unit 5,
 84-108 MADELINE ST STRATHFIELD STH
 Lot 1, DP 556743
 Client:
 Aussie Skips

Drawing:
SITE PLAN & DEMOLITION PLAN

Submission:
DA ISSUE

Scale:
 1:400@A1 & 1:800@A3
 Project No: CD 1481
 Drawing No: DA 02
 Issue: A



■ = EXISTING WALLS TO BE RETAINED
 ○ = EXISTING FENCE TO BE RETAINED
GROUND FLOOR PLAN
 SCALE 1:200

CALCULATIONS:
 SITE AREA
 Lot 1, DP 556743 = 4,648m²
 Lot 1, DP 987494 = 271m²
 EXISTING GFA = 735.32m²
 PROPOSED GFA Lot 1, DP 556743 = 2,706.82m²
 PROPOSED Lot 1, DP 556743 = 949.11m²
 Max HEIGHT PROPOSED = 12.75m MAX
 ROOF AREA = 2,937.04m²

NOTES:
 ALL WALL TO ROOF AND WALL TO WALL JUNCTIONS TO BE ACOUSTICALLY SEALED.
 ALL HORIZONTAL STRUCTURAL MEMBERS RELATING TO WALL HEIGHTS TO BE NO MORE THAN 500MM APART.
 UNDERSIDE OF ROOF TO HAVE NOISE ABSORBING LINING AS DETAILED BY ACOUSTIC ENGINEER.

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Issue:
 A 99/12/20 DA LODDMENT ISSUE



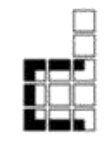
Prepared by:
CORNERSTONE DESIGN
 Suite 1A, 22 Belgrave Street
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 Tel: (02) 9553 9911
 Mob: 042 111 8888
 Email: william@cornerstonedesign.com.au

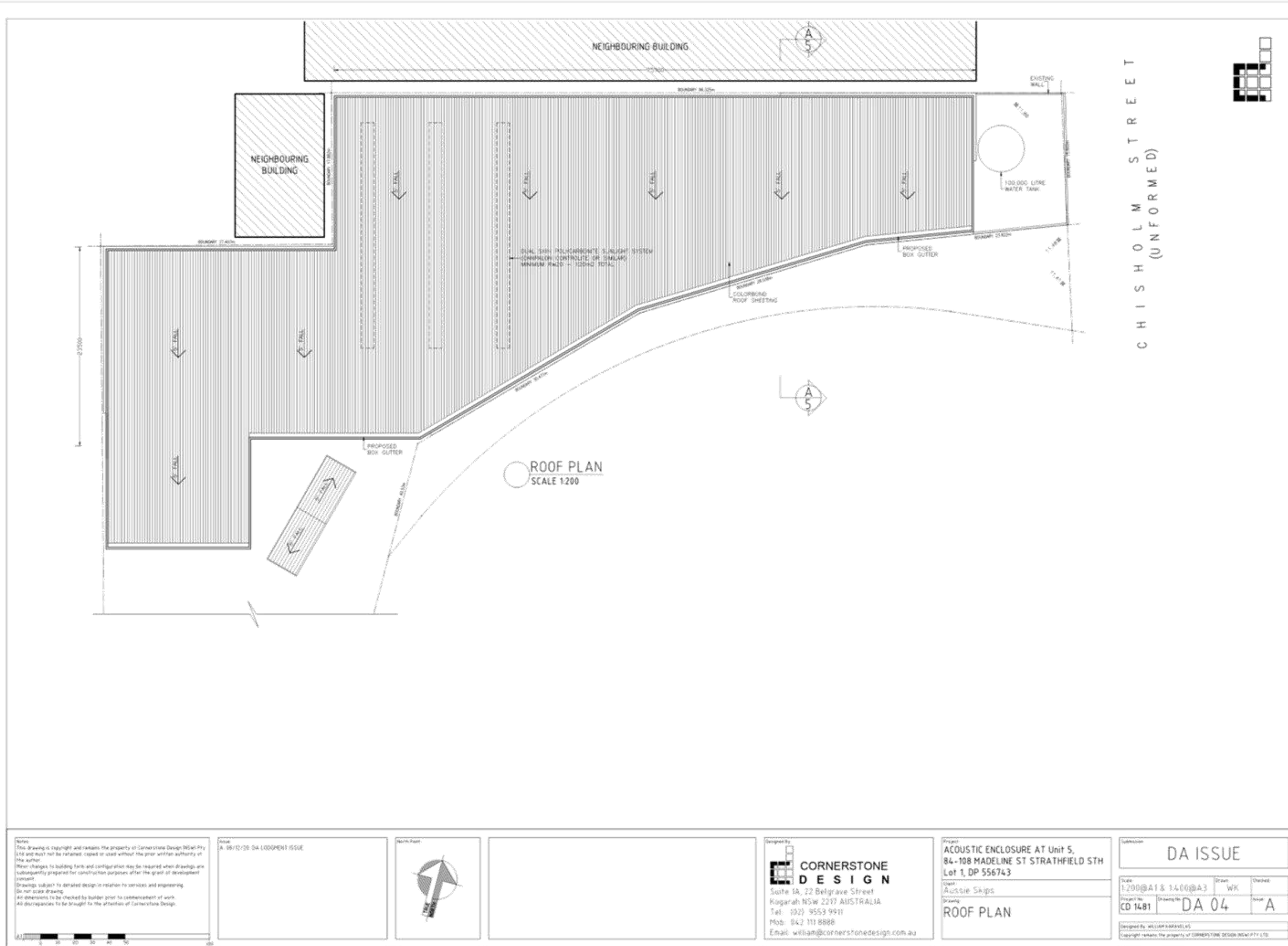
Project:
 ACOUSTIC ENCLOSURE AT Unit 5,
 84-108 MADELINE ST STRATHFIELD STH
 Lot 1, DP 556743

Client:
 Aussie Skips
Drawing:
 GROUND FLOOR PLAN

Submission			
DA ISSUE			
Issue:	1:200@A1 & 1:400@A3	Drawn:	WK
Project No:	CD 1481	Drawing No:	DA 03
Scale:		Sheet:	A
Designed by: WILLIAM BARRETT Copyright remains the property of CORNERSTONE DESIGN (NSW) PTY LTD.			

CHISHOLM STREET
(UNFORMED)





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 Do not issue drawing.
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 All discrepancies to be brought to the attention of Cornerstone Design.

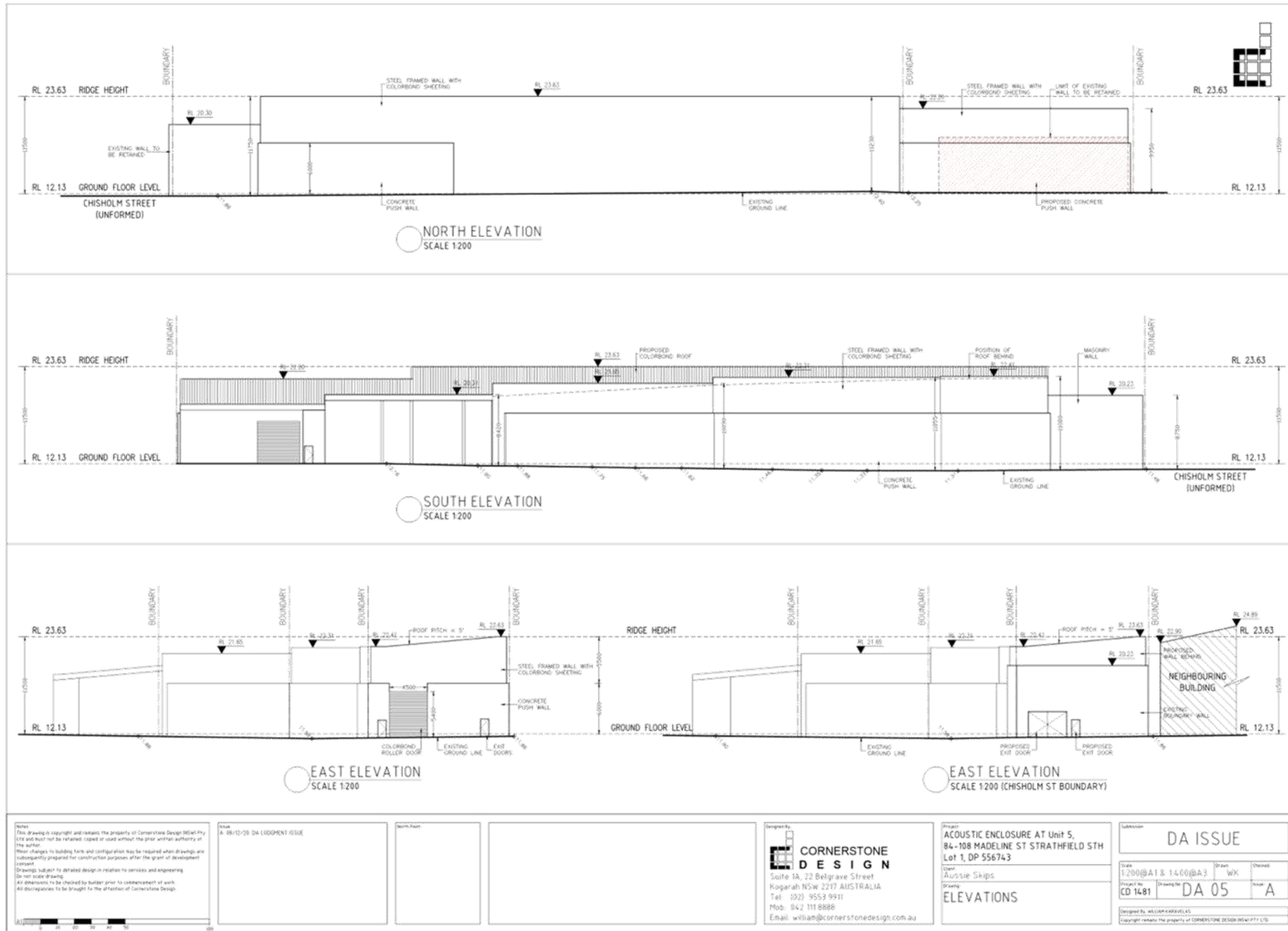
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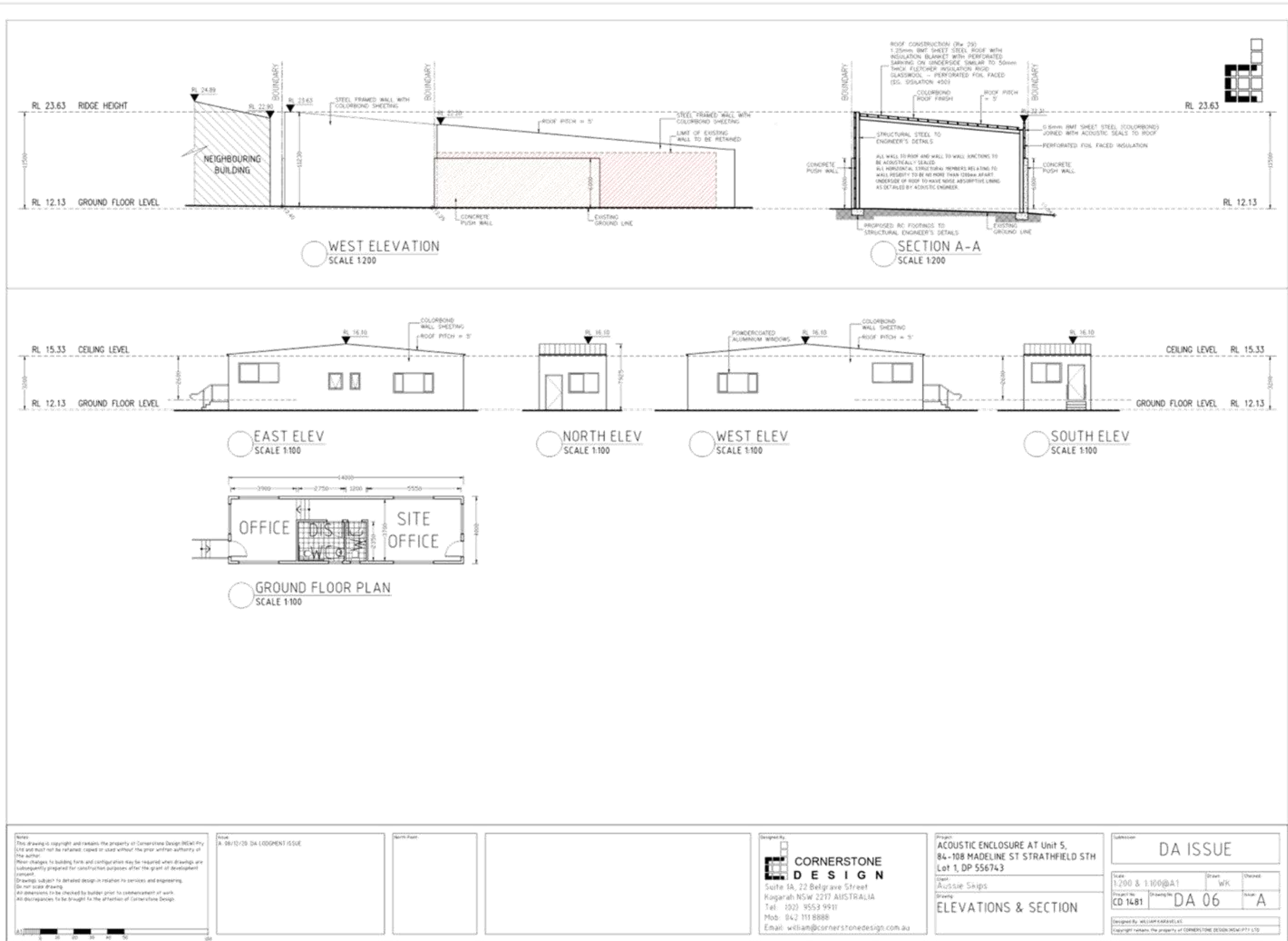


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Project:
 ACOUSTIC ENCLOSURE AT Unit 5,
 84-108 MADELINE ST STRATHFIELD STH
 Lot 1, DP 556743
Client:
 Aussie Skips
Drawing:
 ROOF PLAN

DA ISSUE			
Issue	1:200@A1 & 1:400@A3	Drawn	WK
Checked			
Project No.	CD 1481	Drawing No.	DA 04
Issue		Issue	A
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Appendix B

Long term unattended noise logging – 2 Chisholm St Belfield, NSW

Table B.1 Long term unattended noise logging – 2 Chisholm St Belfield

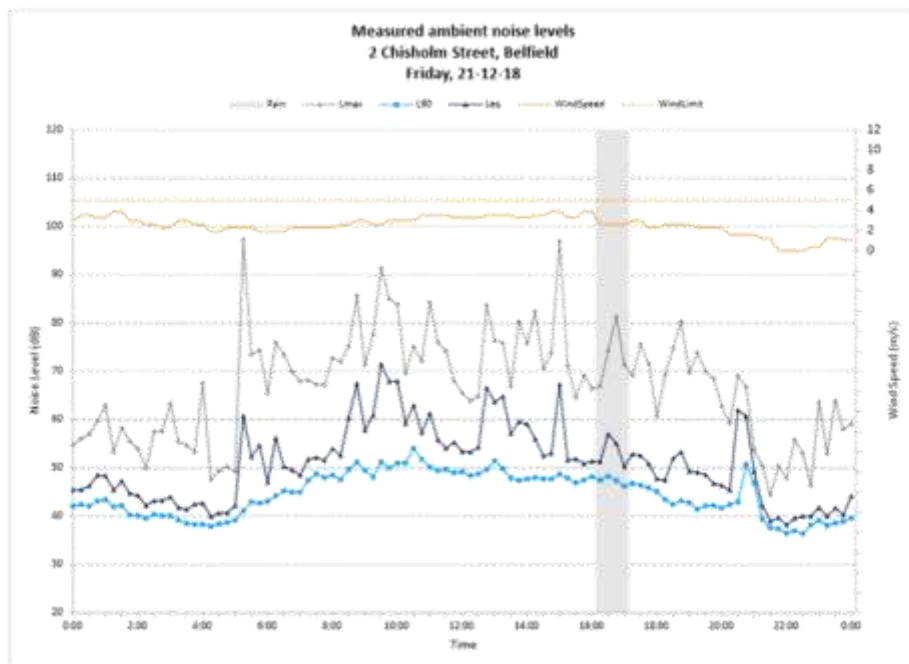
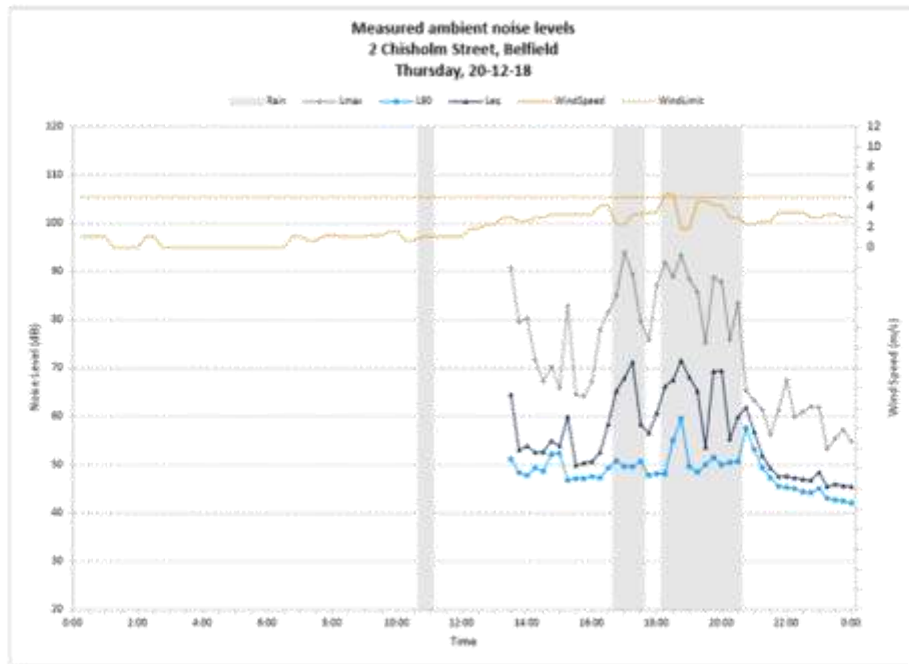
Date	ABL Day, dB(A)	Site Operational (Yes/No)
Thursday, 20-12-18	-	
Friday, 21-12-18	47	Yes (data ignored)
Saturday, 22-12-18	-	Yes
Sunday, 23-12-18	-	n/a
Monday, 24-12-18	44	No
Tuesday, 25-12-18	41	No
Wednesday, 26-12-18	42	No
Thursday, 27-12-18	44	No
Friday, 28-12-18	44	No
Saturday, 29-12-18	43	No
Sunday, 30-12-18	-	n/a
Monday, 31-12-18	41	No
Tuesday, 01-01-19	41	No
Wednesday, 02-01-19	41	No
Thursday, 03-01-19	-	No
Rating Background Level (RBL)	42	RBL for non-operating period 24/12/18 to 2/1/19

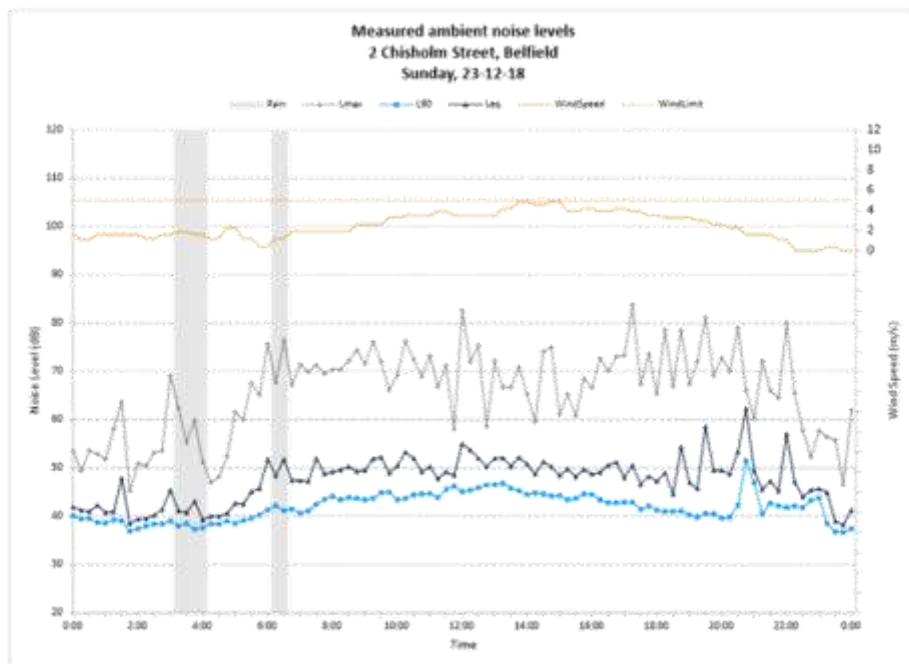
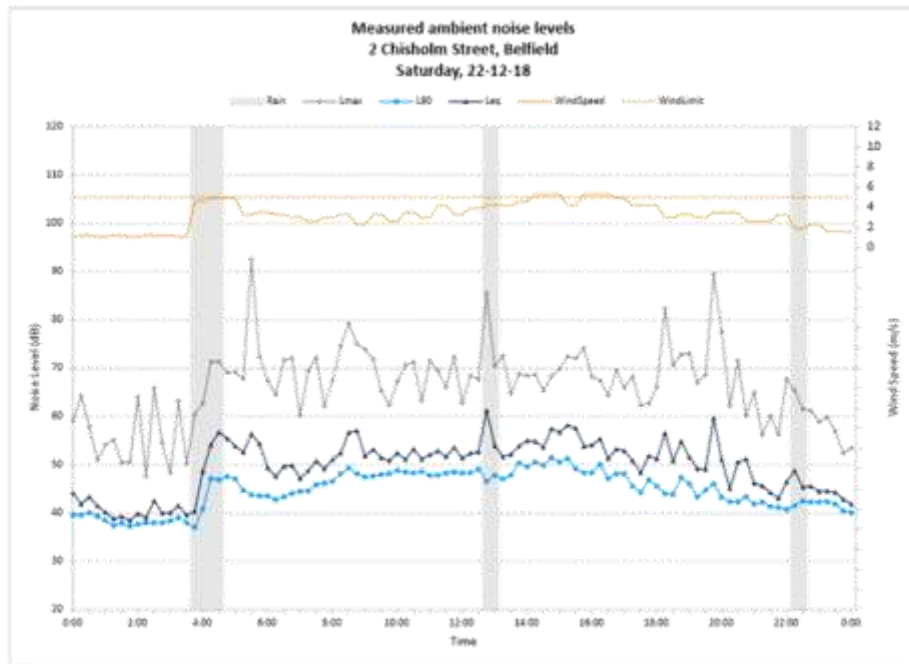
Notes:

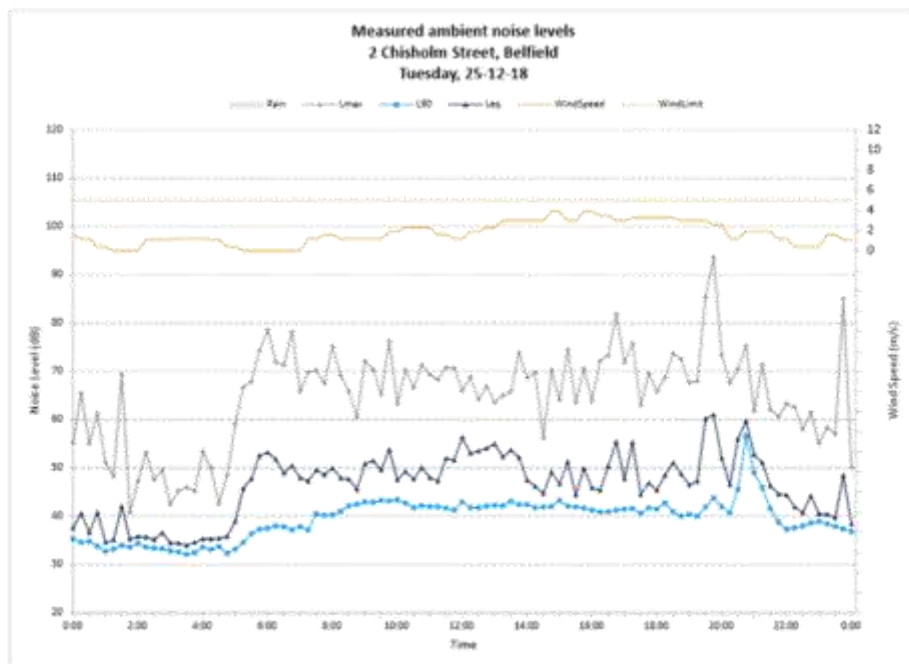
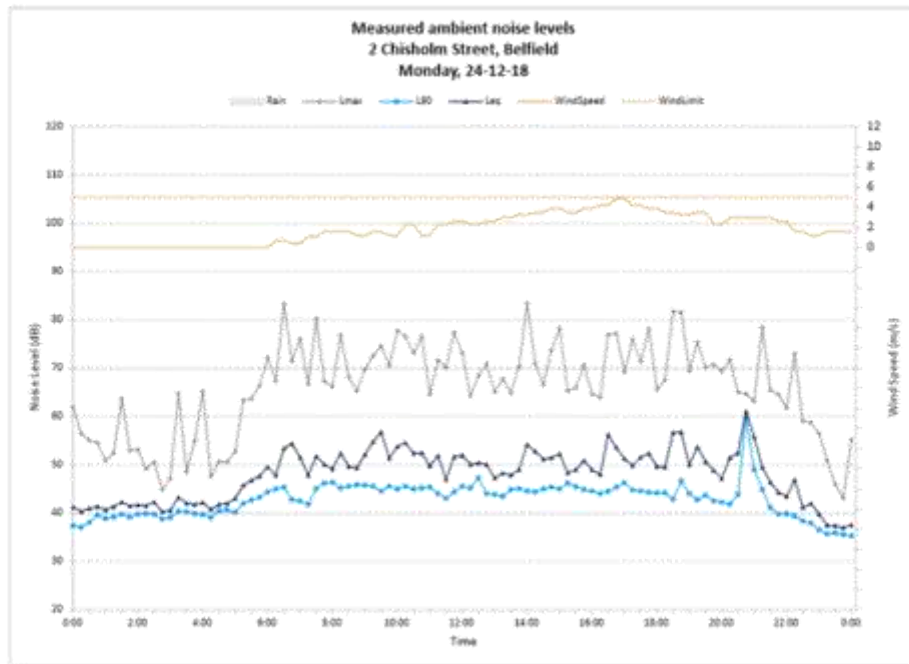
"-" indicates periods with too few valid samples due to weather or is a Sunday & therefore irrelevant

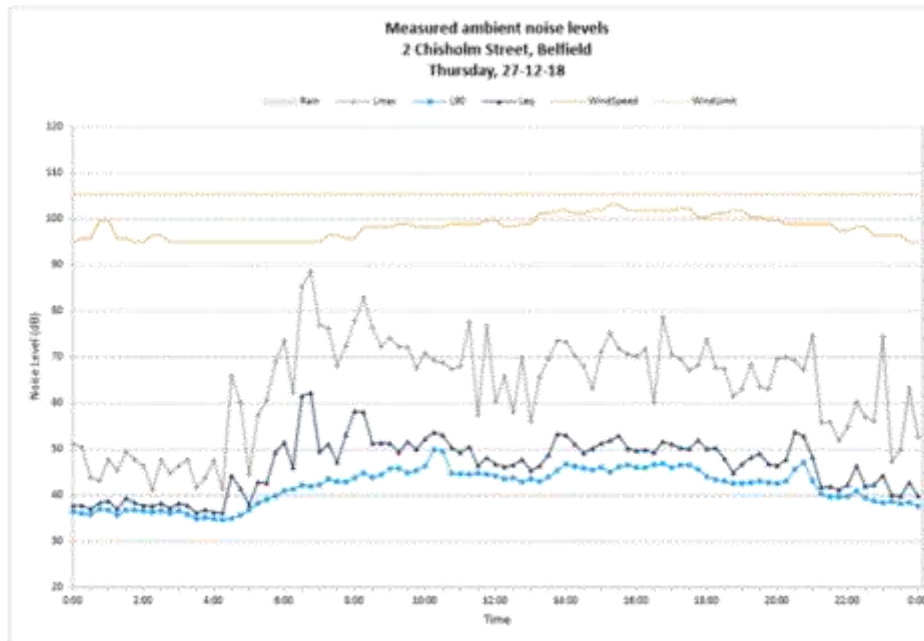
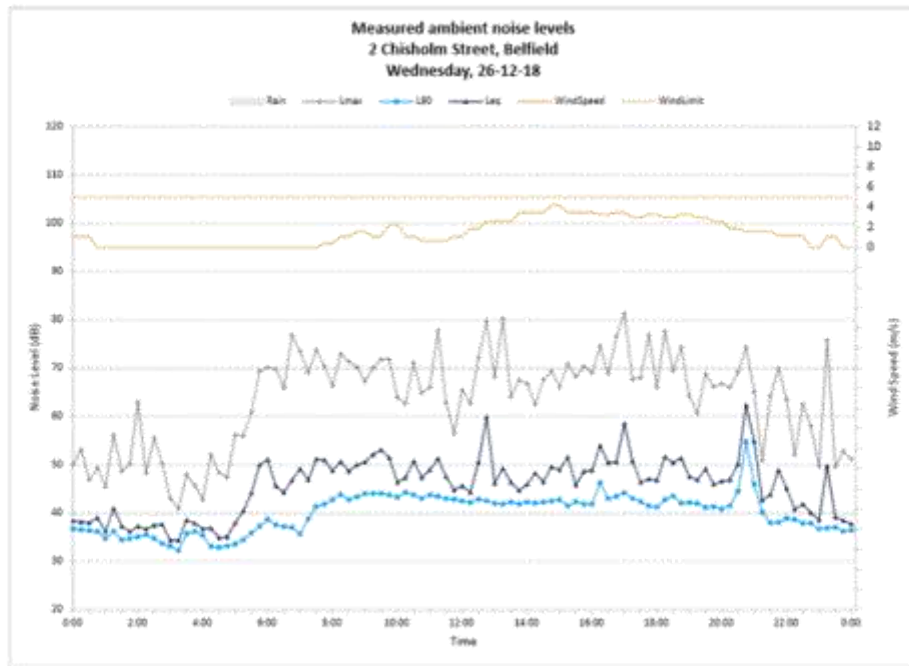
ABL = Assessment Background Level as per NPF1

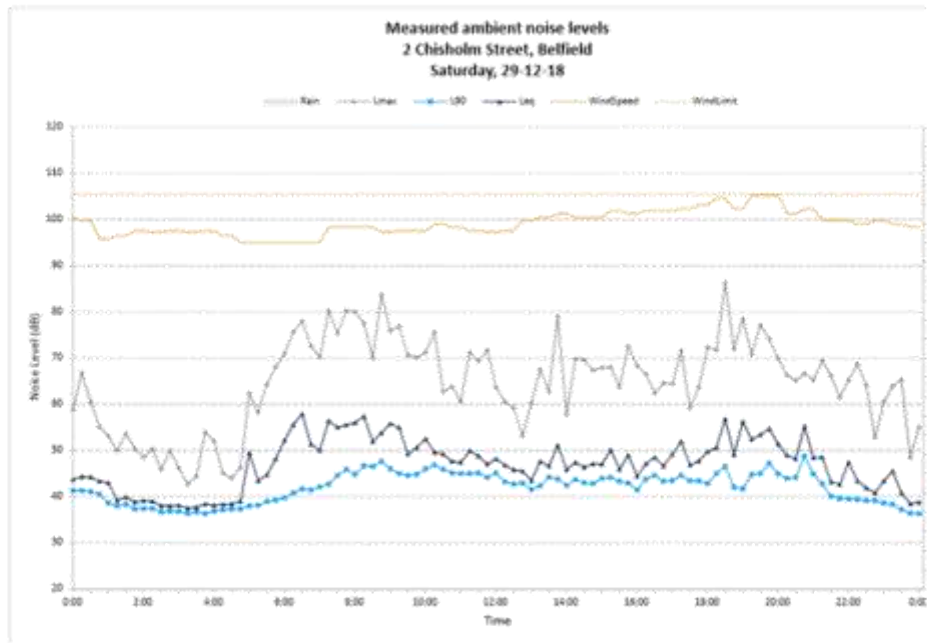
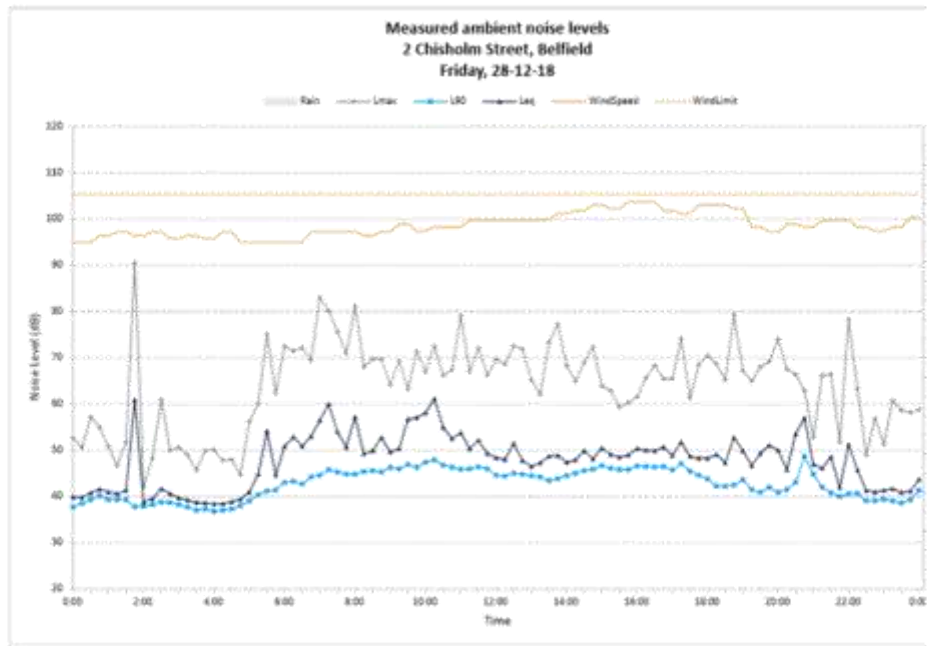
Attached weighbridge log identifies site had movements on 22 December 2018 and then on 7 January 2019, hence no activities in-between.

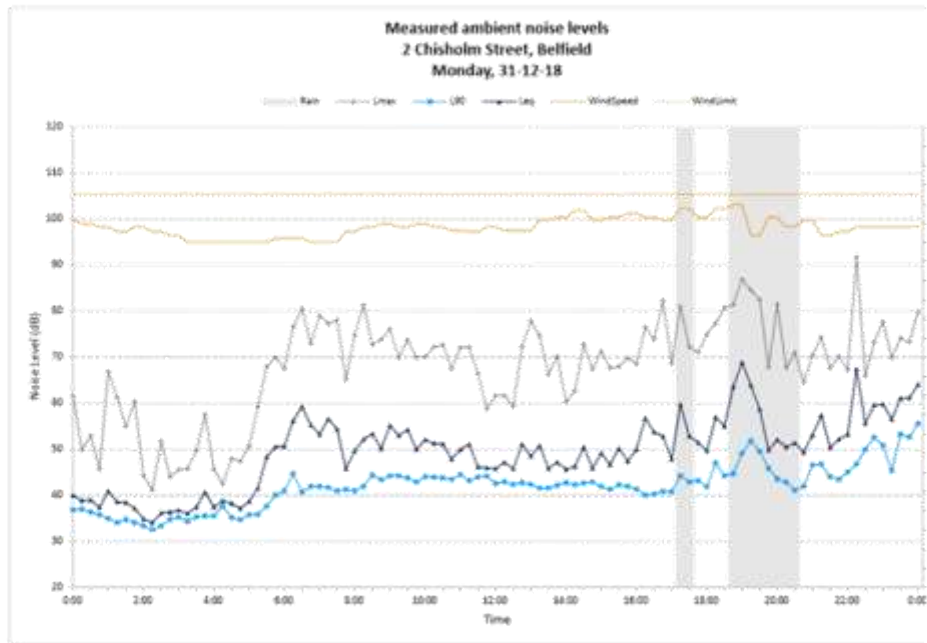
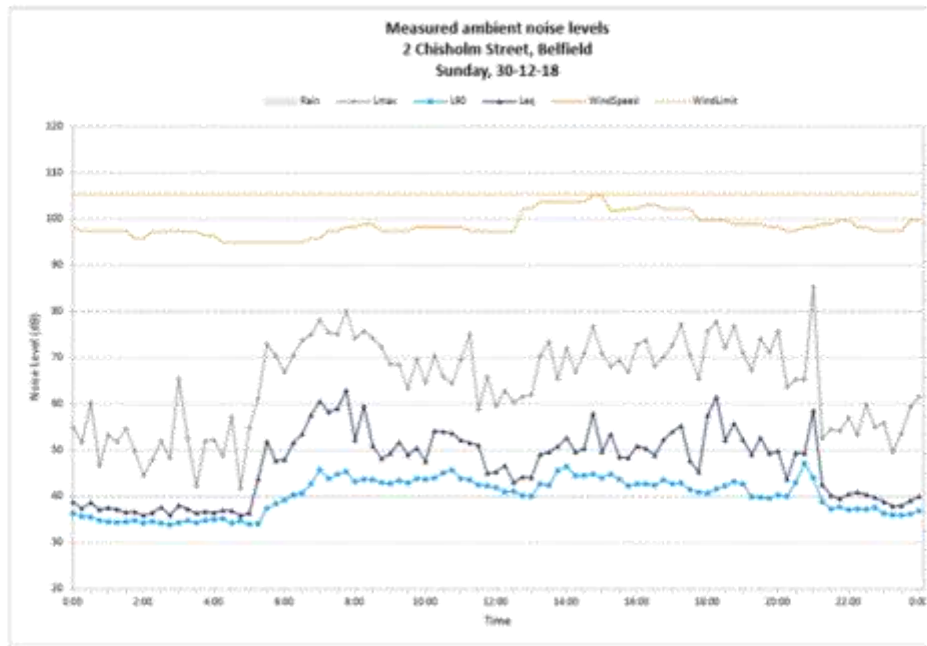


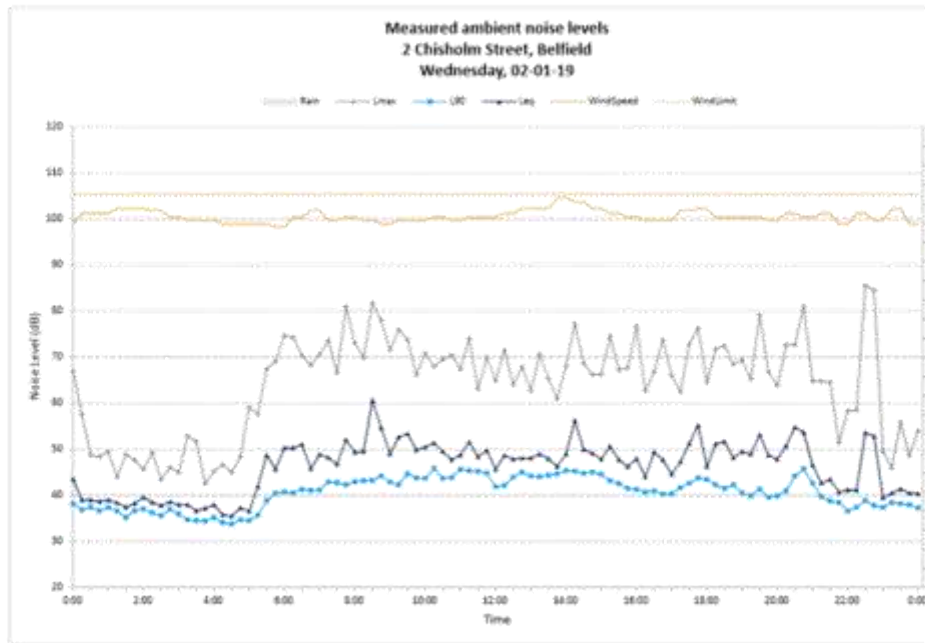
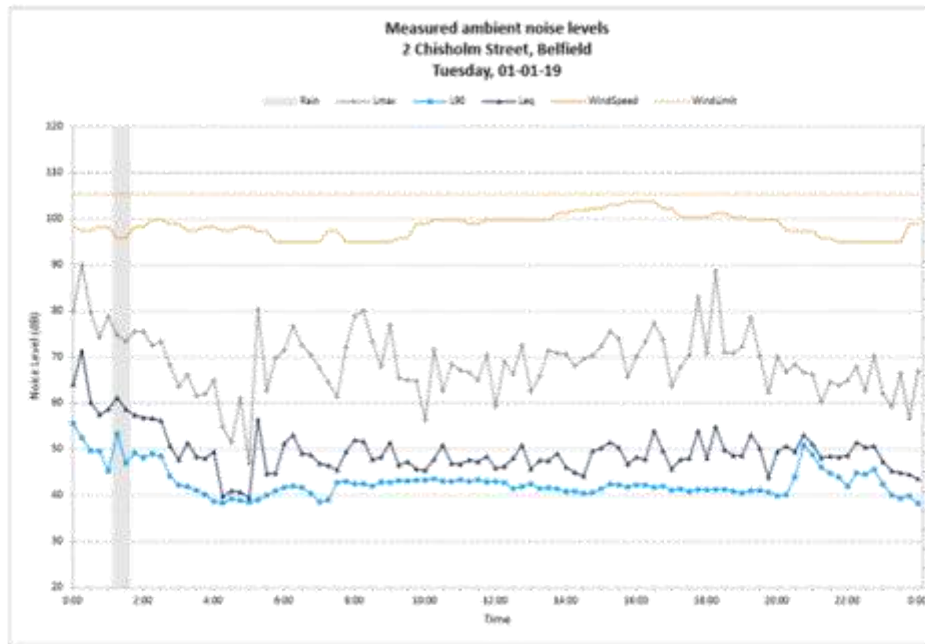


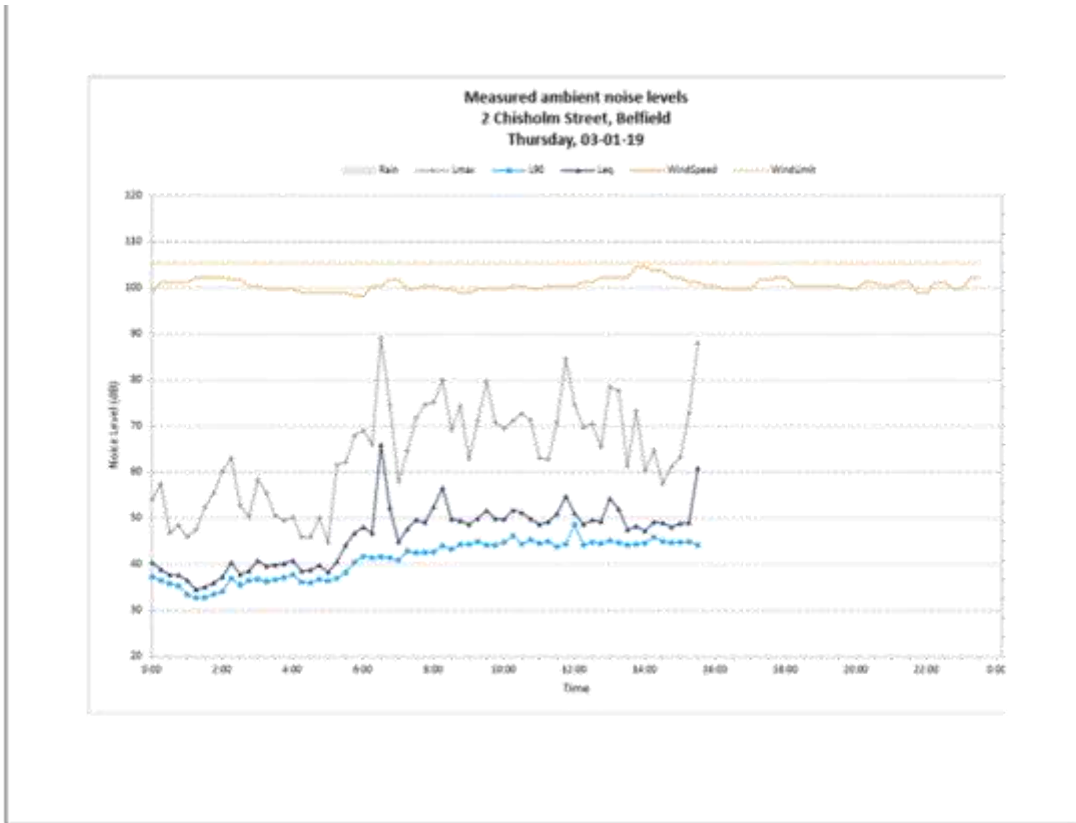












Appendix C

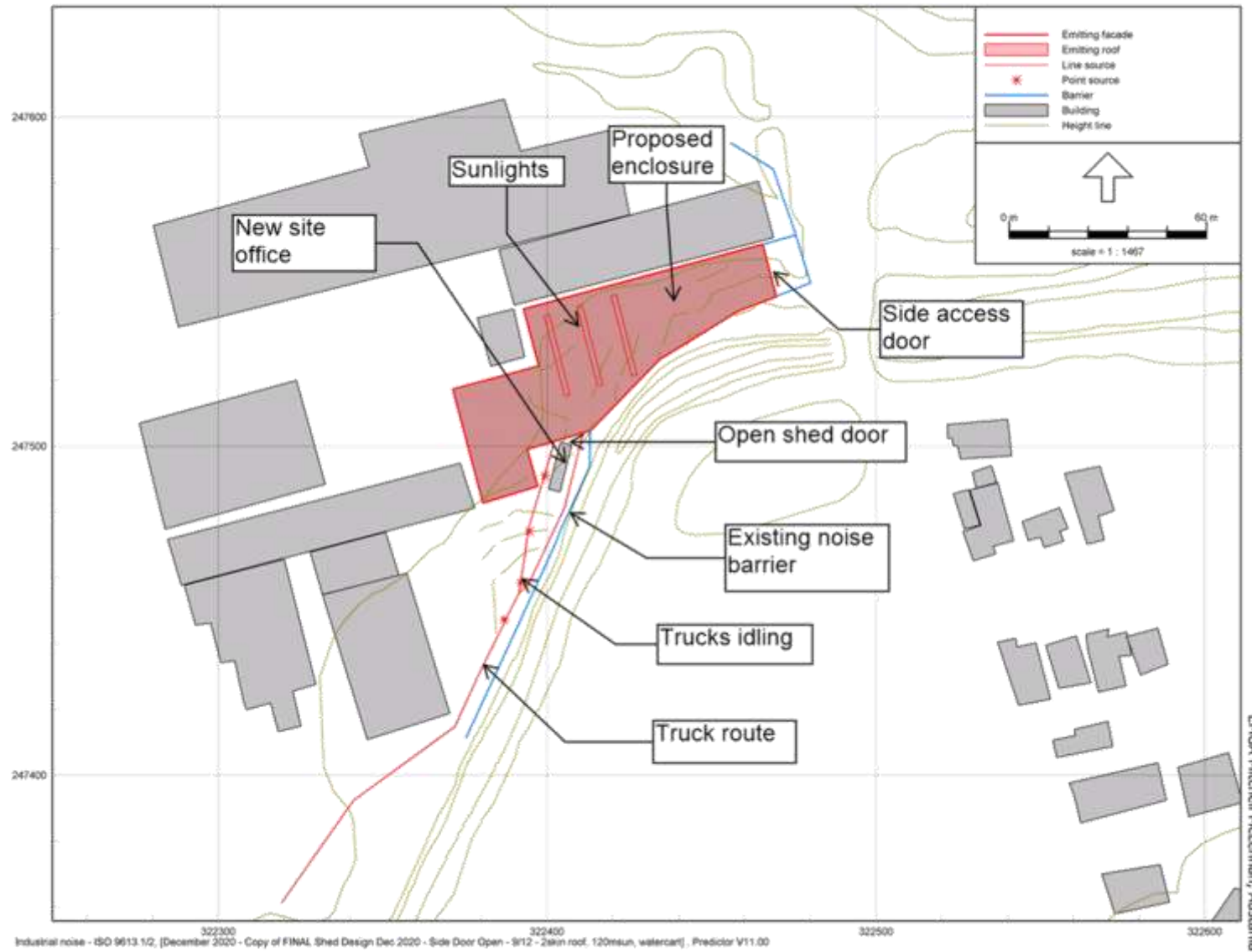
Modelled noise sources

Table C.1 Modified plant and equipment single-octave band sound power levels

Equipment	SWL, dBA	SWL, dBZ	Single-octave band (Hz), Sound power levels(dBZ)							
			63	125	250	500	1k	2k	4k	8k
Excavator – Hyundai 25t ¹	107	113	108	108	106	104	100	99	98	93
Excavator – Hyundai 14t ¹	106	111	105	102	103	104	102	98	92	85
Excavator – Komatsu 14t ¹	106	111	105	102	103	104	102	98	92	85
Front end loader – Hyundai 757 ¹	106	115	111	109	103	102	101	98	93	88
Main trommel and trommel/screen ^{1,2}	106	113	110	105	102	104	100	97	92	94
Street sweeper	104	111	108	103	97	103	99	95	89	86
Trucks (idling)	90	96	93	85	83	84	86	85	79	72
Trucks (moving)	103	113	111	105	99	99	99	96	91	85

Notes: 1. Measured by EMM Consulting during a site visit on 13 January 2019.

2. Measurement was external and contained contribution from the main trommel inside the shed and from the smaller external trommel/screen.



Appendix D

Joint report of Mr Ishac and Mr Cooper

Strathfield Municipal Council -v- Aussie Skips Recycling & Aussie Skips Bins & ISAS Mediation Session 21 June 2019

Joint Report of the Acoustic Experts

Prepared for
June 2019

Strathfield Municipal Council -v- Aussie Skips Recycling & Aussie Skips Bins & ISAS Mediation Session 21 June 2019

Joint Report of the Acoustic Experts

Report Number

J17084 RP2

Prepared For

Date

21 June 2019

Version

v1 Draft

Prepared by



Najah Ishac
Director EMM Consulting
21/6/19

Prepared by



Steven Cooper
Director The Acoustics Group
21/6/19

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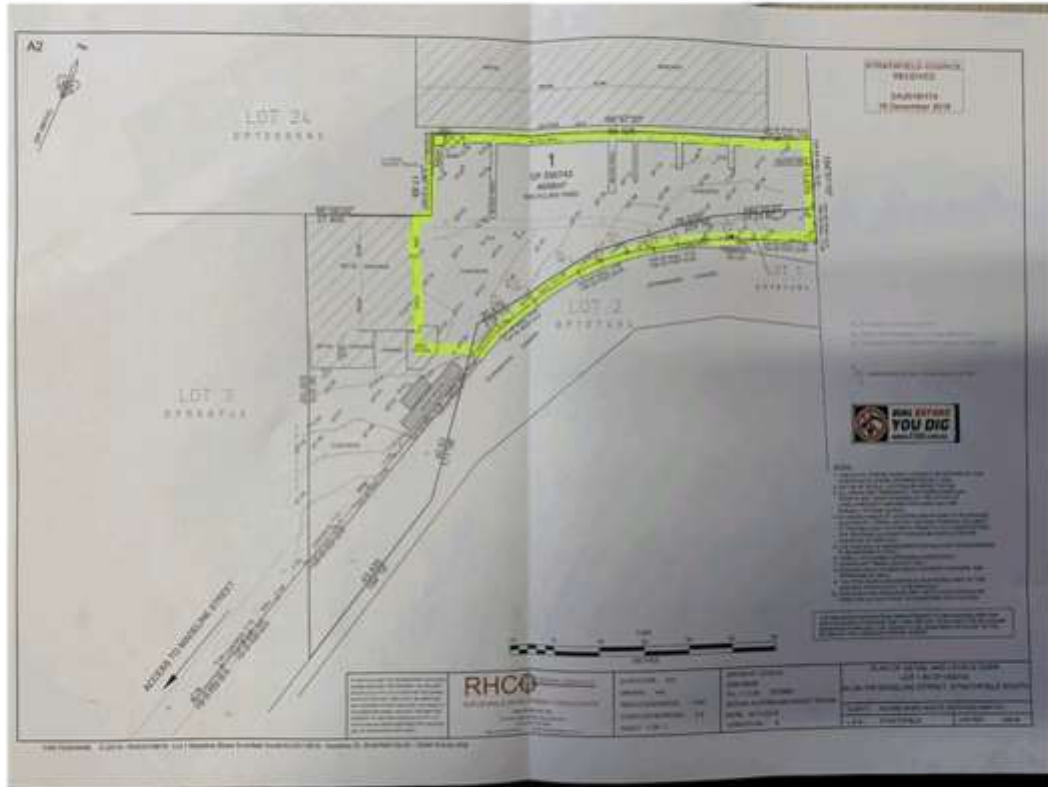
1 Introduction

1. We are the acoustics experts briefed to appear on behalf of our clients in the matter of Strathfield Municipal Council v Aussie Skips Recycling Pty Ltd, Aussie Skips Bin Services Pty Ltd and ISAS Pty Ltd in the NSW Land & Environment Court Case No. 2018/328340 in respect of an assessment of noise emitted from the existing waste transfer and recycling facility at 84-108 Madeline Street, Strathfield South ("the Land")
2. Najah Ishac (**Ishac**) is a founding director of EMM Consulting Pty Limited of 20 Chandos Street St Leonards, NSW 2065. He has practiced as a consulting engineer in acoustics for 24 years. He was awarded a BE (Mechanical) in 1994 and a MEngSc in 1998.
3. Ishac is retained by Aussie Skips Recycling and Aussie Skips Bin Services, the First and Second Respondents in these proceedings and has prepared an affidavit dated 6 February 2019.
4. Steven Cooper (**Cooper**) is managing director of The Acoustic Group Pty Ltd of 6/62 Argyle Street, South Windsor. He has practiced as a consulting engineer in acoustics for 40 years. His was awarded a B.Sc. (Electrical) in 1978 and a M.Sc. (Architecture) in acoustics in 1990.
5. Cooper is retained by Strathfield Municipal Council, the Applicant in these proceedings and has prepared two affidavits dated 25 October 2018 and 10 December 2018.
6. We have read Division 2 of Part 31 of the Uniform Civil Procedure Rules 2005 and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005 and agree to be bound by the terms of those documents.
7. The experts met in conference on Friday 21 June 2019 to discuss specific matters relating to acoustics and finalised this joint report.

2 Agreed acoustic matters

2.1 Acoustic enclosure concept design

8. The acoustic experts agree that an acoustic enclosure of the site yard would reduce noise levels to appropriate levels for residential neighbours.
9. The acoustic enclosure walls can meet the existing noise barrier along the southern site boundary or otherwise walls as part of the new enclosure would be built at an agreed position along non-community owned land.
10. The proposed enclosure would include the following detailed requirements:
 - (a) acoustically seal all wall to roof and wall to wall junctions;
 - (b) increase the rigidity of the wall structures by ensuring horizontal members are no more than 1200 mm apart;
 - (c) no openings in any roof or eastern wall areas;
 - (d) underside of roof to include absorptive lining (i.e. insulation blanket with perforated sarking on underside similar to 50mm thick Fletcher Insulation rigid glasswool – perforated foil faced (eg sisalation 450); and
 - (e) The enclosure walls to be of sheet metal sandwich panels similar to the existing noise barrier along the southern site boundary (if this barrier is to be removed);
 - (f) The enclosure roof will be of sheet metal and achieved a minimum sound rating of Rw 29.
 - (g) Skylights or similar of no more than 25% of roof area such that the performance of the roof is not less than Rw 27.
11. A possible option of the outline of the suggested acoustic enclosure concept is provided in Figure 1.
12. Figure 1



2.2 Required conditions of consent

13. The following conditions are suggested for acoustic purposes:
- Its agreed that the noise criteria at residential dwellings once enclosure is constructed is to be 48dB LAeq,15minute for operations of 7am to 6pm

2.3 Less costly noise monitoring regime

14. Under the Interlocutory Orders of the Land and Environment Court 19 December 2018, a noise monitoring protocol to be undertaken by independent expert was agreed by the parties in order to demonstrate compliance with the court imposed 53dB LAeq,15minute residential limit.
15. Ongoing monitoring has identified compliance with the above limit and it has been established that the following regime with respect to site operations has been occurring:
- An elimination of one excavator previously used for sifting of soil;
 - Appointment of an onsite environmental manager to over see operations;

- (c) Maximum height of stockpile at RL XXm (as it has been the past six months).
16. The applicant has identified that the site operations are restricted to the following equipment:
- (a) Exc1 Excavator type komatsu 14t (as used in the period January to June 2019);
 - (b) Exc2 Excavator type Hyundai 25t (as used in the period January to June 2019);
 - (c) Exc3 Excavator type Hyundai 14t (as used in the period January to June 2019);
 - (d) FEL Front end loader type Hyundai 757 (as used in the period January to June 2019)
 - (e) Existing trommel/Screen
 - (f) Existing Trommel
 - (g) Truck Movements
 - (h) Street sweeper.
17. On the basis of the above procedures and equipment to occur at the site, it is proposed to amend the monitoring protocol as follows:
- (a) The two noise loggers at 17 Excelsior Avenue to continue as currently being used;
 - (b) Attended noise monitoring to continue at the residential location only (ie removed all industrial boundary and southern site boundary monitoring);
 - (c) Attended noise monitoring to a frequency of once per fortnight on any weekday and include two 15-minute samples;
 - (d) Attended monitoring is to occur without any prior advice or communications to Aussie Skips;
 - (e) Retain the existing noise logger on the site office;
 - (f) Retain the existing vision logger on the site;
 - (g) Analysis of monitoring data only to occur if the total LAeq,15minute of all sources is greater than 55dB as being used currently.