

IDAP REPORT

Property:	49 Shortland Avenue STRATHFIELD DA2020/190 Lot 11 DP 12405
Proposal:	Demolition of the existing structures and construction of a two-storey dwelling with basement level, in-ground swimming pool, cabana and associated landscaping.
Applicant:	E Sleiman
Owner:	C Francis & J G Ayoub
Date of lodgement:	16 November 2020
Notification period:	4 December – 18 December 2020
Submissions received:	No submissions made
Assessment officer:	J Gillies
Estimated cost of works:	\$962,937.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1 – The Site (yellow boundary) and surrounding locality

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for demolition of the existing structures and construction of a two-storey dwelling with basement level, lift, inground swimming pool, cabana and associated landscaping.

Site and Locality

The site is identified as 49 Shortland Avenue Strathfield and has a legal description of Lot: 11 DP: 12405. The site is an irregular shaped parcel of land located at the corner of Shortland and Howard Street.

The site has a width of 15.5m, a depth of 52.5m and an overall site area of 850m².

The locality surrounding the subject site contains a mix of low density residential dwellings, of different eras and form or style. The Marion Street Conservation Area is located two lots to the east.

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 4 December to 18 December 2020, where no submissions were received.

Issues

- Basement size, and
- Tree retention.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/190 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Demolition of the existing structures and construction of a two-storey dwelling with basement level, inground swimming pool, cabana and associated landscaping.

More specifically, the proposal includes;

Basement level

- 2 Parking spaces and associated manoeuvring areas,
- A lift,
- Pool pump and comms room,
- A stairwell, and
- Storage.

Ground floor level:

- Front porch and atrium at the entry,
- Guest bedroom with walk in robe,
- Study,
- Laundry,
- Living room,
- Dining room,
- Kitchen and butlers kitchen,
- Lift and stairwell to the first floor.

First floor level:

- 3 bedrooms with robes and ensuites,
- 1 master bedroom with walk in robe and ensuite,
- 2 'retreats'.
- 2 smaller voids at the front (southern end) of the building,
- 1 large void at the back (northern end) of the building.

External works:

- Rear patio covered by a steel awning,
- In ground swimming pool,
- Out house / Cabana with bathroom,
- Landscaping within the front, side and rear setbacks,
- New side (western) and front boundary fencing.

The Site and Locality

The subject site is legally described as Lot 11 DP 12405 and commonly known as 49 Shortland Avenue Strathfield. The site is located at the corner of Shortland Avenue and Howard Street.

The site is rectangular in shape, however the frontage to Howard street is irregular due to the angle of Shortland Avenue and allotment splay resulting from the corner location. The lot frontage along Howard Street is 11.7m and 5.36m with the rear boundary being 15.545m, the eastern side boundary 52.085m and the western side boundary being 53.34m.

The site slopes from east to west and has a cross-fall of approximately 1m.

The site is occupied by a single storey red traditional brick dwelling which fronts Shortland Avenue. Presentation to Howard Street comprises the side of the house, two large trees and a mixture of fencing (one section brick, one section wood panelling and one section colourbond). The existing dwelling responds to the corner location to a degree, with stepping of the dwelling in the location of the corner splay (refer Figures 2 – 8).

Existing vehicular access is provided to the site via an existing driveway from Howard Street which leads to a detached garage located in the rear, relatively large yard (refer Figures 2 – 8).

The current streetscape of both Shortland and Howards Streets is characterised by a mix of dwellings from different eras. Both flat roof and pitched roof dwellings exist. The surrounding area is similar in character. The Marion Street conservation area is located east of the site (refer Figures 2 – 8), however modern dwellings exist between the conservation area and the site.



Figure 2 – Existing dwelling at the site as viewed from the corner of Shortland Avenue and Howard Street



Figure 3 – Existing dwelling at the site as view from Howard Street



Figure 4 – Existing vehicle access and detached garage at the site as Viewed from Howard Street



Figure 5 – Existing garage and rear yard at the site looking north east from the western boundary



Figure 6 – Existing dwelling adjoining the site to the east (47 Shortland Street)



Figure 7 – Houses opposite the site on the western side of Howard Street



Figure 8 – The site and the Marion Street Conservation Area

Background

- 17 November 2020** The subject Application was lodged.
- 4 – 18 Dec 2020** The subject Application was publicly notified from 4 December 2020 – 18 December 2020. No submissions were received during or following the notification period.
- 11 January 2021** A site inspection was undertaken by the Assessment Planner.
- 25 January 2021** A request for further information (RFI) was issued, raising the following matters to be addressed in revised or additional material:
- The basement incorporates excessive amounts of storage and the overall size must be reduced to minimise the impact of earthworks associated with the development,
 - Additional detail on gross floor area and landscaped area was requested,
 - The design is to be amended to achieve protection of the jacaranda located on the site.
- 26 February 2021** A response to Council's STC letter was submitted by the Applicant via the NSW Planning Portal as well as revised Architectural Drawings and a Survey Plan.
- 4 - 9 March 2021** Revised Stormwater and Landscape Drawings were submitted consistent with the revised Architectural Drawings.

Referrals – Internal

TREE COORDINATOR

Council's Tree Coordinator reviewed the Application and made the following comments:

The trees numbered T5, T6, T7, T8 T9 T10, T11 and T12 are proposed to be removed.

11.0 TREE IDENTIFICATION BASED ON PROPOSED DEVELOPMENT

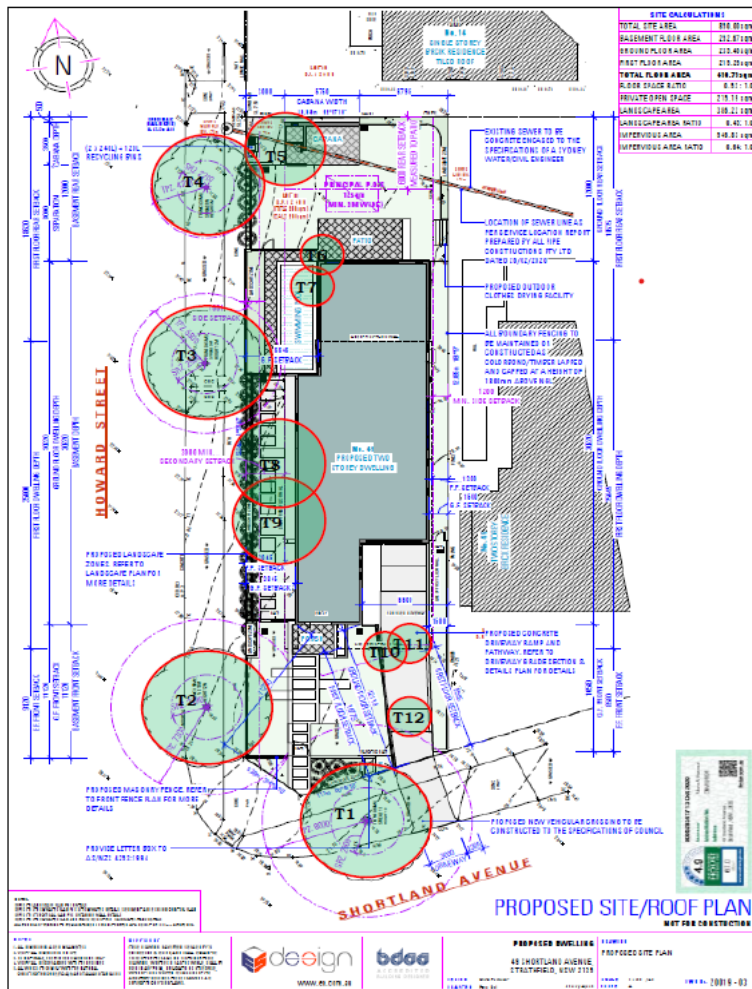
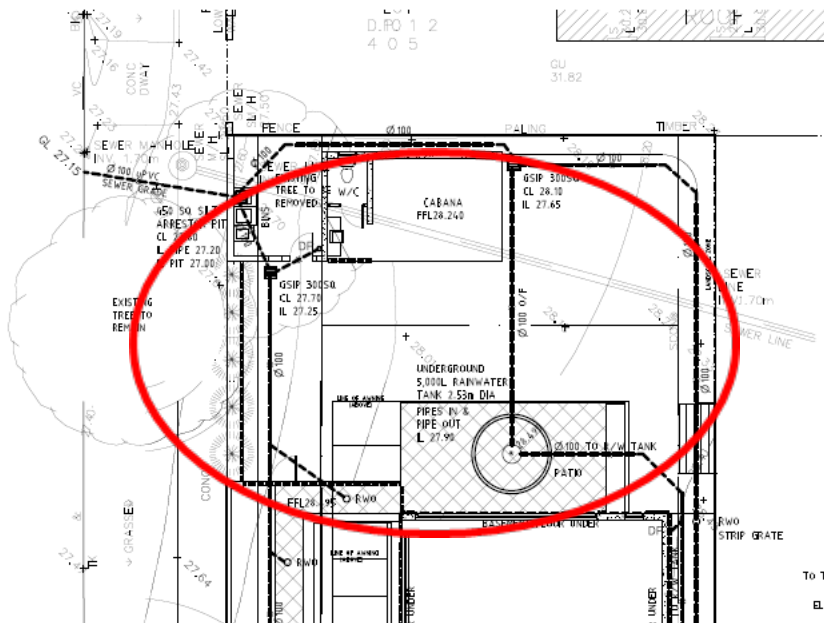


Figure 5 Shows the trees location based on the proposed development plan.

I have no objection to the removal of the seven (7) trees numbered T6-T12

Tree T5 (Jacarada) is to be retained and protected.

This will require the design to be amended to relocate or delete the cabana and much of the proposed stormwater pipes. The landscape plan also needs to be amended to show the protection of T5. The arborist report will need to be amended to provide tree protection information for during demolition and construction.



The 4 street trees are to have a bond placed on them for their protection.

The above advice was provided to the Applicant and a revised design incorporating relocation of the Cabana and retention of the Jacaranda Tree was submitted via the NSW Planning Portal.

TRAFFIC ENGINEER

Council's Traffic Engineer reviewed the Application and made the following comments:

All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory.

Pursuant to Council CDCP Part A Clause 5.2.4, a minimum 1m x 1m splay shall be provided at the vehicular access driveway, to maintain sight distances for pedestrians and motorists. The remaining areas created by providing a splay adjacent to a road intersection or driveway entrance must be landscaped with low-growing vegetation.

Should the Application be approved, conditions of consent will be imposed to ensure the above is achieved as part of the development.

STORMWATER ENGINEER

Council's Stormwater Engineer reviewed the Application and made the following comments:

I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by TAA Consulting Engineers rev A drawing no. H695-S1/3 – H695-S3/3 dated 04.06.2020. The subject site has a natural fall to the rear, but fall to Howard Street has enabled applicant to submit a compliant design.

The revised design submitted to Council following matters raised with the Applicant in relation to tree preservation was submitted to Council's Stormwater Engineer, who confirmed the Application remains compliant.

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,**

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 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 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	7.8m	Yes
4.4 Floor Space Ratio	0.55:1 (467.5m ²)	0.52 (444.73 m ²)	Yes

The proposed dwelling house incorporates a compliant FSR above ground, with 444.73m² of GFA and an FSR of 0.52:1.

The Applicant has included gross floor area calculation plans in the Architectural Drawings. These have been assessed as an accurate depiction of floor area for the purposes of calculating FSR, with the exception of the exclusion of the space over the stairs on the first floor (approximately 6m²). This has been included in the figures above.

The basement footprint is contained to the extent of the first floor above and the basement protrudes less than 1m above natural ground level. Storage areas in excess of 20m² are shown as having a floor to ceiling height of less than 2.5m. This will be required to be less than 2.4m as a condition of consent and therefore non-habitable. Accordingly, no basement floor area is included in FSR calculations.

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.

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 ramp and ancillary works. The depth of excavation has been kept to a minimum to comply with Council's DCP controls and the footprint of the basement sits within the bounds of the ground floor above. Revised Architectural Drawings submitted by the Applicant have reduced the overall storage space at the northern end of the basement, limiting the amount of excavation required.

It is unlikely the proposed basement will impact on the drainage patterns and soil stability and future use of the land. Conditions of consent will be imposed requiring industry standards for fill quality and dilapidation reports for adjoining properties.

The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Flood Planning

The development site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject 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

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

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 SEPP55 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 provided comment on the original design submitted with the Application and required re-design to retain an existing Jacaranda in the rear yard. The revised design has responded to these comments by moving the proposed cabana to the north eastern corner of the site. Council's Tree Coordinator has outlined specific conditions to be imposed with any development consent in order to ensure the protection of this tree and street trees surrounding the site.

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

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

(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 the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	3.0m	Yes
Height to underside of eaves:	7.2m	6.5m - 7.2m	Yes
Overall height for flat roof dwelling:	7.8m	7.3m	Yes
Basement height above NGL:	1.0m	0.57m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	8.55m	No
Side:	1.2m (min)	3.05m (west)	Yes
Side:	1.2m (min)	1.5m (east)	Yes
Combined Side Setback:	3.1m (20%)	4.55m	Yes
Rear:	6m	12m	Yes
Landscaping			

Landscaping Provisions:	45% or 382.5m ²	384m ²	Yes
Fencing (Shortland Avenue)			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	
Fencing (Howard Street)			
Height (overall/piers):	1.5m (maximum)	1.8m	No,
Solid Component:	0.7m	1.8m	acceptable on merit
Fencing (Side and Rear)			
Side (eastern boundary):	1.8m	1.8m (existing)	Yes
Rear (northern boundary)			
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.1m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	0.57m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	2.5m	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	20m ²	Yes
Height:	3.5m	3.2m	Yes
Side/Rear setback:	0.5m	0.5m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	2.4m	Yes

Building Envelope

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building scale, height and floor space ratio
- Rhythm of built elements in the streetscape,
- Fenestration and external materials, and
- Street edge

The proposed development delivers a flat roofed dwelling in an area characterised by a mix of dwellings from different eras, with both flat roof and pitched roof designs. The Marion Street conservation area is located east of the site (refer Figures 2 – 8), however modern dwellings exist between the conservation area and the site.

The proposed development incorporates setbacks that generally exceed the minimums, a profile that sits within the flat roofed dwelling height control and a landscape design and material schedule that responds to streetscape character and the corner location.

The front setback varies, with the portion closest to number 47 Shortland Avenue (property to the east) being 8.5m (.5m less than the minimum). This is acceptable on merit considering the irregular shaped allotment and increased front setback towards the corner of the lot (12m+).

Landscaping and Open Space

The proposed development generally satisfies the relevant objectives and controls of the SCDGP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

The Architectural Drawings submitted with the Application include Plans showing the total landscaped area is greater than the minimum requirement of 45%. However, the landscaping plan shows potentially impervious surfaces in locations identified for soft landscaping (decorative gravel, pavers). A condition of consent will require these treatments to be pervious.

Landscaping within the front setback does not meet the minimum requirement for 50% to be deep soil landscaping, with 86m² of 193m² (44%). This variation is reasonable considering the irregular shaped frontage and wider than required side setbacks.

Fencing

The proposed front and side fencing satisfies the relevant objectives and controls within SCDGP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

The Howard Street fence height exceeds the allowance for a street frontage fence. However, the Howard Street frontage is the secondary frontage for the development, with the pedestrian and vehicular access located off Shortland Avenue. Considering the need to balance privacy for the future residents and activation of the public domain, the proposed outcome along Howard Street which includes part solid (adjoining the pool) and part solid with slats, the proposed outcome is acceptable on merit.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is likely to be achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also likely to be achieved or maintained to the private open space of the adjoining premises.

Shadow diagrams submitted with the Application provide further certainty with regard to the above.

The proposal is considered to generally satisfy the relevant objectives and controls of the SCDGP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDGP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or located off low active use rooms so as not to negatively impact on adjoining properties. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

A condition of consent has been imposed requiring demonstration to the PCA that the area required for 2 parking spaces and associated turning paths shown on the plans is necessary.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduce site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Outbuildings

As outlined in the numerical table above, the proposed cabana satisfies the relevant objectives and controls the SCDCP 2005 complying with the height, setbacks and floor space controls.

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in a sound proof enclosure (below ground) and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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. 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 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 for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment.

No submissions were received during the exhibition period.

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$9,629.37
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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. 190/2020 should be approved, subject to the conditions of consent.

Signed:

**JG Gillies
Senior Planner**

Date: 23 March 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 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Patrick Santos

Date: 26 March 2021

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure 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	2019-01	04.02.21	B	ES DESIGN (Clare Faulkner)
Demolition Plan	2019-02	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed Site Plan	2019-03	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed Basement Floor Plan	2019-04	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed Ground Floor Plan	2019-05	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed First Floor Plan	2019-06	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed Roof Plan	2019-07	04.02.21	B	ES DESIGN (Clare Faulkner)
South and West Elevation	2019-08	04.02.21	B	ES DESIGN (Clare Faulkner)
North and East Elevation	2019-09	04.02.21	B	ES DESIGN (Clare Faulkner)
Section View	2019-10	04.02.21	B	ES DESIGN (Clare Faulkner)
Proposed Cabana and Section	2019-11	04.02.21	B	ES DESIGN (Clare Faulkner)

Cabana Elevations	2019-12	04.02.21	B	ES DESIGN (Clare Faulkner)
Front Fence Details	2019-13	04.02.21	B	ES DESIGN (Clare Faulkner)
Front Fence Details	2019-14	04.02.21	B	ES DESIGN (Clare Faulkner)
Driveway Grade Details	2019-15	04.02.21	B	ES DESIGN (Clare Faulkner)
Schedule of External Materials, Colours and Finishes	2019-16	04.02.21	B	ES DESIGN (Clare Faulkner)
Stormwater Plans	H695 – S1/3, S2/3, S3/3.	02.03.21	B	TAA CONSULTING ENGINEERS
Landscape Plans	LDA-00, LDA-01, LDA-02, LDA-03.	9 March 2021	C	GROUND INK
Waste Management Plan	-	15/10/2021	-	ES Engineering
BASIX Certificate	1106727S	13 October 2020	-	Noura Al Hazzouri
Arboricultural Impact Assessment and Tree Management Plan	-	4 November 2020	-	Horticultural Management Services

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 36.37 AHD to the top of parapet of the building.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

4. Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

nil

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Required Design Changes

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

Amendments to the Approved Basement Floor Plan	The floor to ceiling height for the pool pump and storage space and the comms room shall be 2.3m.
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6. Fees to be Paid

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

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://portal.longservice.nsw.gov.au/bci/levy/	\$3,370.28
Security Damage Deposit	\$12,200.00

Tree Bond	\$100,000.00 1m x 5m - 10m Tree 3m x 15m - 20m Tree
Administration Fee for Damage Deposit	\$127

General Fees

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$9,629.37

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

Development Contributions

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

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

Further Information

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

7. Damage Deposit – Minor Works

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

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

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

8. Tree Bond

A tree bond of \$100,000.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and

amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

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. 1106727S must be implemented on the plans lodged with the application for the Construction Certificate.

11. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

12. **Pre-Construction Dilapidation Report – Private Land**

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 47 Shortland Avenue (Lot 12 DP 12405)

(c) 14 Howard Street (Lot 10 DP 12405)

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

13. Stormwater System

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

14. Detailed Stormwater Drainage Design

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

15. Drainage System – Maintenance of Existing System

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

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

16. Pump-Out System Design for Stormwater Disposal

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

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's

runoff from a one-hour duration storm of the 1 in 100 year storm;

- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

17. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

18. Waste Manage Plan (WMP)

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

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

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

19. Compliance with Swimming Pool Act 1992

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

20. **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.

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

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

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

22. **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.

23. **Geotechnical Report**

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 14 Howard Street and 47 Shortland Avenue prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction

Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.

- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be piers prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

24. 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).

25. 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.

26. Compliance with Arborist Report

The Arborist's Report titled *Arboriculture Impact Assessment and Tree Management Plan* prepared by Horticultural Management Services dated 4 November 2020 must be amended as follows and submitted to the PCA prior to issue of a construction certificate.

Inclusion of tree protection measures for street trees and private trees listed below.

Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the table below.

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Jacaranda Tree	Rear yard near Howard Street	3 meters from trunk in all directions and clear of any leaves
2	Street Tree	Shortland Avenue	3 meters from trunk in all directions and clear of any leaves
3	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves
4	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves
5	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves

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.

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

27. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Jacaranda Tree	Rear yard near Howard Street	3 meters from trunk in all directions and clear of any leaves
2	Street Tree	Shortland Avenue	3 meters from trunk in all directions and clear of any leaves
3	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves
4	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves
5	Street Tree	Howard Street	3 meters from trunk in all directions and clear of any leaves

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

General Tree Protection Measures

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

- (q) 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.

Excavation works near tree to be retained

- (r) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (s) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (t) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

28. Tree Removal & Replacement

General Tree Removal Requirements

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

Tree Replacement

The Landscape Plan submitted to the PCA is to show 1 additional new tree in the rear setback and two in the front setback and all are to be selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

These trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

29. Demolition & Asbestos

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

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

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

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

30. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

31. Demolition Work Involving Asbestos Removal

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

32. 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.

33. Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the

location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

34. Dust Control

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

DURING CONSTRUCTION

35. 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.

36. 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.

37. 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.

38. Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

39. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

40. Removal & Filling of Swimming Pools

- (a) The site of the swimming pool must be filled (if necessary) so as to restore the site to the ground levels (existing) adjacent to the pool, and
- (b) The swimming pool must not be filled with building demolition waste of any kind and if constructed as a concrete shell must be demolished so as to allow ground water to escape or drain to groundwater and
- (c) The fill must be certified clean imported soil or virgin excavated material (VENM) and compacted, and
- (d) Any piping or similar material must be removed from the site before the site is filled.

41. Swimming Pools – Filling with Water

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

42. BASIX Certificate

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

43. BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

44. Completion of Landscape Works

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

45. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

(d) 47 Shortland Avenue (Lot 12 DP 12405)

(e) 14 Howard Street (Lot 10 DP 12405)

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

46. Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

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

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

48. Requirements Prior to the Issue of the Occupation Certificate

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

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

49. Vehicular Crossing - Minor Development

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

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

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

50. Stormwater Drainage Works – Works As Executed

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) Pipe invert levels and surface levels to Australian Height Datum;

- (c) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

nil

OPERATIONAL CONDITIONS (ON-GOING)

51. 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.

52. Private Swimming Pools & Spas – Pump Noise

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

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

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

53. Use of Basement

The basement is not to be used for human habitation or for any commercial or industrial purpose.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

54. Requirement for a Construction Certificate

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

55. 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.

56. 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.

57. 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.

58. 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.

59. 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

60. Clause 97A – BASIX Commitments

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

61. 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.

62. 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.

63. 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](#).

64. Clause 98E – Site Excavation

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

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

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

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

ADVISORY NOTES

1. 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.

2. 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.

3. 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.