

IDAP REPORT

Property:	26 Wallis Avenue STRATHFIELD Lot: 24 DP: 18056 DA2020/226
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool, secondary dwelling, front boundary fencing and associated landscaping.
Applicant:	Wen Architects
Owner:	JJ Zhu
Date of lodgement:	11 December 2020
Notification period:	13 January – 29 January 2021
Submissions received:	Two (2)
Assessment officer:	JG Gillies
Estimated cost of works:	\$1,697,463.00
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 - Subject Site (in yellow) and surrounding locality

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool, secondary dwelling, front boundary fencing and associated landscaping.

Site and Locality

The site is identified as 26 Wallis Avenue STRATHFIELD and has a legal description of Lot: 24 DP: 18056. The site is a regular shaped parcel of land and is located on the eastern side of Wallis Avenue.

The site has a width of 15.09m, a depth of 65.53m and an overall site area of approximately 988.7m².

The locality surrounding the subject site contains a mixture of low density residential dwellings of different eras and styles. Both pitched and flat roof dwellings are present in the streetscape.

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 13 January 2021 to 29 January 2021, where two (2) submissions were received from the adjoining neighbours to the north and south raising the following concerns:

- Conflict with streetscape character,
- Non-compliant FSR,
- Three storey building appearance and unnecessary bulk and scale, and
- Overshadowing and articulation of the southern façade.

Issues

- Overshadowing and articulation of the southern façade, and
- Landscaped Area compliance.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/226 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool, secondary dwelling, front boundary fencing and associated landscaping. More specifically, the proposal includes;

Basement level:

- 2 parking spaces and associated manoeuvring areas,
- A lift,
- Service room,
- A stairwell, and
- Storage

Ground floor level:

- Study,
- Front lounge area,
- Laundry and bathroom,
- Guest bedroom with WIR,
- Kitchen, and
- Combined family room and dining area.

First floor level:

- Two (2) bedrooms with WIR and ensuites,
- Two (2) bedrooms with WIR only,
- One (1) bathroom,
- Lounge and reading area,
- Rear balcony, and
- Two (2) voids.

Secondary dwelling:

- Combined dining and kitchen area with separate bathroom and bedroom.

External works:

- Front landscaping,
- Rear and side setback landscaping,
- Courtyard (fronting northern boundary),
- Rear patio (covered but not enclosed), and
- Pool and deck (adjoins secondary dwelling).

The Site and Locality

The subject site is legally described as Lot: 24 DP: 18056 and commonly known as 26 Wallis Avenue Strathfield. It is located on the eastern side of Wallis Avenue between Newton Road and Ada Avenue.

The site is rectangular in shape and has a frontage of 15.09m to the west, rear boundary of 15.09m to the east, side boundary length of 65.53m to the north, and side boundary length of 65.53m to the south and an area of 988.7m².

The site slopes from north to south and has a cross-fall of approximately 0.5m

The site is occupied by an existing single storey brick dwelling with rear outbuilding/garage with attached carport. Vehicular access is provided to the site via an existing driveway from Wallis Avenue along the northern boundary. A pool, is located in the rear yard, as well as landscaping comprising mostly turf and small trees or shrubs.

The current streetscape is characterised by a mixture of dwellings from different eras and different styles. Both flat and pitched roof dwellings exist. The surrounding area is similar in character, comprising low density residential development. Chalmers Road school is located north east of the site.



Image 1 – Existing brick dwelling at 26 Wallis Avenue



Image 2 – Neighbouring property to the south at 28 Wallis Street



Image 3 – Flat rood dwelling at 30 Wallis Avenue, south of the site



Image 4 – Existing dwelling at 24 Wallis Avenue



Image 5 – Dwellings opposite the site at 13 and 15 Wallis Avenue



Image 6 – Rear yard of the site and existing carport and attached outbuilding



Image 7 – Rear yard behind the outbuilding/carport



Image 8 – Rear of the existing dwelling at the site and interface with 28 Wallis

Background

- | | |
|-------------------------|--|
| 11 December 2020 | The subject Application was lodged. |
| 13 January 2021 | The subject Application was notified until 29 January 2021, with two (2) submissions received during this period. |
| 15 January 2021 | The subject Application was reallocated from N Doughty to J Gillies. |
| 23 January 2021 | A site inspection was undertaken. The former Planner had undertaken an earlier inspection, however no documentation was found from this inspection. |
| 27 April 2021 | A Request for Further Information was issued to the Applicant requesting additional detail in relation to overshadowing and revised Architectural Drawings to achieve compliance with basement size and incorporate additional articulation of the southern facade. The Applicant was also provided with comments from Council's Stormwater Engineer which include requirements for the construction Certificate Drawings. |
| 7 May 2021 | Revised Architectural Drawings and Landscape Drawings and an accompanying cover letter were received from the Applicant. |

Referrals – Internal

Traffic Comments

The Application was referred to Council's Traffic Manager who provided the following comments:

The development proposes a basement containing 2 spaces and a turning bay. All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory.

Recommended conditions of consent will be included in the Notice of Determination (NOD), should approval be granted.

Stormwater Comments

The Application was referred to Council's Development Control Engineer who provided the following comments:

I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by MBC Engineering issue 1 sheet no. 1-2 of 2 job no. 2020825 dated 12.11.2020. The subject site has a natural fall to the rear, but OSD/pump out drainage system has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into below ground rainwater by charged means via downpipes. Overflow from rainwater tank drains into OSD/pump out tank by gravity means via overflow pipe. Proposed basement drains pump storage tank by gravity means via subsoil drainage and grated trench drain. Rising mains from OSD/pump out tank and basement pump storage tank connects to the boundary pit. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions.

Special Conditions

Absorption Trench

On-site detention system connecting to a pit and pump system which incorporates twin pumps, needs to provide an emergency overflow system connection into a rubble/absorption pit system. Amended stormwater plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

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	8.0m	Yes
4.4 Floor Space Ratio	0.525:1 Total Area - 988.7m ² GFA – 519.01m ²	0.523:1 Total Area - 988.7m ² GFA – 517m ²	Yes

Part 5 – Miscellaneous Provisions

Controls relating to miscellaneous permissible uses

Under Clause 5.4(9), the maximum floor area of a secondary dwelling must not exceed 20 square metres or 20% of the total floor area of the principal dwelling.

The proposed secondary dwelling has a total area of 41.5m² and satisfied the LEP standard.

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.

It is unlikely that 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, as well as a raised floor level that restricts the floor to ceiling height to 2.4m.

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

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 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.

- (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			
Floor Space Ratio:			
Heights: Floor to ceiling heights: Overall height for flat roof dwelling:	3.0m 7.8m	3.0m 7.9m	Yes No, acceptable on merit
Basement height above NGL: Number of Storeys/Levels:	1.0m 2	0.64m 2	Yes Yes
Setbacks: Front: Side: Side: Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 3.01m (20%) 6m	9m 1.51m 1.51m 3.2m 24.7m	Yes Yes Yes Yes Yes
Landscaping			
Landscaping/Deepsoil Provisions:	445m ² (45% of 988.7m ²)	456m ² (46%)	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	1.55m	No, can be conditioned.
Solid Component:	0.7m	0.6m	Yes
Side and rear (1.8)	1.8m	1.8m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3 hrs solar access for private open space for subject site and adjoining properties achieved. Some impacts to habitable windows.	No, acceptable on merit.
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2m	Yes
No. of Parking Spaces:	2	2	Yes
Basement: Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m 2.2m	0.6m 3.5m 2.47m	Yes Yes Yes
Ancillary Development			
SECONDARY DWELLINGS Area: Side setback	60m ² 1.5m	41.5m ² 1.5m	Yes Yes

Rear setback:	3.0m	3.0m	Yes
SWIMMING POOL Side/Rear Setback	1.0m	1.8m (side) and 3.2 (rear)	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 dwelling presents as a modern development with a flat roof and render finish and white and grey colour palette. While existing development adjoining the subject site incorporates pitched roof brick dwellings, the immediate streetscape incorporates a number of modern flat roof dwellings, including opposite the site at 13 Wallis Avenue.

The proposed dwelling complies with FSR controls under the SLEP 2012, and complies with the setback requirements under the DCP. The proposed dwelling predominately sits within the 7.8m height limit for flat roof dwellings, with a minor encroachment (0.5m) at the western end of the building which is the result of an architectural feature that does not add to the overall bulk and scale and contributes to articulation of the western façade facing Wallis Avenue.

In combination, the propose dwelling results in a bulk and scale typical of modern dwellings in the R2 Low Density zone, many of which have now been constructed along Wallis Avenue.

The dwelling incorporates a number of architectural features on the western elevation that provide vertical and horizontal articulation at the interface with the public domain. Landscaping within the front setback will provide additional softening of the public interface.

In addition, following requested design changes from Council, the Applicant revised the façade of the southern elevation to incorporate a stepping of the building, providing some horizontal articulation and relief along the side boundary and interface with the neighbour. The northern elevation incorporates a number of voids that provide adequate modulation of this elevation.

Landscaping and Open Space

The proposed development 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 side setbacks are shown as having gravel landscaping treatments which have been included in the overall landscaped area calculation. This outcome is an acceptable compromise between concrete or hard and impermeable surfaces and turf or plantings which can create inconveniences for access.

The submitted Landscape Plans show one new canopy tree in the rear yard and one new canopy tree in the front setback, in accordance with the DCP. However, they are not

indicated as reaching a mature height of 10m. A condition of consent will be included should approval be recommended, requiring planting of suitable trees that can contribute to increasing canopy cover across the LGA.

Fencing

The proposed front and side fencing generally satisfies the relevant objectives and controls within SCDP 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.

A minor protrusion above the 1.5m height limit (0.05m) exists on the northern elevation. A condition of consent is recommended requiring 0.6m solid component and 1.5m overall height to ensure compliance with the DCP control is achieved.

Solar Access

The Applicant has provided shadow diagrams that indicate at least 50% of the private open space area located at 28 Wallis Street achieves at least 3 hours of solar access at the winter solstice.

An internal survey of the neighbouring property at 28 Wallis Street was not undertaken to understand the location of living rooms and window schedule for this property and the impacts to solar access resulting from the proposed development. However, cross-referencing of the shadow diagrams provided and floor plans available to Council staff for the existing dwelling at 28 Wallis Avenue, show that the living room of 28 Wallis is located in the north eastern corner of the dwelling and will be in shadow as a result of the proposed dwelling. However, the existing dwelling at 28 Wallis Avenue benefits from a large Kitchen and dining area in the south-eastern corner of the dwelling that will achieve 3 hours of solar access in mid-winter.

Given the east west orientation of the site, some amount of overshadowing to the southern neighbour is inevitable from a development that seeks to capitalise on the permissible FSR at the site. The proposed dwelling extends further to the rear than the footprint of the existing dwelling and therefore overshadowing to the southern neighbour has been increased.

The proposed dwelling generally complies with the 7.8m height limit for flat roof dwellings (excluding the small protrusion at the front) as well as side setback controls, assisting in mitigating overall overshadowing impacts. The development also complies with FSR requirements, with voids included in the GFA.

During the assessment process, the Applicant introduced a step along the southern elevation, to provide some articulation as this was identified as a concern. While this has introduced some modulation of the southern elevation, it is unlikely to have significantly reduced overshadowing of the living room area.

Notwithstanding, considering the orientation of the site, compliance with height and FSR controls and solar access for private open space and the kitchen area, the overshadowing impacts on 28 Wallis Avenue resulting from the proposed development are considered acceptable and the proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 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, incorporate raised sill heights or are 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. (The basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m).

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.

Conditions of consent will be imposed requiring industry standards for fill quality and dilapidation reports for adjoining properties, as well as a raised floor level that restricts the floor to ceiling height to 2.4m.

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

Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls the SCDCP 2005. It has been designed so that it does not exceed 60sqm floor area, adequately setback from side and rear boundaries and provides suitable open space provisions for the occupants. Being single storey, the existing boundary fences will provide screening and privacy to adjoining properties and ensure there is minimal or no impact on their amenity.

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 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, 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.

(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. Two (2) submissions were received from the adjoining neighbours to the north and south raising the following concerns:

1. *Streetscape Impact – The proposed dwelling's flat roof design, front setback and front boundary fencing do not complement the existing streetscape.*

Comment: As outlined above, the proposed dwelling presents as a modern development with a flat roof and render finish and white and grey colour palette. While existing development adjoining the subject site incorporates pitched roof brick dwellings, the immediate streetscape incorporates a number of modern flat roof dwellings, including opposite the site at 13 Wallis Avenue.

The proposed dwelling complies with FSR controls under the SLEP 2012, and complies with the 7.8m height limit for flat roof dwellings under the DCP and setback requirements, achieving a bulk and scale typical of modern dwellings in the R2 Low Density zone, many of which have now been constructed along Wallis Avenue.

2. **Overshadowing – The shadows cast (on 28 Wallis Street) will result in a loss of amenity, in particular to rear the private open space. The design should be revised to break up the southern elevation and reduce overshadowing impacts.**

Comment: As outlined above, considering the orientation of the site, compliance with height and FSR controls and solar access for private open space and the kitchen area, the overshadowing impacts on 28 Wallis Avenue resulting from the proposed development are considered acceptable and the proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

3. **Floor space ratio non-compliance – The proposal does not comply with the dual occupancy DCP controls.**

Comment: The proposed development is for a dwelling house, not a dual occupancy.

4. **Bulk, height and scale – The appearance of the proposed building will have a detrimental impact on the existing and future amenity of the adjoining property and surrounding neighbourhood. The bulky appearance will set a precedent for similar dwellings to be developed in the future.**

Comment: The proposed flat roof dwelling has been designed to comply with flat roof dwelling height requirements, front and side setback requirements, FSR controls and other key planning controls that endeavour to facilitate site responsive designs with an appropriate bulk and scale. There are numerous flat roof dwellings with similarly long two storey side elevations in the immediate vicinity of the site, including along Wallis Avenue.

5. **Basement – The size and level of the basement is unnecessary and creates a three storey building appearance.**

Comment: The proposed basement is contained within the footprint of the ground floor, which complies with side, front and rear setback requirements. The basement does not protrude more than 1m above natural ground level, complying with the DCP control that specifically relates to basements and three storey dwelling appearance.

6. **Character of the area – The excessive FSR, wall length, inadequate modulation and relief (particularly along the southern elevation) does not achieve a site responsive outcome or energy efficient design.**

Comment: FSR and wall length are compliant and have been addressed above in terms of achieving a site responsive design.

7. **Front-fence non-compliant – The proposed 1.5m high front fence does not comply with the height control.**

Comment: The proposed front fence is compliant with the 1.5m height control. Revised Plans submitted by the Applicant include a fencing plan which more clearly demonstrates this compliance.

8. Landscaping – The Landscape Plan should be prepared by a suitably qualified individual, with additional and suitable variety of species.

Comment: The Landscape Plan is considered adequate for the purposes of indicating species and the arrangement of landscaping embellishments across the site. Conditions of consent will be imposed requiring planting of suitable tree species that can make contribution to increasing canopy cover within the Strathfield LGA.

9. Side boundary fence – will the proposed side boundary timber fence replace the existing colour bond side boundary fence (at 24 Wallis).

Comment: The side boundary fence, as part of this Application, can only be located within the land area of 26 Wallis Avenue. If the Applicant and neighbour can agree on a shared boundary fence at the property line, this would need to be resolved between the two parties and is not a Council matter.

10. Front boundary fencing – The solid component of the proposed front fence may limit visibility of pedestrians when existing the driveway (at 24 and 26 Wallis Avenue). Will the front fence be cement rendered and will it impact on surface runoff.

Comment: The proposed front fence primarily incorporates an outcome with 0.6m or less solid component and 1.5m overall height with picket palings (iron) above the 0.6m mark. Eight (8) pillars provide connections between the pickets, support the gate structures and provide suitable edging structures at the property boundary consistent with other outcomes along Wallis Avenue. The basement design allows for existing of the house in a forward direction.

11. Excavation – What steps will be taken to ensure that the surrounding grounds stability is maintained. Our house (24 Wallis) is built on a slab and excavation at 22 Wallis resulted in movement of our house and paths as the walls of the pit were not supported.

Comment: Conditions of consent will be imposed requiring preparation of Geotechnical reports that include dilapidation reports for both 24 and 26 Wallis Avenue prior to issue of a construction certificate and occupation certificate.

Mediation/Public Meeting

5 May 2020 – The Planning Officer rang the owner of 28 Wallis Avenue to request site access for Council or the Architect of the development at 26 Wallis Avenue to allow for an internal survey to determine the location of the living room and other living spaces at 28 Wallis Avenue for the purposes of understanding overshadowing impacts.

The owner of 28 Wallis Avenue (S and P Kalyvas) outlined this would not be possible in the short term as they were 'out of town'.

In the interests of progressing the Application, the Planning Officer reviewed the floor plans of 28 Wallis Avenue which are on file at Council, and advised the Architect for the proposal to proceed on the assumption that living spaces are located at the rear of the existing dwelling at 28 Wallis Avenue.

10 May 2021 – The Planning Officer contacted the objectors with the following points of discussion:

24 Wallis Avenue

The Planning Officer clarified with the owner that the Application was still under assessment and that a determination had not been made. The owner reiterated points in their submission relating to concerns around land slippage at their property resulting from the proposed basement. They had experienced movement within their property following digging of the pit for a basement at 22 Wallis Avenue.

The Planning Officer advised that typically Council did not request or approved geotechnical reports or dilapidation reports as part of Applications for dwelling houses and that conditions of consent would be imposed to require this work prior to issue of a Construction Certificate and Occupation Certificate.

28 Wallis Avenue

This owner was also advised that the Application was still under assessment. They were also informed of how the Planning Officer intended to finalise the assessment, using shadow diagrams and the floor plans available to Council. They did not strongly object to this, however requested if they could view the amended plans once received by Council.

14 May 2021 – The Planning Officer contacted the owner of 28 Wallis Avenue and outlined the amended plans were available on Council's website and that a determination would be made within a week and that approval was the most likely recommendation.

(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	\$16,697.63
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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 SCDP 2005.

Following detailed assessment it is considered that Development Application No. 226/2020 should be .

Signed:

**JG Gillies
Senior Planner**

Date: 14 May 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Miguel Rivera

Date: 17 May 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
Demolition Plan	DA-015	11/05/2021	C	WEN Architects
Site Plan	DA-020	11/05/2021	C	WEN Architects
Basement Plan	DA-100	11/05/2021	C	WEN Architects
Ground Floor Plan	DA-110	11/05/2021	C	WEN Architects
First Floor Plan	DA-120	11/05/2021	C	WEN Architects
Roof Plan	DA-130	11/05/2021	C	WEN Architects
Granny Flat Elevations	DA-230	11/05/2021	C	WEN Architects
Main Building Elevations	DA-240	11/05/2021	C	WEN Architects
Sections	DA-300	11/05/2021	C	WEN Architects
Window Schedule	DA-400	11/05/2021	C	WEN Architects
Window Legend	DA-416	11/05/2021	C	WEN Architects
Sediment Control Plan	DA-520	11/05/2021	C	WEN Architects
Front Fence Details	DA-700	11/05/2021	C	WEN Architects

Stormwater Plans	Sheet no. 1-2 of 2 job no. 2020825	12/11/2020	Issue 1	MBC Engineering
Landscape Plans	LC 01	7/5/2021	C	ECS
Landscape Plans	LC 02	7/5/2021	C	ECS
Landscape Plans	LC 03	7/5/2021	C	ECS
Waste Management Plan	26 Wallis Avenue, Strathfield NSW 2135	-	-	WEN Architects
BASIX Certificate	1154999M	16 November 2020	-	Frys Energywise

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 46.640 AHD to the roof ridge of the dwelling house.

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. 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/	\$5,941.12
Security Damage Deposit	\$15,000.00
Tree Bond	\$10,000.00
Administration Fee for Damage Deposit and Tree Bond	\$254.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$16,974.63

General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council:

- prior to the release of the Construction Certificate.

Further Information

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

6. **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 basement floor level is to be raised so that the floor to ceiling heights within the basement are less than 2.4m and are not to be used for habitable purposes. The new levels are to be clearly shown on the architectural plans prior to issue of a Construction Certificate and certified by a Surveyor at the completion of the dwelling.
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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: \$15,000.00.
- (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 \$10,000.00 (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. 1154999M 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) 24 Wallis Avenue, Strathfield, Lot: A DP: 323217
- (c) 28 Wallis Avenue, Strathfield, Lot: 23 DP 18056

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. 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.

19. 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.

20. 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.

21. 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.

22. 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 24 Wallis Avenue, Strathfield, Lot: A DP: 323217 and 28 Wallis Avenue, Strathfield, Lot: 23 DP 18056 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 pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

23. 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).

24. Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans, with the exception of the changes required and outlined below:

- The plans are to be amended to include one (1) new canopy tree in the front yard and one (1) new canopy tree in there rear yard which can reach a mature height of at least 10m. The chosen trees are to be selected from Council's recommended tree list.

The landscaping shall be maintained in accordance with the approved plans in perpetuity.

25. 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.

26. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Street tree	Wallis Avenue (eastern verge)	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.

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

27. 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.

28. 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.

29. 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](#).

30. 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.

31. 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.

32. 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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. Swimming Pools – Filling with Water

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

40. 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.

41. 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 included in this consent and that a maintenance program has been established.

42. 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) 24 Wallis Avenue, Strathfield, Lot: A DP: 323217

(e) 28 Wallis Avenue, Strathfield, Lot: 23 DP 18056

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 damaged 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.

43. 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.

44. 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.

45. 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) 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.

46. 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.

47. 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.

OPERATIONAL CONDITIONS (ON-GOING)

48. 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.

49. Swimming Pools – Resuscitation Notice

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

50. 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.

51. 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

52. Requirement for a Construction Certificate

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

53. 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.

54. 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.

55. 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.

PRESCRIBED CONDITIONS

56. Clause 97A – BASIX Commitments

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

57. 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.

58. 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.

59. 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](#).

60. Clause 98E – Protection & Support of Adjoining Premises

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

61. 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

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.

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

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

5. 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.