

IDAP REPORT

Property:	1 The Causeway, Strathfield South Lot 42 Sec 1 DP 407 DA2020/229
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling with basement level, outbuilding and swimming pool.
Applicant:	Design link Australia Pty Ltd
Owner:	S Melham / J Sassine
Date of lodgement:	16 December 2020
Notification period:	13 January 2021 to 29 January 2021
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$1,355,107.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of the existing structures on the site and construction of a two-storey dwelling with basement level, outbuilding and swimming pool.

Site and Locality

The site is identified as 1 The Causeway, Strathfield South and has a legal description of Lot 42 Sec 1 DP 407. The site is a regular shaped corner parcel of land and is located at the north-western side of the intersection of The Causeway and Maria Street.

The site is regular in shape, has a frontage of 15.24m width and an average depth of 38m, resulting to an area of 579.4m².

The locality surrounding the subject site contains a mixture of low density residential developments.

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 no submissions were received.

Issues

- Basement size is outside the ground floor footprint;
- Basement setback to the secondary street; and
- Rear setback.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/229 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 on the site and construction of a two-storey dwelling with basement level, outbuilding and swimming pool. More specifically, the proposal includes:

Basement level -

- Three car parking spaces; and
- Storage/plant room.

Ground floor level -

- Guest bedroom with ensuite;
- Common bathroom;
- Laundry room;
- Open-plan family, dining and kitchen area with an attached scullery; and
- Attached alfresco.

First floor level -

- Four bedrooms:
 - A master bedroom with an ensuite, WIR and attached balcony facing the street;
 - Bedroom 1 and bedroom 2, both with robes and have a shared ensuite (commonly known as a Jack and Jill bathroom); and
 - Bedroom 3 with robe.
- Family room; and
- Common bathroom.

External works -

- In-ground swimming pool;
- Outbuilding containing a toilet and shower; and
- Ancillary landscaping.



Figure 2. Extract of the proposed site plan (source: Design Link Australia Pty Ltd, dated 29/03/2021)

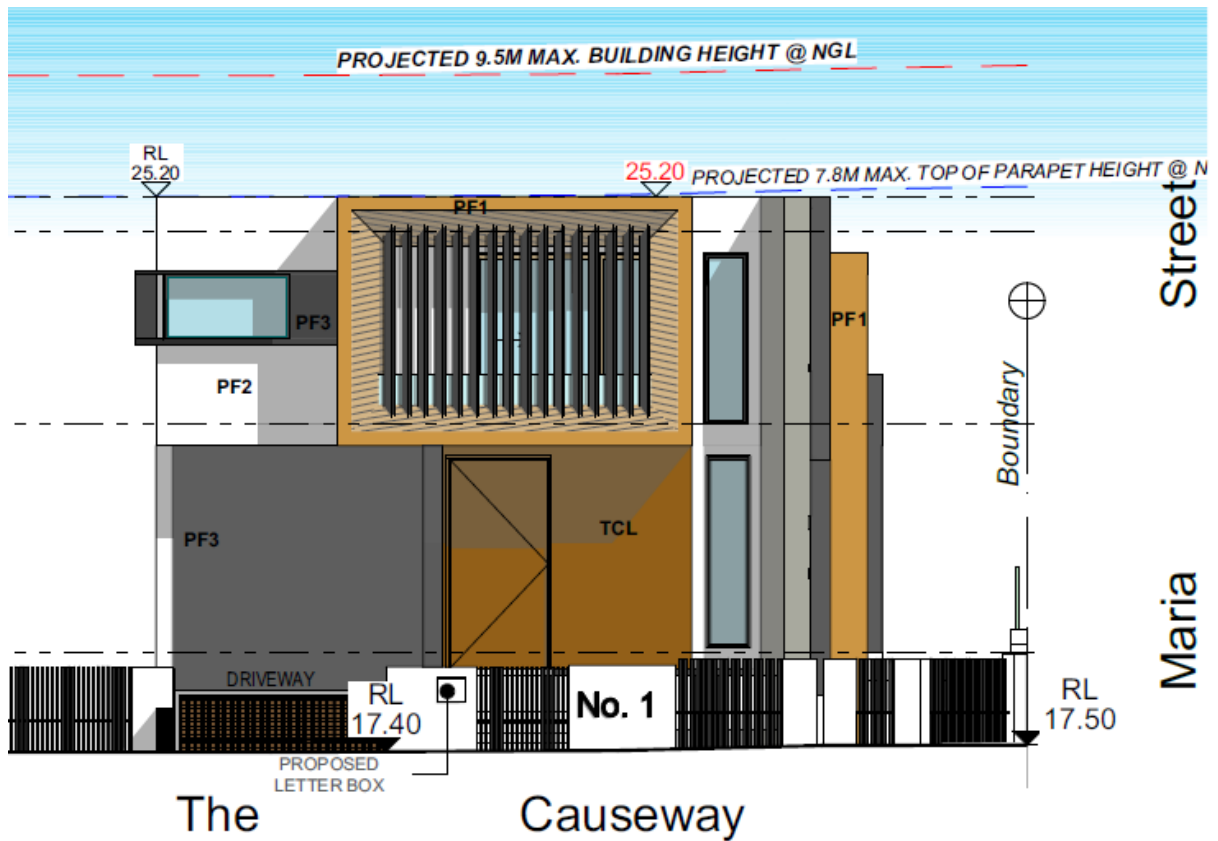


Figure 3. Extract of the southern elevation (front) (source: Design Link Australia Pty Ltd, dated 29/03/2021).



Figure 4. Extract of the eastern elevation (source: Design Link Australia Pty Ltd, dated 29/03/2021).

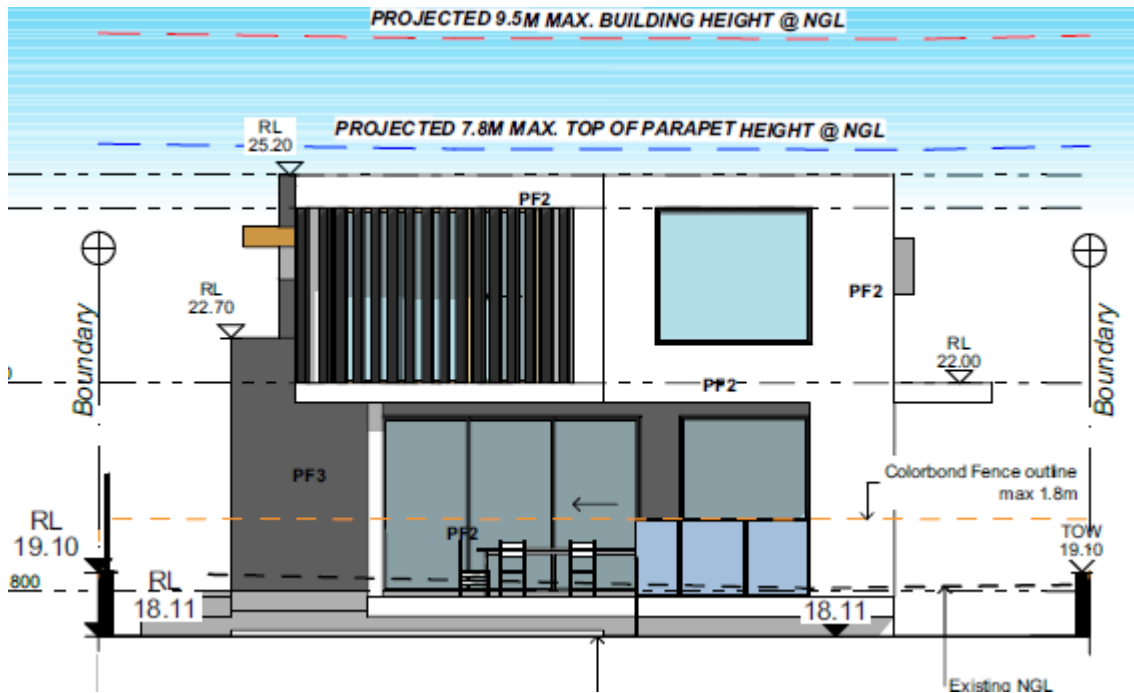


Figure 5. Extract of the northern elevation (rear) (source: Design Link Australia Pty Ltd, dated 29/03/2021).

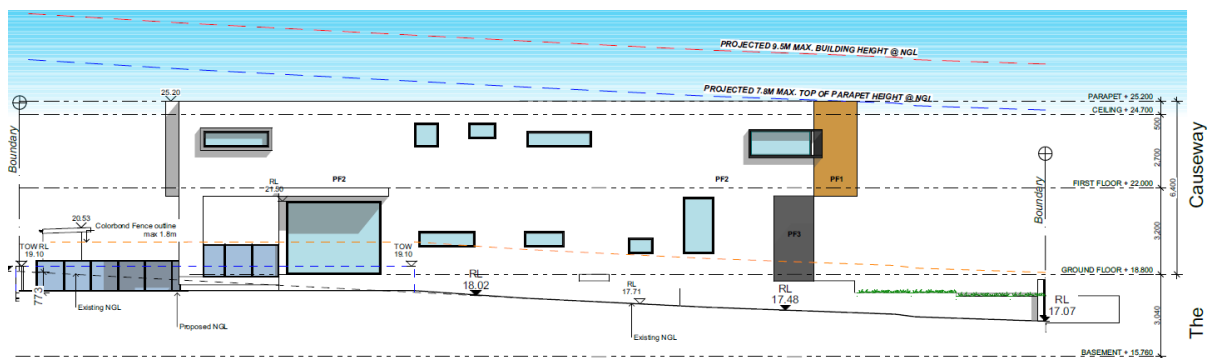


Figure 6. Extract of the southern elevation (source: Design Link Australia, Pty Ltd, dated 29/03/2021).

The Site and Locality

The subject site is legally described as Lot 42 Sec 1 DP 407 and commonly known as 1 The Causeway, Strathfield South. It is a corner block located on the north-west of the intersection of The Causeway and Maria Street. The site has a primary frontage to The Causeway and secondary frontage to Maria Street.

The site is regular in shape, has a frontage of 15.24m width and an average depth of 38m, resulting to an area of 579.4m². The topography of the land gradually falls down to The Causeway with a grade of 5.29% (3 degrees).

A single-storey fibro dwelling house and two outbuildings currently occupy the site.

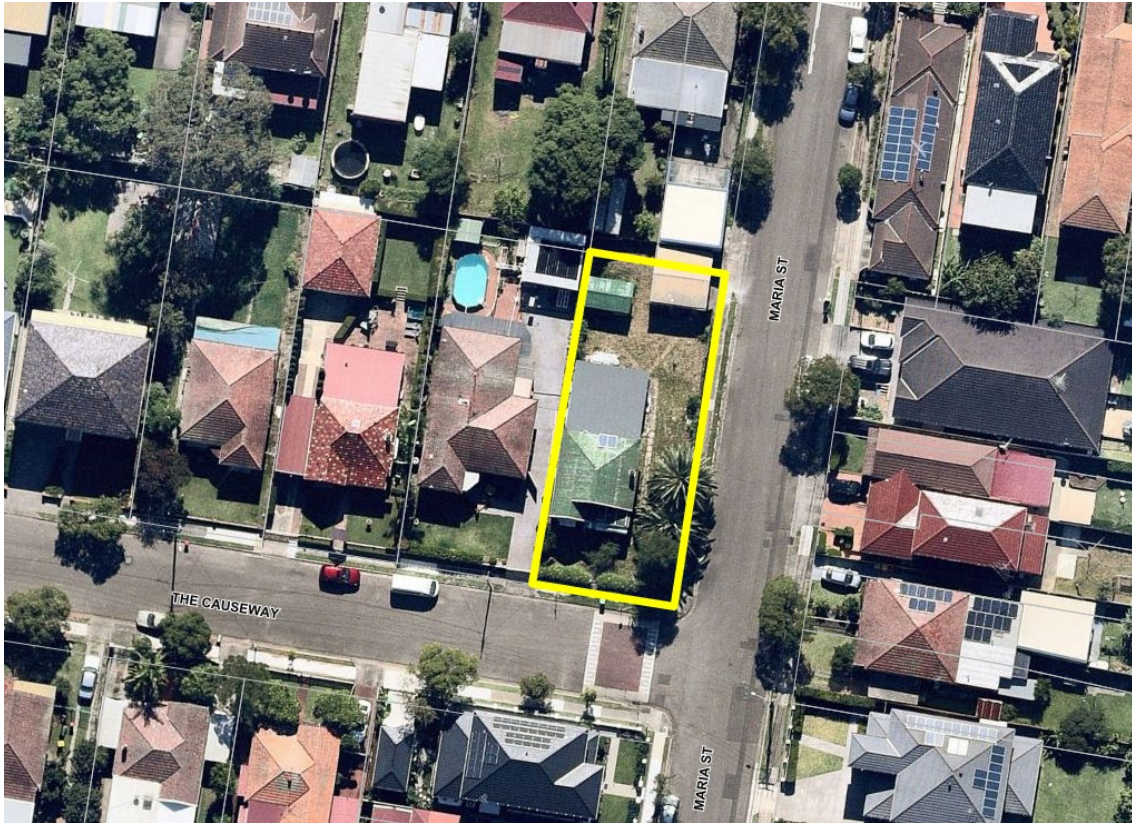


Figure 7. Closer imagery of the site (outlined) and the immediate locality.



Figure 8. Front façade of the existing dwelling on the site to The Causeway.



Figure 9. Neighbouring dwellings to the west of the site, along The Causeway.



Figure 10. Dwellings along Maria Street (secondary street), to the east of the site.



Figure 11. Two Palm Trees that will be retained, along the secondary street boundary.



Figure 12. Northern elevation of the existing dwelling house on the site.



Figure 13. Eastern elevation of the dwelling house and the current secondary street setback.



Figure 14. Dilapidated outbuilding located at the north-west of the site's backyard.



Figure 15. Outbuilding located at the north-east of the site's backyard, facing Maria Street.



Figure 16. Street-view image of the frontage of the outbuilding in Figure 15.

The streetscape along The Causeway and Maria Street is predominantly characterised by single to two-storey dwelling houses with tiled pitched roof and front garden feature. Corner properties in the immediate vicinity have their garages facing the secondary street, which is contrary to the proposed development having the driveway to the basement parking facing the primary street.

The surrounding area is predominantly characterised by low density residential developments. Industrial land is situated along Water Street, approximately 340m west from the site Ford Park is about 150m to the south.

The site, including the immediate area, is identified to be flood-affected.

Background

16 December 2020	The development application was lodged.
13 January 2021	The application was publicly exhibited until 29 January 2021. No submissions were received during this period.
19 February 2021	Council's Planner carried out a site visit.
09 March 2021	<p>An additional information request letter was uploaded to the NSW Planning Portal, raising the following concerns:</p> <ul style="list-style-type: none">• Retention of the two palm trees adjacent to Maria Street;• Requirement of a Flood Impact Assessment Report;• Basement not encouraged in flood-affected areas and must be deleted;• Insufficient aisle width for the parking spaces in the basement;• Floor space ratio;• Front porch protrusion;• Rear setback; and• Landscaped area.
31 March 2021	Additional information was received.
23 April 2021	Further information was requested from the applicant regarding the submitted flood report.
23 April 2021	Additional information was provided by the applicant.

Referrals – Internal and External

Tree Management

The application was referred to council's Tree Management Coordinator who provided the following comments:

"The landscape plan shows the removal of the 2 largest trees (canary island date palms)"

"The stormwater design will kill the remaining tree (a White Cedar)"

"The two palms (Phoenix canariensis) are to be retained and incorporated in to the development. The building design (footings and stormwater plan) are to be amended to protect these trees."

"I have no objection to the removal of the White Cedar Tree provided on replacement tree is planted from a 200 litre container in the front and rear yard capable of a potential mature height of 15m."

The comments above by council's TMO was requested to be addressed in the additional information letter sent on 09 March 2021. The applicant responded with a new set of plans showing retention of the two palm trees.

Traffic

The application was referred to council's Traffic Manager, who provided the following comments in the initial referral made:

"The SEE nominates 3 parking spaces in the basement. The aisle width at the parking spaces as highlighted in red does not conform to the minimum requirement of 5.8m for Class 1A parking facility. This may require vehicles to undertake more than 3-point turns to gain access to/from this space."

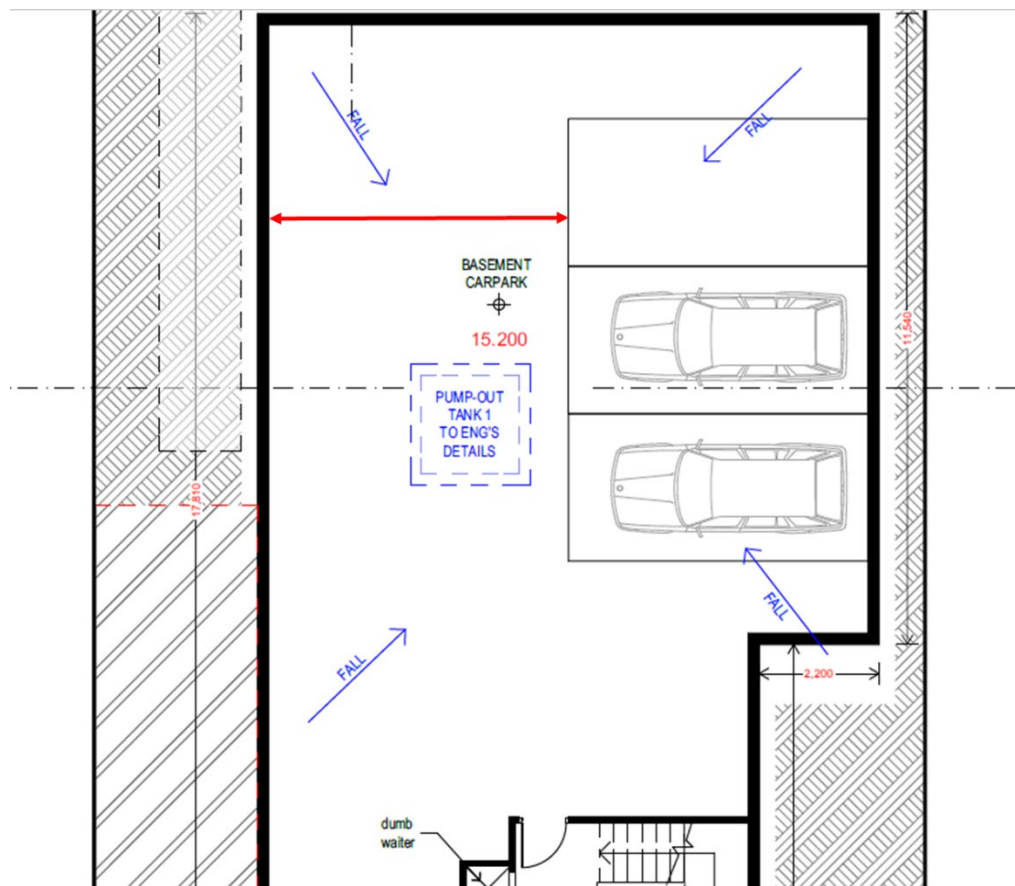


Figure 17. Extract of the marked-up first proposed basement plan provided by council's Traffic Manager.

"...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."

"...the driveway width at the property boundary shall not exceed 3m."

Comments above were relayed to the applicant through the additional information request letter dated 09 March 2021. The applicant provided a redesigned basement floor plan, taking into consideration also the Planner's request to reduce the footprint of basement.

The new basement floor plan was referred back to council's Traffic Manager who offered no objection to the proposal, subject to the imposition of the provided conditions of consent.

Stormwater

The application was first referred to council's Development Engineer who provided the following comments:

"...subject site is affected overland flow of stormwater from adjoining properties of the 1 in 100yr ARI storm even in accordance with Cooks River and Coxs Creek flood study."

"Flood Impact Assessment report in accordance with Council Interim Flood Prone Land Policy required for assessment."

These comments were relayed to the applicant through the first additional information request letter. Council received the flood impact report on 31 March 2021.

The flood report was referred back to council's engineer who commented that the property identified in the report is not the subject site. The applicant was made known of this mistake and has immediately amended the document.

Council's Development Engineer offered no objection to the proposal and has provided conditions of consent to be imposed.

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	7.43m	Yes

4.4 Floor Space Ratio	0.625:1 (362.13m ²)	0.62:1 (356.58m ²)	Yes Provisions under Clause 4.4C
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Table 1. Relevant development standards.

Floor Space Ratio

The proposed dwelling house includes a basement level car parking that can accommodate three parking spaces. Note that of the three proposed spaces, only two is required by council to be provided on the site. When calculating for the purpose of FSR, the definition under the SLEP 2012 applies, which specifies –

“gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement –
 - i. storage, and
 - ii. vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) **car parking to meet any requirements of the consent authority** (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.”

Given the above definition of GFA, the third parking space will be included in the calculation of FSR. Moreover, due to the excessive excavation that will result to the eastern part of the basement to be outside the footprint of the ground floor, it will be required that the eastern portion of the supposed third parking area and the south-eastern corner of the parking spaces to have a greater setback from the secondary street. More on this in the cut and fill assessment of the proposed development.

Taking the above information into consideration, 18m² of the basement will be added into the calculation of GFA, resulting to a total FSR of 0.62:1 (356.58m²), which satisfies the FSR development standard.

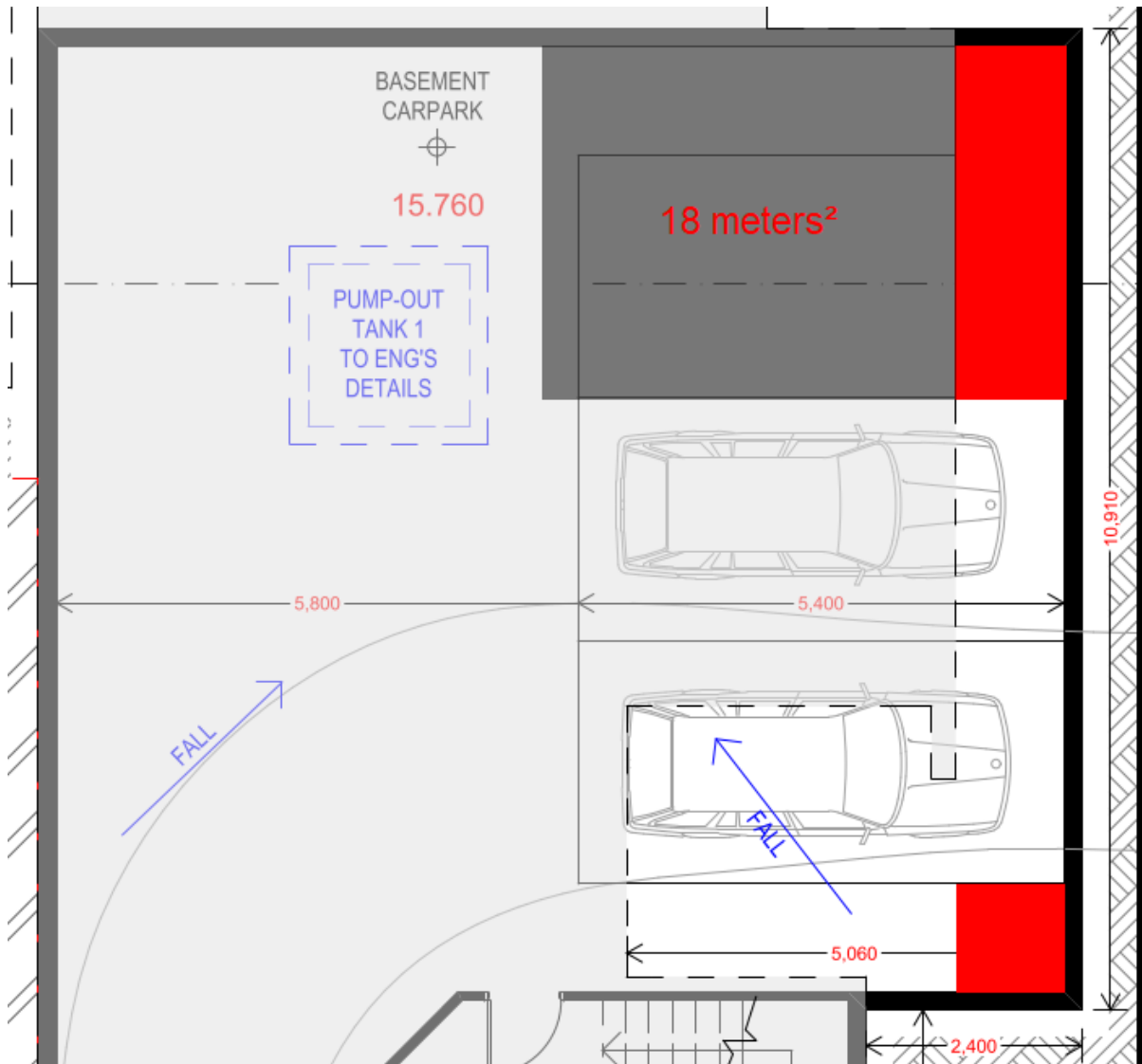


Figure 18. Marked-up image of the most recent proposed basement plan. Red area to be deleted, shaded area in grey to be added in the FSR calculation.

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 ramps and ancillary works. The depth of excavation has not been kept to a minimum but all ancillary works have been limited to what is required to provide access to and from the basement.

Part of the basement will be outside the footprint of the ground floor. This is further explained in the basement assessment under the DCP section of this report.

No concerns were raised by council's Development Engineer regarding any potential drainage issues that may arise. As such, the proposed excavation works are considered to satisfactorily address the objectives of this clause.

Flood Planning

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

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 council's records 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 Coordinator who offered no objection to the removal of a tree (White Cedar) on the site. This removal will be subject to replacement planting conditions.

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	Unknown	No
Parapet height:	0.8m	0.5m	Yes
Overall height for flat roof dwelling:	7.8m	7.43m	Yes
Basement height above NGL:	1.0m	0.89m	Yes
Setbacks:			
Primary front:	9m	7m	No
Secondary street:	-	0.65m	Merit assessment
Side (west):	1.2m (min)	3m	Yes
Rear:	6m	5.4m	No
Landscaping			
Landscaping/Deepsoil Provisions:	38.5% (223m ²)	40.7% (235.6m ²)	Yes
Fencing			

Height (overall/piers):	1.5m (maximum)	1.2m	Yes
Solid Component:	0.7m	1.2m	No
Secondary Frontage:	1.8m	1.8m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Yes	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	3m	Yes
No. of Parking Spaces:	2	3	Yes
Basement:			
Basement protrusion:	Less than 1.0m	<1m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	2.7m	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	3m ²	Yes
Height:	3.5m	1.43m (from EGL)	Yes
Side/Rear setback:	0.5m	0.9m	Yes
RETAINING WALLS			
Maximum height:	1.2m	0.9m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	0.9m	No

Ceiling Height

The submitted sections indicate that the proposed dwelling house will have a ceiling height on the first level of 2.7m, which satisfies the 3m maximum height permitted under the SCDGP 2005, excluding the basement. However, it is recognised that the ceiling heights on the ground floor and basement are not provided.

In the absence of the information for the ground floor ceiling height, a condition of consent will be imposed for the ground floor to have no more than 3m ceiling height. In the case of the basement, the SCDGP 2005 requires a minimum height of 2.2m. When measured, the basement will have a ceiling height of 2.7m. This is supportable. However, the storage or plant room will be required to lower the ceiling height to no more than 2.2m. This requirement continues to satisfy the SCDGP 2005 controls while removing the possibility of an unauthorised conversion of this section to a habitable area. Further, a condition of consent for this room to not be used as habitable room will be imposed.

Front Setback

The proposed front setback of 7m does not satisfy the 9m primary street setback required under the SCDGP 2005. However, it is recognised that the DCP permits a concession for a reduced front setback if the dominant setback in the street is less than 9m or if it not less than the setback of the existing dwelling. The existing dwelling, as per the submitted survey plan, reference number 2993, dated 13 February 2020, when measured, has a front setback of 6.9m. This means that the proposed dwelling's front setback will not be worse than the setback of the existing dwelling.

Taking into consideration the information above, the proposed front setback is acceptable in this regard.

Rear Setback

The DCP requires a rear setback of no less than 6m. The proposal involves a rear setback that is less than the requirement, 5.4m, measured from the face of the proposed louvers on the first floor. While it is recognised that the definition of setback is as follows –

“building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or*
- (b) the outside face of any balcony, deck or the like, or*
- (c) the supporting posts of a carport or verandah roof,*

whichever distance is the shortest.”

The proposed louvers, as designed, is considered to be the outside face of the dwelling house, and presents bulk, when viewed from the neighbouring properties. However, the non-compliance is minimal in nature and the feature is considered an articulation. Further, despite the non-compliance, it is considered that the louvers will benefit the occupants of the subject site and the neighbouring property to the rear when it comes to visual privacy.

Landscape Pattern on Streetscape

The SCDCP 2005 requires that a landscape pattern that is prevalent on the streetscape must be retained and reinforced. Front yard garden contributes to the character of The Causeway and Maria Street. While the proposed landscaping in accordance with the landscape plan is acceptable, the introduction of a 1.8m solid fencing along the secondary street will be a more harsh replacement to the current timber picket fence and the setback detached garage. As such, a condition will be imposed to plant a street tree within the Maria Street road reserve, adjacent to the secondary street boundary of the site to soften the solid fencing.

Fencing (solid component)

The SCDCP 2005 requires that no solid component of the front fence shall be higher than 0.7m, with the exception of brick piers. See Figure 19 for clarity.

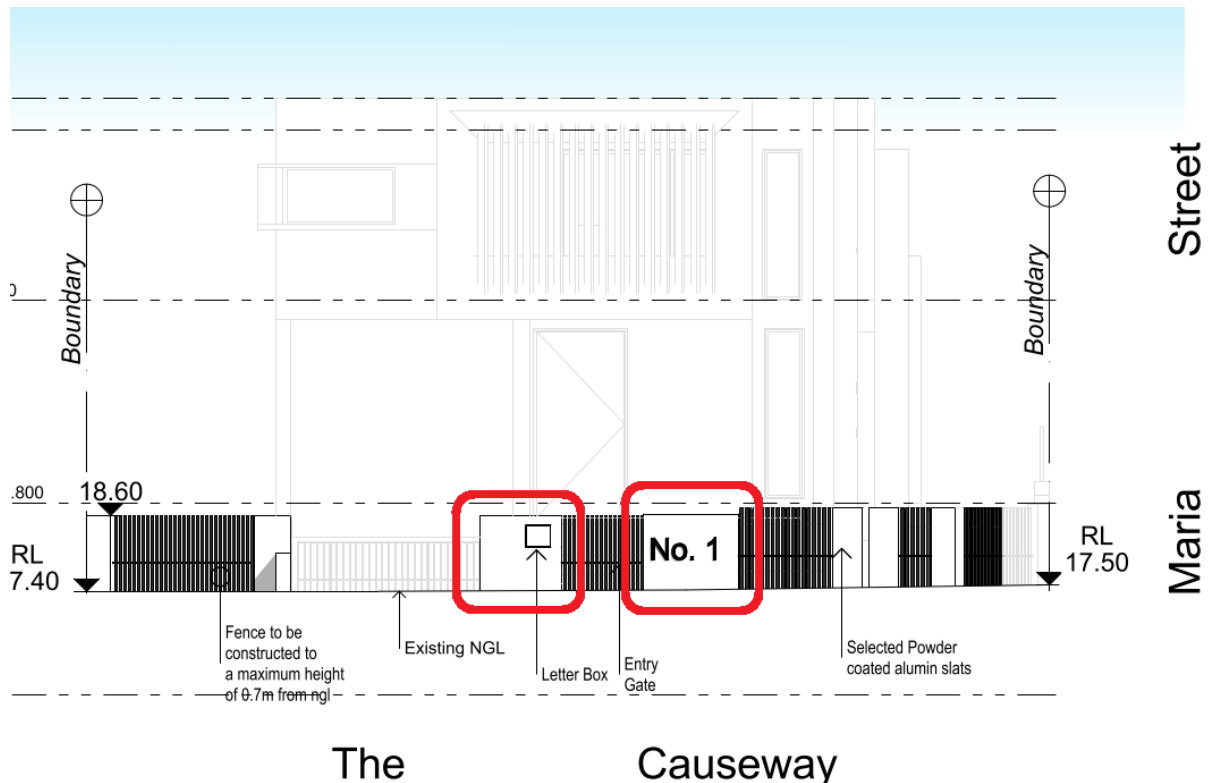


Figure 19. Extract of the southern elevation with the subject parts of the front fence outlined in red.

The outlined sections of the proposed front fence in Figure 19 does not satisfy the requirements of the SCDP 2005. However, it is considered that these sections are minimal and will be features of the proposed fencing. No adverse amenity or environmental impact is envisaged to occur should the front fence be supported and constructed. Further, council is satisfied that the relevant objectives of the DCP are satisfied.

Driveway within Road Reserve

While the proposal includes a tapered driveway that meets the SCDP 2005 requirement of no more than 3m width at the boundary, the driveway within the road reserve has a width of 3.5m. This is not supportable and should be reduced to 3m to match the driveway width at the boundary under a S138 application. Conditions of consent are imposed to address this matter.

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 achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. 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 SCDP 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 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 and Parking

The proposed development satisfies the relevant objectives and controls of the SCDGP 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 and has been designed so that vehicles can enter and exit in a forward direction.

Basement, Cut and Fill

As mentioned elsewhere in the report, the proposed basement is outside the footprint of the ground floor. For completeness, Figure 20 below highlights the area in the basement that is not within the boundaries of the ground floor external walls.

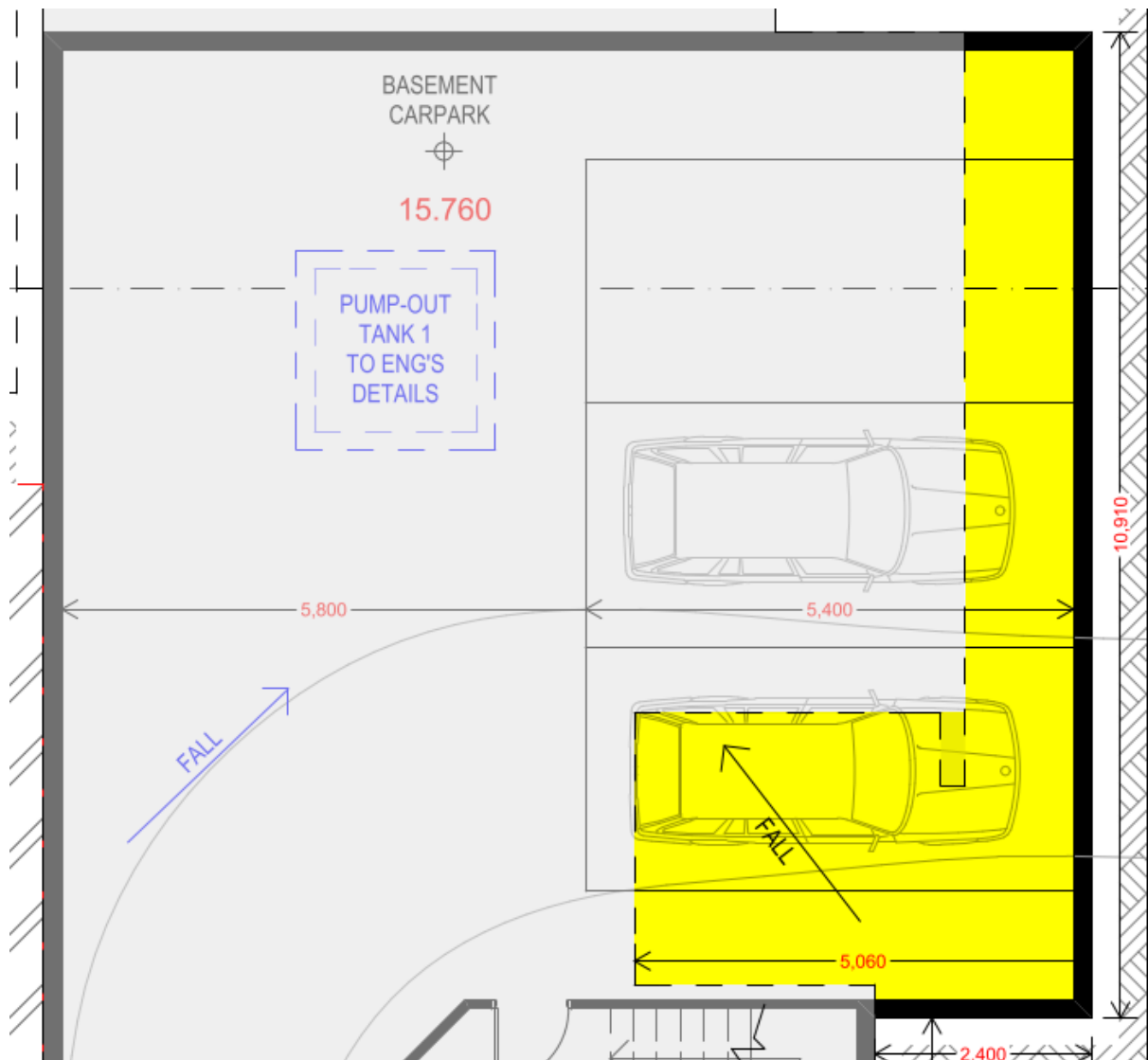


Figure 20. Extract of the proposed basement floor plan. Yellow shows the area that is outside the ground floor footprint.

The proposed basement does not satisfy the SCDGP 2005 requirements. In particular, Part A Clause 8.2.3.1 where it is required that the maximum area of a basement shall be limited to and contained within the footprint of the dwelling at ground level, and Clause 9.2.5 where it is required to have all areas of excavation be setback from property boundaries in accordance with the building setback controls.

While it is acknowledged that there is no particular requirement for the secondary street setback in council's DCP, this is assessed in merit and in this case, the setbacks of the proposed building above the ground is accepted as the appropriate setback.

To limit the amount of excavation adjacent to the secondary street boundary, the north-eastern and south-eastern sections of the proposed basement, as marked in red in Figure 18, are to be deleted. It is acknowledged that the parking spaces and the area behind, needed for manoeuvring, will need to satisfy the minimum requirements under the Australian Standards. As such, the area that is within the secondary street setback, outside the footprint of the ground floor, for the purposes of the car parking spaces, is acceptable in merit and can remain.

Conditions of consent are imposed to ensure compliance with the above information.

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

The proposed development satisfies the relevant objectives and controls the SCDCP 2005 complying with the height, setbacks and floor space controls.

Retaining Walls

The proposed development satisfies the relevant objectives and controls within SCDCP 2005 and have been kept to a maximum height of 1.2 metres. All retaining walls greater than 600mm are required to be designed by a suitably qualified engineer.

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 panting if required. The pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will be conditioned to 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.

- (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 involves the demolition of existing buildings on the site. 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, subject to the conditions of consent, 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, subject to the conditions of consent, 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 this 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	\$13,551.07
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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. 2020/229 should be approved, subject to the conditions of consent.

Signed:

Date: 13 May 2021

P Santos

Development Assessment Planner

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position; and
- ☒ 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:

Date:

**J Brown
Planner**

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	DA04	29/03/2021	B	Design Link Australia Pty Ltd
Basement Plan	DA06	29/03/2021	B	Design Link Australia Pty Ltd
Ground Floor Plan	DA07	29/03/2021	B	Design Link Australia Pty Ltd
First Floor Plan	DA08	29/03/2021	B	Design Link Australia Pty Ltd
Roof Plan	DA09	29/03/2021	B	Design Link Australia Pty Ltd
Elevations & Streetscape	DA10	29/03/2021	B	Design Link Australia Pty Ltd
Sections & fencing details & streetscape	DA11	29/03/2021	B	Design Link Australia Pty Ltd
Erosion & Sediment Control Plan	DA13	27/11/2020	A	Design Link Australia Pty Ltd

Schedule of External Colours and Finishes	DA14	Received by council – 16/12/2020	-	Design Link Australia Pty Ltd
DA Landscape Concept	1 of 2	02/12/2020	C	Monaco Designs PL
Landscape Details	2 of 2	02/12/2020	C	Monaco Designs PL
Title Page, Notes & Details Sheet	SWDP001	30/03/2021	E	Capital Engineering Consultants
Basement stormwater layout plan, notes and details	SWDP010	30/03/2021	E	Capital Engineering Consultants
Site stormwater, layout plan, notes and details	SWDP020	30/03/2021	E	Capital Engineering Consultants
First floor stormwater layout plan	SWDP030	30/03/2021	E	Capital Engineering Consultants
Erosion and sediment control plan, notes and details sheet	ESCP001	30/03/2021	E	Capital Engineering Consultants
BASIX Certificate	1149590S_03	02/12/2020	-	Designlink
Flood Impact Report	SW20158	23/04/2021	-	Capital Engineering Consultants

2. Storage/Plant Room Use

The storage/plant room in the basement is not to be used as a habitable room.

SEPARATE 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

5. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. 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. 1149590S_03 must be implemented on the plans lodged with the application for the Construction Certificate.

7. 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.

8. 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.

9. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Capital Engineering Consultants issue B project no. SW20158 dated 23 April 2021.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

10. 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.

11. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Ground floor ceiling height	The ceiling height of the ground floor must be no more than 3m.
Storage/Plant room ceiling height	The ceiling height of the storage/plant room must not be more than 2.2m.
Basement secondary street setback	The north-eastern and south-eastern sections of the proposed basement, as annotated in the approved plans, are to be deleted. These sections must align with the setback of the external walls on the ground floor.
Driveway sight splays	A minimum 1m x 1m splay is to be provided on both side of the vehicular access, within the property boundary. The areas should be kept clear from obstructions and only allow ground cover landscaping, to maintain sight distances for pedestrians and motorists. Any front fence or gate opening adjustments required as a result of this splay must be illustrated on the plans lodged with the application for the Construction Certificate.
On-site parking	Minimum two on-site parking spaces are to be provided on the basement level, following the amendment to address the minimum setback requirement. The spaces shall satisfy the minimum dimensions as required in AS/NZS2890.1:2004 for Class 1A parking facility. The amended layout shall allow adequate manoeuvring in such a way that vehicles can enter and leave the basement in a forward direction. The amended basement layout must be illustrated on the plans lodged with the application for the Construction Certificate.
Waste Management Plan	A plan showing waste types and generation rates, location and specifications of waste room, onsite waste collection and access for collection vehicles, bulky waste room and garbage chute service room or any specialised waste equipment (when applied), as well as specifications for waste management and resource recovery. A WMP shall include drawings and images for proposed waste rooms, vehicle access path and collection areas.
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.

Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Front fence opening	The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.

12. 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).

13. 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/	\$ 4,742.87
Security Damage Deposit	\$ 15,000.00
Administration Fee for Damage Deposit	\$ 127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 13,551.07

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

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.

14. Schedule of External Finishes

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

15. 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.

16. 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.

17. Low Reflectivity Roof

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

18. 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; and
- (b) 3 The Causeway, Strathfield South (Lot 41 Sec 1 DP 407).

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.

19. Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

20. **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.

21. **Landscape Plan**

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Information on the two palm trees to be retained, as indicated in the approved site plan, issue B, dated 29/03/2021;
- (b) Information on the additional street tree to be planted along Maria Street, as required in another condition in this consent;
- (c) Location of existing and proposed structures, services and existing trees;
- (d) Details of earthworks including mounding and retaining walls and planter boxes;
- (e) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (f) Details of planting procedure and maintenance;
- (g) Landscape specification;
- (h) Details of drainage and watering systems;
- (i) Details of garden edging and turf; and
- (j) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

22. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
T2	Canary Island Date Palm	Eastern side of the site, adjacent to the secondary street boundary.	To be determined by a suitably qualified Arborist.
T3	Canary Island Date Palm	Eastern side of the site, adjacent to the secondary street boundary.	To be determined by a suitably qualified Arborist.

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

General Tree Protection Measures

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

Excavation works near tree to be retained

- 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.
- 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.

- (i) 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.

23. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
T1	White Cedar	1	Eastern part of the site, adjacent to the secondary street boundary.

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

All trees permitted to be removed by this consent shall be replaced 2 trees for each tree removed by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement 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.

Street Tree Planting

One of the trees required in Tree Replacement above is to be planted along Maria Street, within the road reserve, adjacent to the site. Council's Tree Management Coordinator must be contacted to determine the suitable location of the street tree.

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

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.

24. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

25. Demolition Work Involving Asbestos Removal

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

26. Dial Before You Dig

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

DURING CONSTRUCTION

27. 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.

28. 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.

29. 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.

30. 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.

31. Tree Removal on Private Land

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

32. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

33. 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.

34. 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.

35. Stormwater Drainage Works – Works As Executed

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

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

of the pit be exceeded in a storm event exceeding design limits.

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

36. 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.

37. 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.

38. 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, as amended by the conditions of consent, and that a maintenance program has been established.

39. 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:

- (a) 3 The Causeway, Strathfield South; and
- (b) As determined by the consulting engineer in the pre-dilapidation report.

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.

40. 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.

OPERATIONAL CONDITIONS (ON-GOING)

41. Entering & Exiting of Vehicles

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

42. 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.

43. 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.

44. 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.

45. Greywater System

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

46. Requirement for a Construction Certificate

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

47. Appointment of a PCA

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

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

48. Notification of Critical Stage Inspections

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

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

49. Notice of Commencement

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

50. Critical Stage Inspections

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

51. Notice to be Given Prior to Critical Stage Inspections

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

52. Occupation Certificate

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

PRESCRIBED CONDITIONS

53. Clause 97A – BASIX Commitments

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

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

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

55. Clause 98A – Erection of Signs

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

56. Clause 98B – Home Building Act 1989

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

57. Clause 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.

END CONDITIONS

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.