

IDAP REPORT

Property:	31 Augusta Street, Strathfield Lot 14 DP 12824 DA2021/66
Proposal:	Demolition of existing structures and construction of two (2) storey dwelling house with basement level, in-ground swimming pool, outbuilding, front fencing and associated landscaping works.
Applicant:	H.A Design Group
Owner:	V Maniam
Date of lodgement:	23 April 2021
Notification period:	03 May 2021 to 17 May 2021
Submission/s received:	One (1)
Assessment officer:	P Santos
Estimated cost of works:	\$1,456,340.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

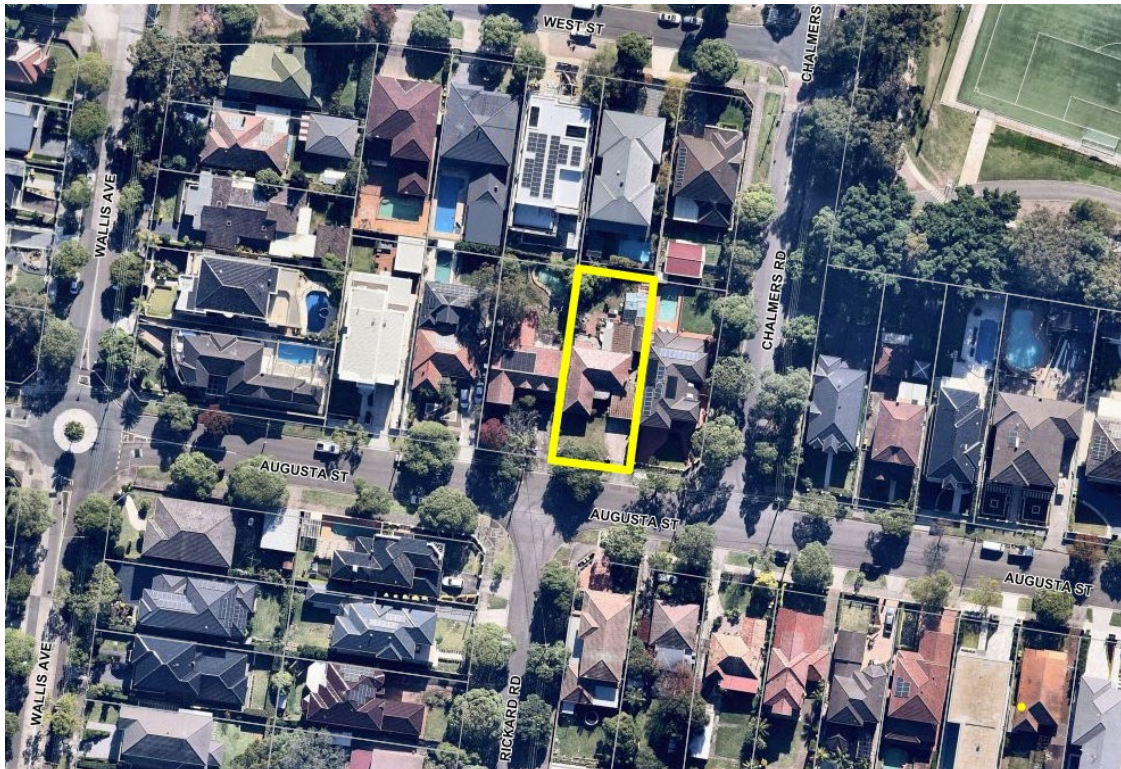


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of two (2) storey dwelling house with basement level, in-ground swimming pool, outbuilding, front fencing and associated landscaping works.

Site and Locality

The site is identified as 31 Augusta Street, Strathfield and has a legal description of Lot 14 DP 12824. The site is a regular shaped parcel of land and is located off the northern side of Augusta Street, between its intersection with Rickard Road and Chalmers Road..

The site is rectangular in shape, with the dimensions of 16.77m frontage width and 41.96m average depth and an area of 703.32m².

The current streetscape is characterised by a mix of old and new dwelling houses housing stock. The immediate locality is predominantly comprised 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 03 May 2021 to 17 May 2021, where one submission was received raising the following concerns:

- Bulk and scale of veranda and outbuilding,
- Survey levels,
- Outbuilding setback,
- Front fence height,
- Side fence height – ground level height,
- Rear stairs, and
- Drainage of hard surface area – outbuilding.

Issues

- Basement size,
- Landscaping,
- Lack of information on existing trees,
- No arborist report,
- Survey plan, and
- Outbuilding.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/66 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-storey dwelling house with basement level, in-ground swimming pool, outbuilding, front fencing and associated landscaping works.

More specifically, the proposal includes the following:

Basement Level

- Two vehicle car parking spaces,
- Plant room,
- Rubbish bin area, and
- Bicycle parking/mount area.

Ground Floor Level

- Guest bedroom with ensuite,
- Formal living area,
- Powder room,
- Open-plan living, dining and kitchen,
- Butler's pantry,
- Laundry room, and
- Attached alfresco.

First floor level:

- Living area,
- Four bedrooms with WIR and ensuite each, and
- Attached spiral stairs to the master bedroom, north of the first floor.

External works:

- An outbuilding,
- In-ground swimming pool, and
- Front fencing.

Note that all three levels of the dwelling house are serviced by a lift.

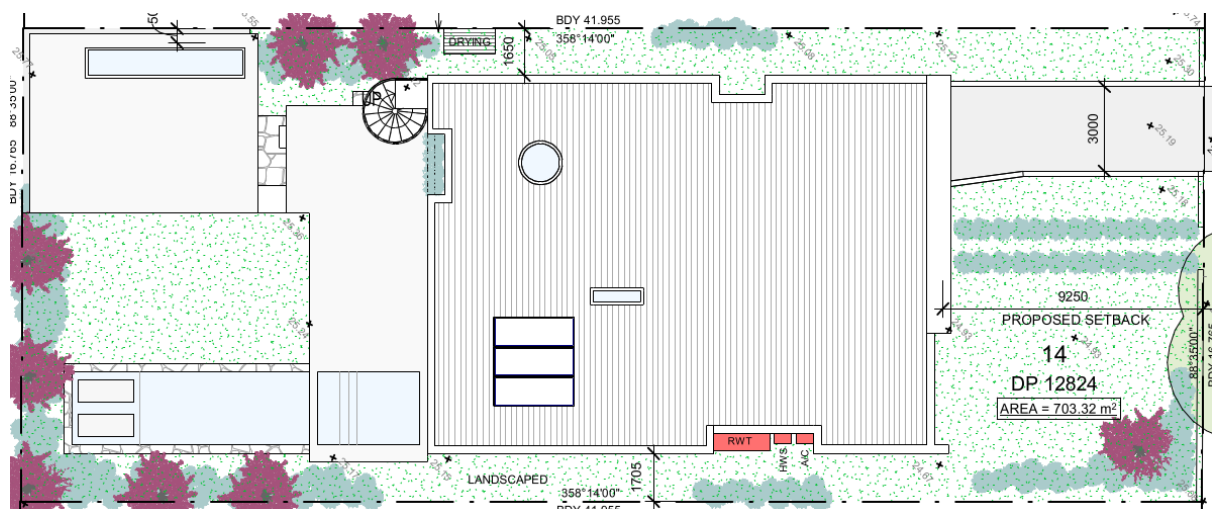


Figure 2. Extract of the most recent site plan, received by Council on 15 July 2021.

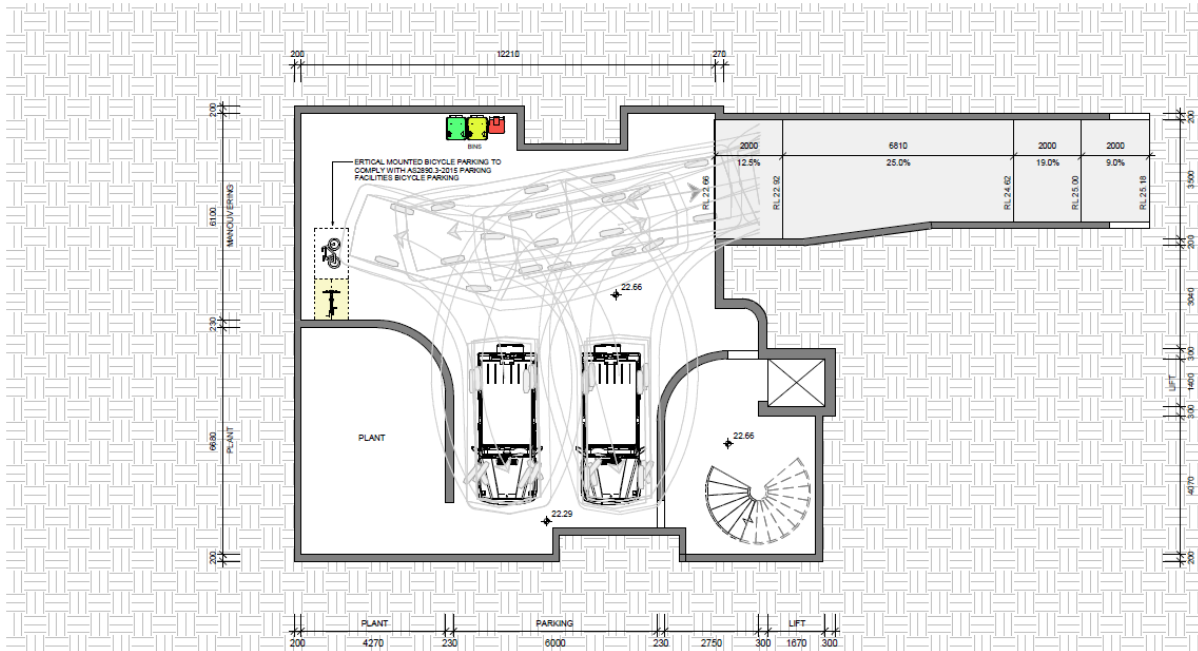


Figure 3. Extract of the most recent proposed basement plan, received by Council on 15 July 2021.

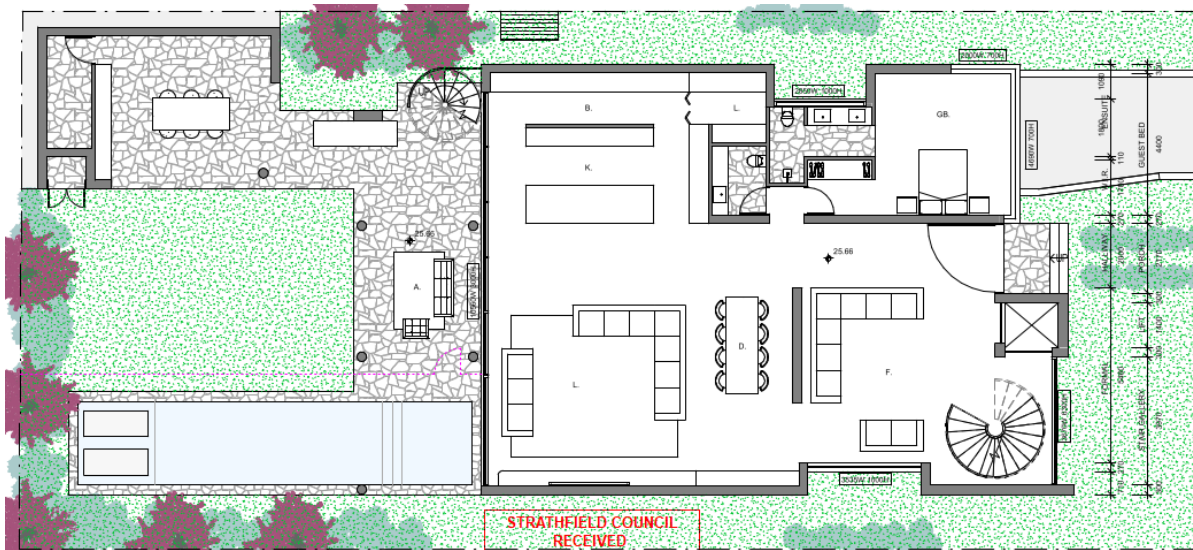


Figure 4. Extract of the most recent proposed ground floor plan, received by Council on 15 July 2021.

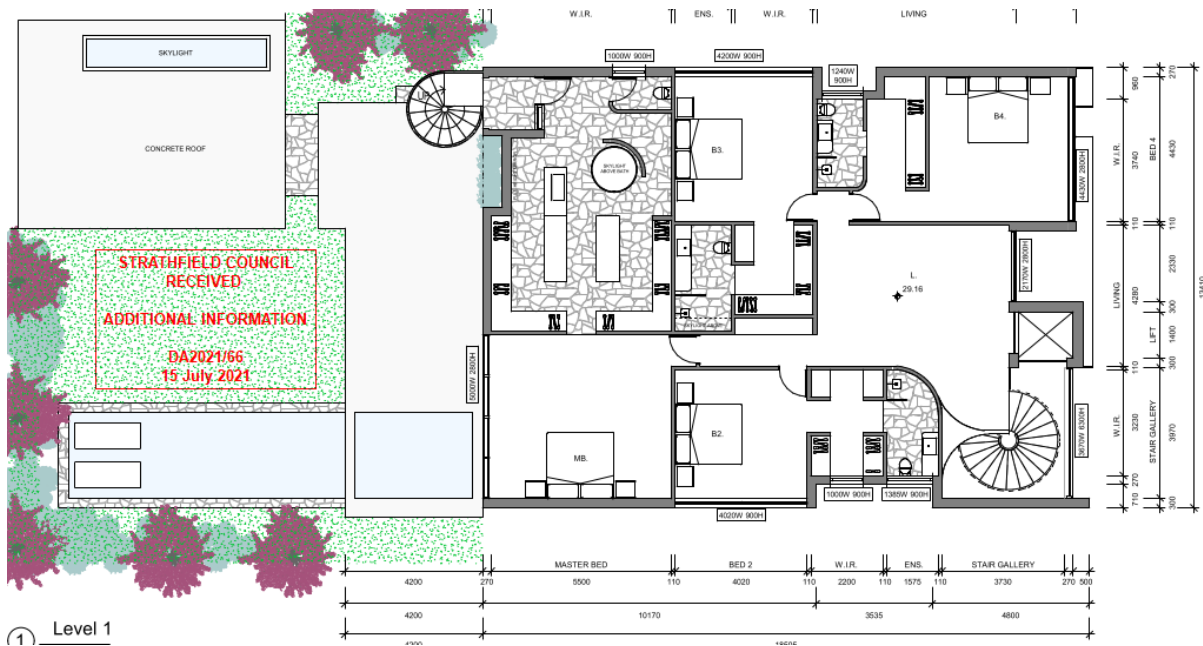


Figure 5. Extract of the proposed first floor plan, received by Council on 15 July 2021.

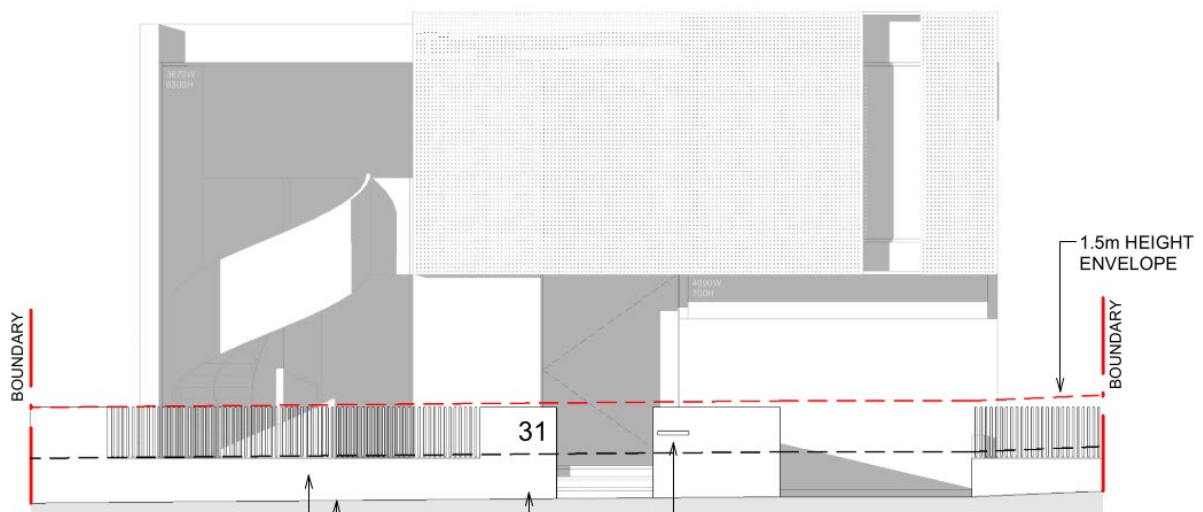


Figure 6. Extract of the Front Fence plan, showing the proposed northern elevation in the background and the front fence in the foreground.

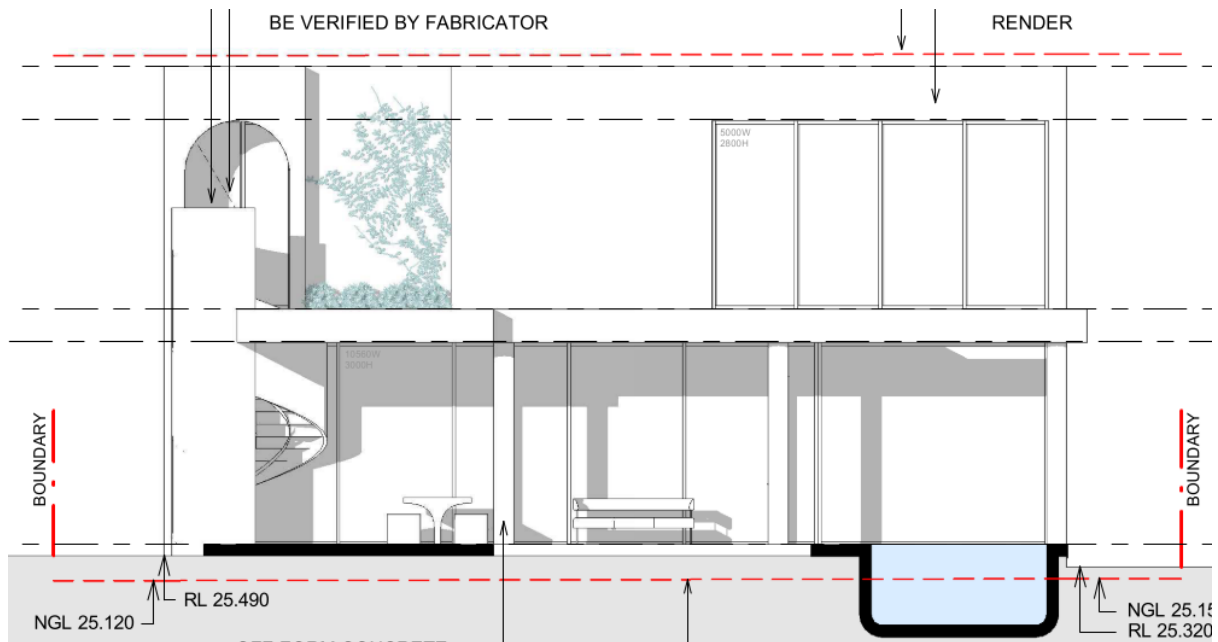


Figure 7. Extract of the rear elevation of the proposed development.

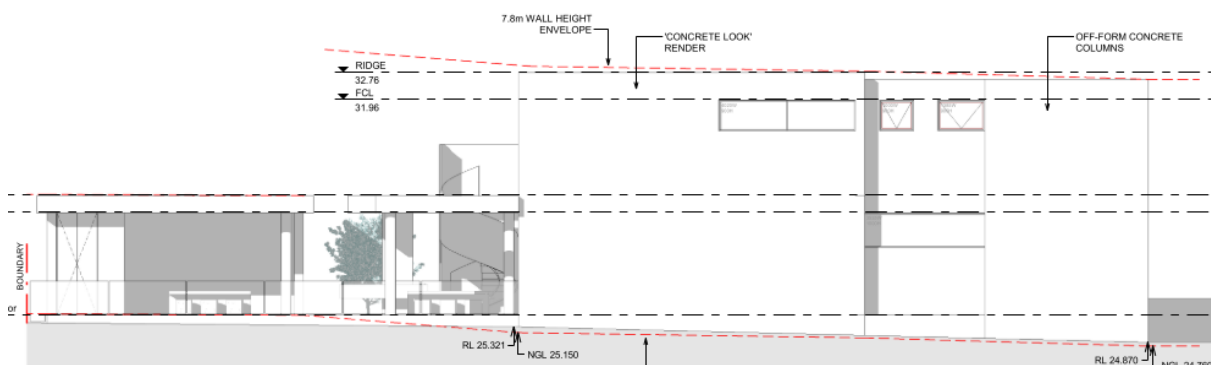


Figure 8. Extract of the western elevation of the proposed development.

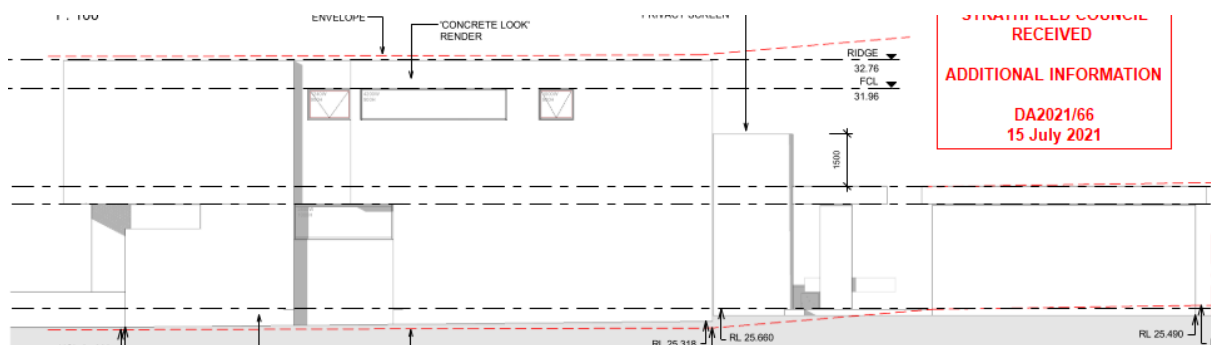


Figure 9. Extract of the eastern elevation of the proposed development.

The Site and Locality

The subject site is legally described as Lot 14 DP 12824 and commonly known as 31 Augusta Street, Strathfield. It is located off the northern side of Augusta Street, between its intersection with Rickard Road and Chalmers Road. Strathfield Park is located 50m to the north-east.

The site is rectangular in shape, with the dimensions of 16.77m frontage width and 41.96m average depth and an area of 703.32m².



Figure 10. Closer imagery of the subject site (outlined) and the immediate locality.

The site falls down to the west, with a slope of 2.3 degrees or 4%.

The site is occupied by a single-storey brick dwelling house, carport, garage, and a greenhouse. Several trees are located at the rear of the property.

The current streetscape is characterised by a mix of old and new dwelling houses. The immediate locality is predominantly comprised of low density residential developments.

The site is flood affected.



Figure 11. Frontage of the existing dwelling on the site.



Figure 12. Rear elevation of the existing dwelling on the site.



Figure 13. Outlook to the northern (rear) neighbour from the site's back yard.



Figure 14. Some dilapidated outbuildings at the rear of the site.



Figure 15. Vegetation/trees on the site, located at the rear.

Background

23 April 2021	The subject development application was lodged.
03 May 2021	The application was put on public exhibition until 17 May 2021, where one submission was received. This is discussed in detail in the body of the report.
11 June 2021	Council's Planner carried out a site visit.
18 June 2021	<p>An additional information request letter was issued via the NSW Planning Portal, raising the following concerns:</p> <ul style="list-style-type: none"> • Incorrect notation on the plans, referencing 'dual occupancy'; • Compliance with the permissible FSR; • Basement footprint; • Basement driveway width; • Character and streetscape consideration; • Side elevation articulation; • Side and rear setbacks due to the outdoor area being attached to the dwelling and close to adjacent boundaries; • Survey – registered surveyor and all information (i.e. trees on the site) • Arborist report and landscape plan; • Inadequate landscaping; • Front fence; • Rear stairs and its impact on visual privacy;

- Outbuilding; and
- BASIX commitments.

15 July 2021

Inadequate information was provided to Council via the NSW Planning Portal. In particular, no information on the following:

- Existing trees within the rear yard of the property; and
- Arborist report due to removal of some trees at the rear.

Referrals – Internal and External

Stormwater

The application was referred to Council's Development Engineer who offered no objection to the proposal, subject to imposition of relevant conditions of consent.

Traffic

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

"Council's CDCP Part A Clause 8.1 requires excavation to be minimised to reduce disturbance to natural ground level. The proposed basement includes an excessive blind aisle extension beyond the last car space. The swept paths adopted B99 vehicles instead of the typical B85 design vehicles and hence indicates a larger area required for vehicle manoeuvres. It appears to be possible to reduce the basement area whilst still maintain adequate vehicle manoeuvres."

The comments above was for the initial design proposed for the basement (Figure 16 below). The basement was amended since and Figure 3 shows the most recent basement design, which is acceptable.

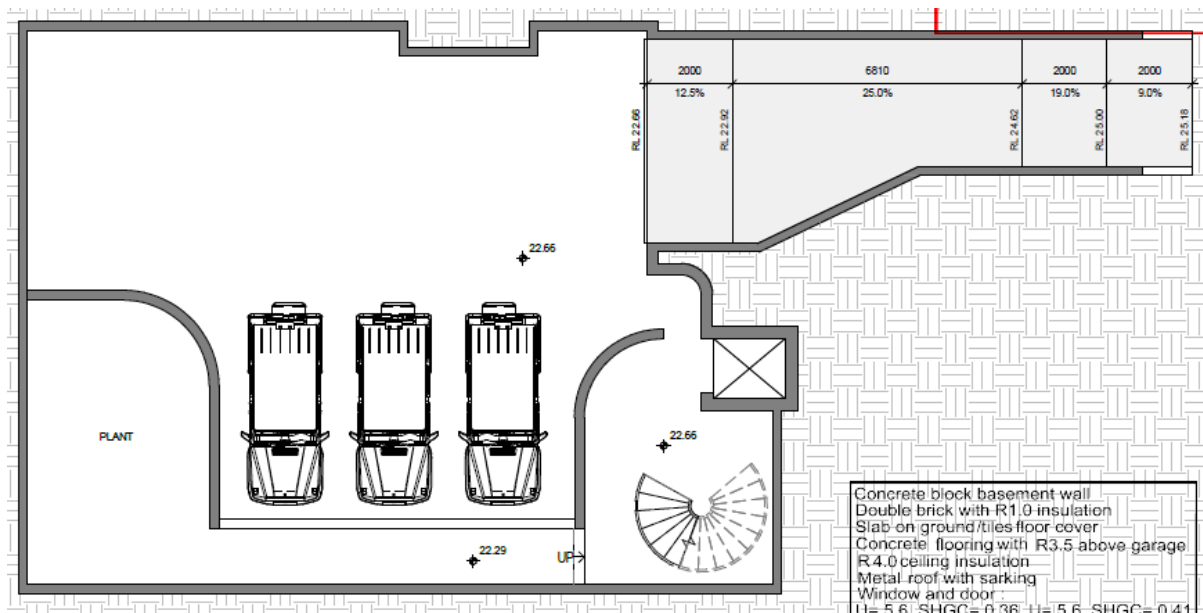


Figure 16. Extract of the initial basement design proposed, dated 07/03/2020.

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	8.65m	Yes
4.4 Floor Space Ratio	0.575:1 (404.44m ²)	0.57:1 (401m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Flood Planning

The subject site has been identified 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 feasible. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. 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 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 proposed development documentation does not mention any removal of the trees on the site. In particular, the Survey Plan and Demolition, Erosion & Sediment Control Plan do not contain any information on any existing trees within the property. This matter was raised to the applicant in the additional information letter issued on 18 June 2021. For completeness, the additional information request letter contained the following:

“Survey – Registered Surveyor

The provided survey plan has no information on the registered surveyor who prepared the document. Council requires for all survey plans to be prepared by a suitably qualified person, which in this case, a registered surveyor.

Further to the above, it is noted that the survey and the other documentation submitted to Council in relation to the DA do not have any information about the trees located at the rear of the site.”

“Arborist Report & Landscape Plan

In relation with the matter above regarding the survey plan, the submitted plans suggest that the trees on the site will be removed. Note that no Arborist Report was submitted to Council and that the Landscape Plan does not have any information on any existing tree and the removal of them.

An Arborist Report will need to be submitted to Council and must be prepared in accordance with the requirements under Part O of the SCDGP 2005.

The Landscape Plan is to be amended to show the existing trees that will be removed as part of the development application.”

Without satisfying Council’s concern regarding the Survey Plan, Landscape Plan and Arborist Report, the applicant responded to Council with the following relevant comments in an email dated 15 July 2021:

“Survey – Registered Surveyor

The survey plan notes that only significant trees have been shown and there dimensions are approximate. Further the survey plan notes that only trees covered by Strathfield Council’s DCP 2005 are shown on the plan.”

“Arborist Report & Landscape Plan

The survey plan notes that only significant trees have been shown and there dimensions are approximate. Further the survey plan notes that only trees covered by Strathfield Council’s DCP 2005 are shown on the plan.”

Note that the SCDGP 2005, which is referenced in Clause 9 of the SEPP as a matter of consideration, indicates the following:

Clause 2, Part O Tree Management of the SCDGP 2005 –

“a. This DCP applies:

- to all land within the Strathfield Local Government Area for which Strathfield Council is the relevant consent authority under the Environmental Planning and Assessment Act 1979*

- *to any perennial plant (single or multi-stemmed) with a height equal to or exceeding four (4) metres or a girth greater than half (0.5) metre measured at a point (1.0) metre above ground."*

Note that the request for an Arborist Report was made to verify the tree species at the back of the site and their measurements. With the lack of information regarding the trees that will be removed from a suitably qualified consultant (i.e. Arborist), whether they are significant, exempted species, or their height and thickness, the proposal under this SEPP is rendered not assessable. As such, Council is not satisfied that the proposed development addresses the controls and objectives of the SEPP and Part O Tree Management of the SCDCP 2005.

As such, to address the issues that arose due to the lack of information provided to Council, conditions of consent have been imposed to:

- a) not permit any removal of any trees on the site without appropriate consent, and
- b) the swimming pool to be deleted from the plans and must be reflected in the documentation prior to the receipt of a construction certificate.

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	3.0m	Yes
Parapet height:	0.8m	0.8m	Yes
Overall height for flat roof dwelling:	7.8m	7.8m	Yes
Basement height above NGL:	1.0m	0.63m	Yes
Setbacks:			
Front:	9m	9m	Yes
Side:	1.2m (min)	1.65m	Yes
Side:	1.2m (min)	1.7m	Yes
Combined Side Setback:	3.35 (20%)	3.35m	Yes
Rear:	6m	10.4m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	43% (302.45m ²)	43% (302.7m ²)	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	Yes

Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.8m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	0.63m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	2.8m	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	N/A	Yes
Height:	3.5m	3.5m	Yes
Side/Rear setback:	0.5m	0.5m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	1m	Yes

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. The stairs attached to the rear of the house was amended and is now a spiral staircases which poses less privacy concerns than a straight stairs. No balconies part of the proposed development. As such, the proposed development is supportable in this regard.

Cut and Fill, Swimming Pool and Tree Management

The proposed development includes a swimming pool located at the rear of the dwelling house. Several trees currently exist within the rear yard of the site as shown previously in Figure 15 and Figure 17 below.



Figure 17. South-western outlook from the subject site's rear yard, showing a tree (right of the image) adjacent to the common side boundary fence.

As previously mentioned, there is no Arborist Report submitted to Council accompanying the development application. No information on the trees can be found on any of the plans (i.e. survey, landscaping, etc). These information or documents were requested from the applicant but not provided.

The proposed in-ground swimming pool will require excavation. The excavation is believed to be in close proximity to the mentioned trees. With the absence of documentation and information in relation with the trees, Council cannot make a determination whether the removal of the trees is supportable or the trees need retaining. In this case, there is also lack of information whether the trees, due to the pool's closeness, can withstand the proposed excavation.

In addition to the above, as a result, the following objectives of the SCDP 2005 are not satisfied:

Part A Dwelling Houses

Clause 5.1 –

“C. To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design or proposals.”

“K. To ensure the protection of trees during construction.”

Clause 9.1 –

“B. To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.”

Part O Tree Management

Clause 1.4 –

- *“maintain and enhance Strathfield’s high quality landscape character and amenity”*
- *“promote the maintenance and preservation of Strathfield’s tree canopy areas”*
- *“encourage an integrated approach to urban development which promotes tree retention and protection at the early planning stage of a development proposal”*
- *“promote the use of qualified and experienced professionals to provide advice and guidance on tree management”*

In this regard, the swimming pool cannot be supported. For completeness, a condition of consent will be imposed to delete the swimming pool prior to receipt of the construction certificate and the removal of the trees and the swimming pool be lodged as a future application.

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.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. To ensure compliance with the controls and objectives of this part of the SCDCP 2005, a condition of consent will be imposed to provide a Waste Management Plan prior to issue of construction certificate.

(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 a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received raising the following concerns:

1. Bulk and Scale of Veranda and Outbuilding

Comment

A concern was raised regarding the extensive built-form proposed towards the rear of the site. In particular, the outdoor area that extends up to 0.5m before the rear boundary.

Note that the concern above was raised during the notification period where no amendments had been done to the plans yet.

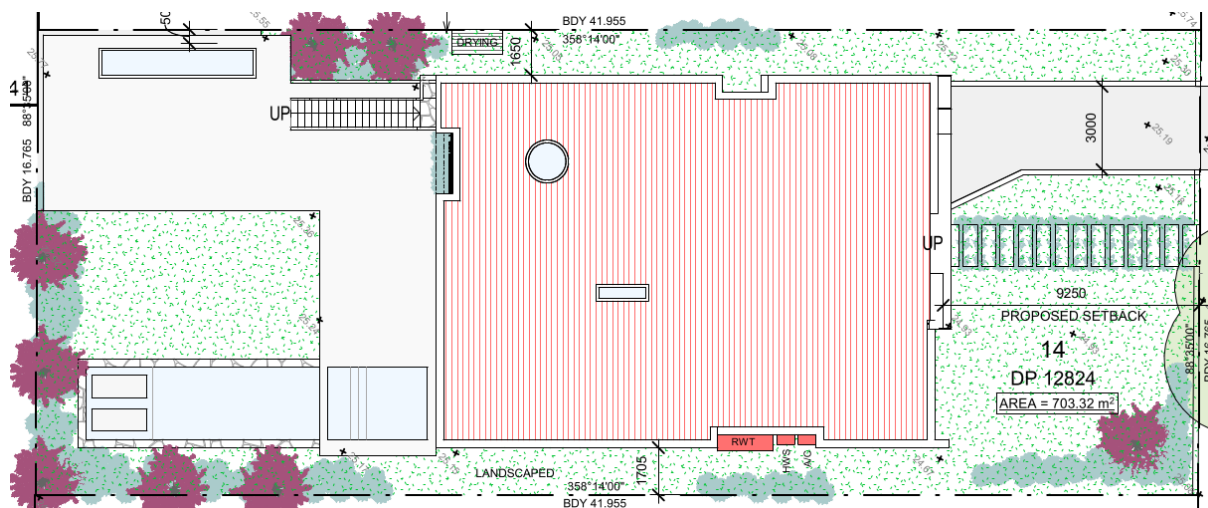


Figure 18. Extract of the initial Site Analysis Plan, dated 07/03/2020.

Figure 18 above shows that the roof of the attached outdoor area goes all the way to the rear. This is not supportable as the cabana or the pool house, as what the plans refer it to, located at the north-eastern corner will not be considered an outbuilding but part of the dwelling house. As such, should have applied the dwelling house rear and side setback requirements, which are 6m from the rear and part of the 20% combined side setback.

The plans were amended and separated the outbuilding from the dwelling house. In this regard, the outbuilding satisfies the outbuilding setback requirement of 0.5m of the SCDGP 2005. However, failed to satisfy the height requirement of no more than 3.5m. For completeness, Figure 19 below shows the survey plan overlaid on the most recent site plan.

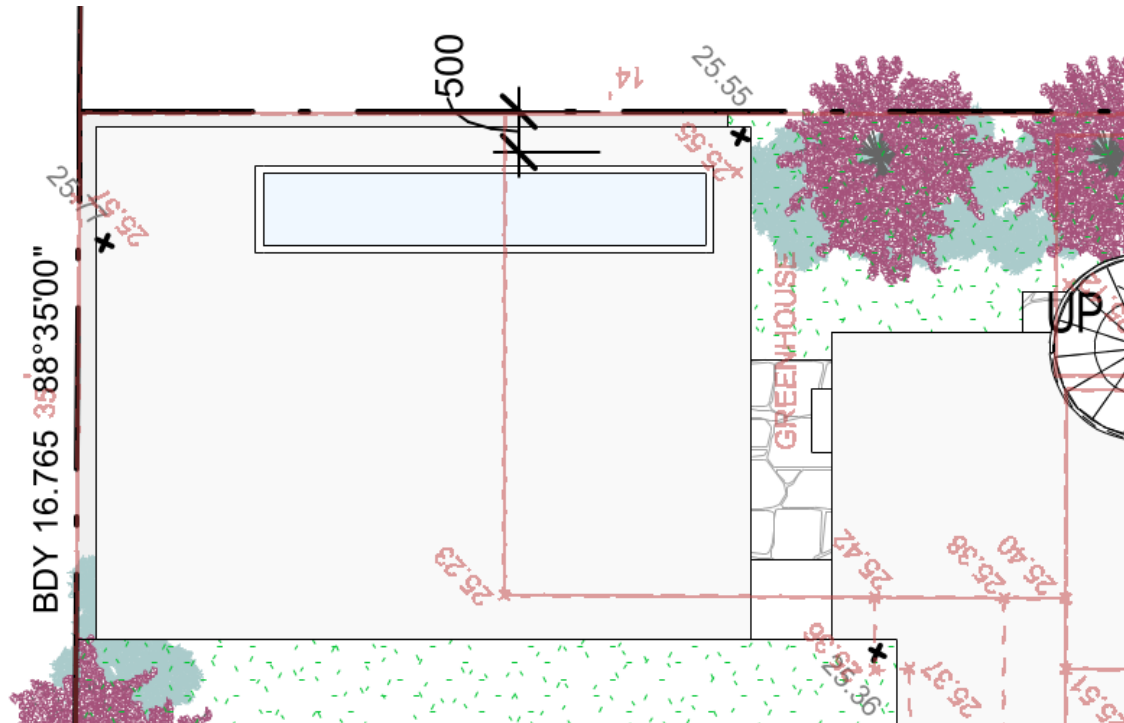


Figure 19. Overlaid survey plan and site plan.

The highest point of the roof of the outbuilding has an RL 29.16, as per the elevations plans. This means that the height of the outbuilding is more than 3.5m. For clarification, the proposed outbuilding height is 3.93m. This is not supportable as it presents an unreasonable bulky built-form when viewed from eastern neighbour, exacerbated by the attached roof that has a height of RL29.16 covering the alfresco and the barbecue.

Taking into consideration the above, the outbuilding will be required, by a condition of consent, to be lowered so that the roof will be no higher than RL 28.73m AHD, resulting to a compliant outbuilding height of 3.5m.

2. Survey Levels

Comment

A concern was raised regarding the levels indicated on the survey plan. Note that the survey plan initially submitted to Council did not contain information of the registered surveyor who prepared the document. This concern was raised in the additional information letter, dated 18 June 2021, where information regarding the existing trees were also requested.

The applicant provided the amended survey with the suitably qualified surveyor's information. However, the levels at the rear of the property had changed. Figure 20 below shows the noticeable discrepancy between the two surveys provided to Council.

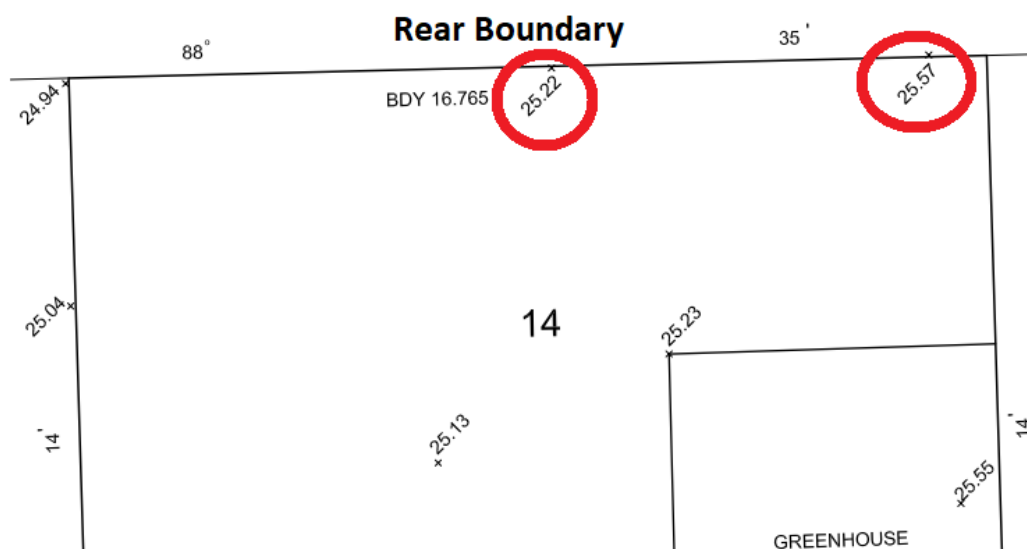
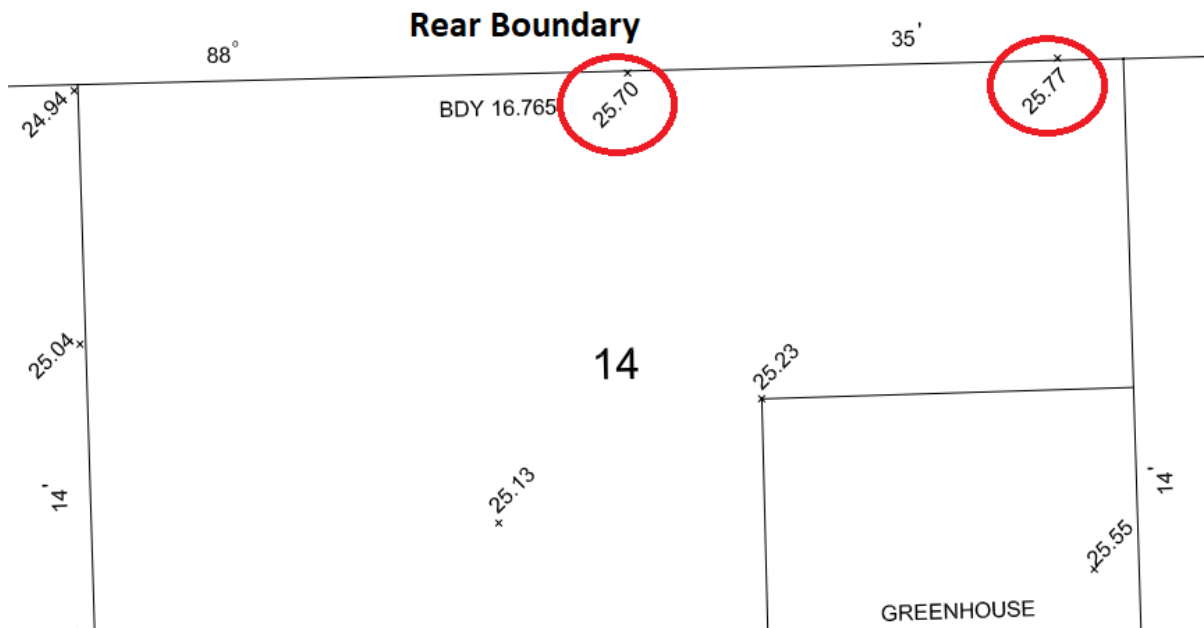


Figure 20: Extract of the first survey plan (top) submitted to Council and the most recent survey plan (bottom) sent as a response to the additional information request by Council.

The discrepancy was that the initially submitted survey plan had RLs 25.70 and 25.77 at the rear of the subject site, where it is close to the proposed outbuilding. The most recent survey plan has the levels RL 25.22 and 25.57.

The new levels have been taken into consideration in the assessment of this application.

3. Outbuilding Setback

Comment

A concern was raised regarding the setback of the outbuilding. Note that under Clause 12 of Part A Dwelling Houses of the SCDP 2005, a minimum side and rear setbacks of 0.5m is allowed for an outbuilding. In this regard, the proposed development satisfies this requirement and is supportable.

4. Front Fence Height

Comment

A concern was raised regarding the height of the proposed front fence. The proposal initially had a full solid front fence. This was not supportable as relayed to the applicant via the additional information request letter. The design was changed to a more suitable design, compliant with the requirements of the SCDCP 2005.

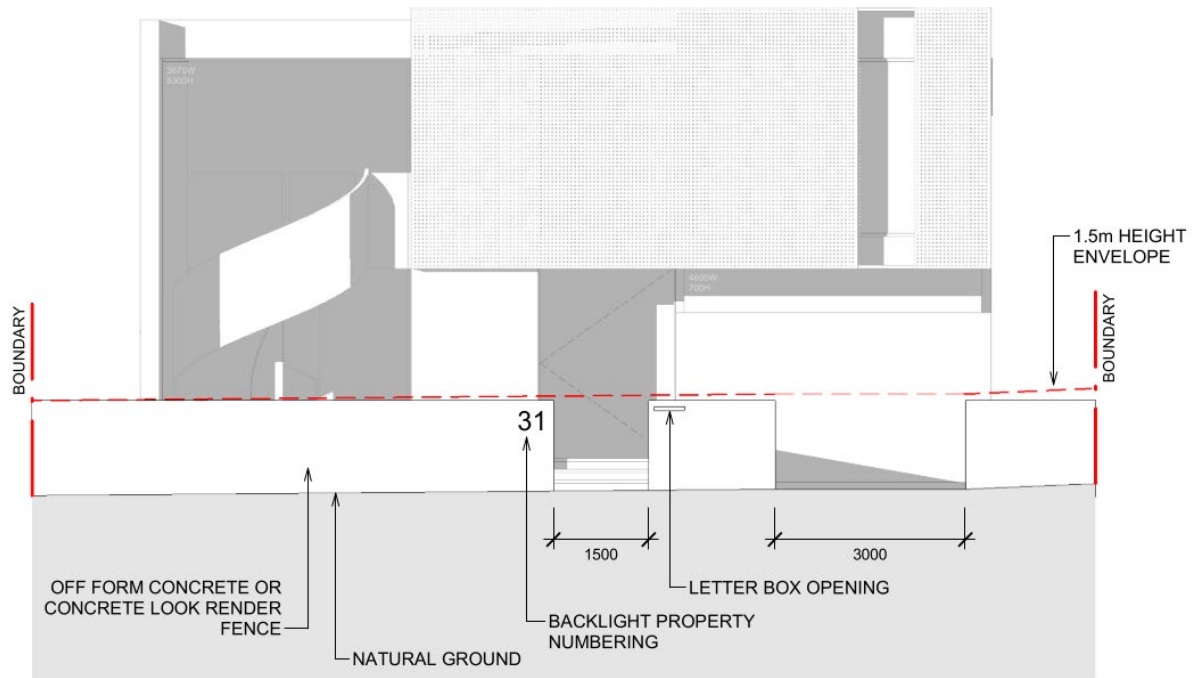


Figure 21. Extract of the Front Fence Elevation Plan showing the original fence design, dated 07/03/2020.

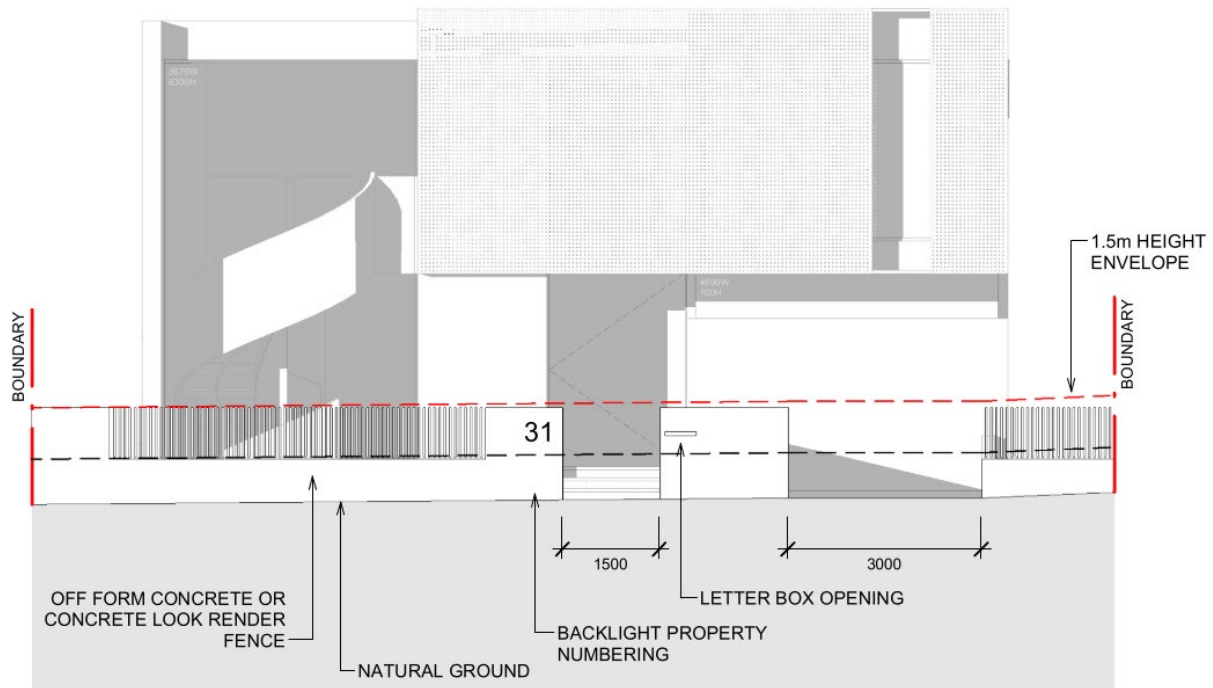


Figure 22. Extract of the Front Fence Elevation Plan showing the most recent fence design, received by Council on 15 July 2021.

5. Side Fence Height – Ground Level Height

Comment

A concern was raised regarding the possible change in levels of the side fences. Note that a condition of consent will be imposed for the levels of the ground that will not be changed due to the proposed development or not specifically indicated to change in the plans, will need to be reinstated to the original levels to have no impact on to the adjacent properties.

The concern about the height of the fence arose due to the ground level height above the natural ground. Note that the site is flood affected and the application was accompanied by a Flood Impact Assessment Report, which was reviewed and supported by Council's Development Engineer, subject to conditions of consent, and nominated the level to be RL 25.66m AHD for the ground floor habitable areas.

6. Rear Stairs

Comment

A concern was raised regarding the originally proposed straight stairs that come off the master bedroom ensuite on the first floor and on to the backyard, as shown in Figure 23 below. Note that due to the potential privacy concerns that may arise because of this orientation, the stairs were deemed unsupportable.



Figure 23. Extract of the initial First Floor Plan, dated 07/03/2020.

The applicant addressed the issue by amending the design of the stairs to a spiral staircase which limits the potential visual privacy concerns by moving up and down the stairs in a circular motion rather than being on a steady direction allowing the chance to look onto neighbouring backyards. Further to the above, screen planting is part of the proposal between the stairs and the side boundary for added visual privacy attenuation measures.

7. Drainage of Hard Surface Area – Outbuilding

A concern was raised regarding the potential water runoff to neighbouring properties. In particular, the impact of the proposed hard surface area between the outbuilding and the side and rear boundaries, shown as hard surface areas on the plans (See Figure 4).

Naturally, gravity impacts the flow of water. In the survey plans provided to Council, no information has been provided regarding the levels of the adjoining properties. Council will not support water runoff going to neighbouring properties. As such, due to the absence of the levels information on the survey plan of the neighbouring properties, a condition of consent will be imposed to delete any hard surface areas to the north and east of the outbuilding to allow the ground to absorb any water runoff.

(e) the public interest.

Subject to the conditions of consent, 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:

Based on the Cost of Works of \$1,456,340.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$14,563.40
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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. 2021/66 should be approved, subject to the conditions of consent.

Signed:

Date: 02 August 2021

**P Santos
Development Assessment Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly.

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 03 August 2021

**J W 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	Rev.	Prepared by
Site Plan	Sheet 1	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Basement	Sheet 3	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Ground Floor	Sheet 4	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
First Floor	Sheet 5	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Roof Plan	Sheet 6	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd

Elevations (South & North)	Sheet 7	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Elevations (West & East)	Sheet 8	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Elevations (North Outbuilding)	Sheet 9	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Sections (1)	Sheet 10	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Soil/Erosion Control Plan (Demolition, Erosion & Sediment Control Plan)	Sheet 12	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Schedule of Finishes/Colours	Sheet 23	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Front Fence	Sheet 25	07/03/2020 – Received by Council on 15/07/2021	D	HA Design Group Pty Ltd
Basement Drainage Plan	SW01	10/03/2021	A	Elite Australian Engineering
Ground Drainage Plan	SW02	10/03/2021	A	Elite Australian Engineering
Drainage Details	SW03	10/03/2021	A	Elite Australian Engineering

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) 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.

3. **Vehicular Crossing - Minor Development**

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

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. 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

4. **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

5. **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).

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. 1187605S 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 C.K. Engineering Services ref no. 211339 dated February 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. 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/	\$ 5,097.19
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 20,300.00
Administration Fee for Damage Deposit and Tree Bond	\$ 260.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 14,563.40

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.

12. 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.
Basement – Plant Room & Lobby	Reduce the ceiling height of the plant room and lobby to no more than 2.2m.
Disconnected Roof of the Outbuilding and Dwelling House	As annotated in the plans, the roofs of the outbuilding and the dwelling house are not to be connected without any subsequent consent.
Outbuilding Height	The height of the outbuilding is maximum 3.5m, in accordance with the requirements of the SCDCP 2005. For clarity, the roof of the outbuilding is to have a level no higher than RL 28.73m AHD.
Swimming Pool	The swimming pool and its ancillary coping is to be deleted. The construction of the swimming pool and the removal of the adjoining existing trees are to be subject of a separate development application.
Front Fence Height	The front fence height is to be no higher than 1.5m. Solid component should be no higher than 0.7m, apart from the part of the fence containing the letter box.
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.
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13. **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.

14. **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: \$130.00.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

15. **Tree Bond**

A tree bond of \$20,300.00 and an administration fee of \$130.00 (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.

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.

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.

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.
- (b) 29 Augusta Street, Strathfield
- (c) 33 Augusta Street, Strathfield

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. **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) Location of existing and proposed structures, as approved and required to be amended by this consent, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

20. **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.

21. **Tree Protection and Retention**

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.

22. 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.

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

23. 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

30. 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.

31. 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.

32. 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.

33. BASIX Certificate

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

34. 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.

35. 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) 29 Augusta Street, Strathfield
- (b) 33 Augusta Street, Strathfield
- (c) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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

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

36. 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)

37. Entering & Exiting of Vehicles

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

38. Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.

39. 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

40. Requirement for a Construction Certificate

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

41. Appointment of a PCA

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

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

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

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

42. Notification of Critical Stage Inspections

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

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

43. Notice of Commencement

The applicant must give at least two days notice to the Council and the PCA of their

intention to commence the erection of a building.

44. 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](#).

45. 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.

46. 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

47. Clause 97A – BASIX Commitments

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

48. 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.

49. 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.

50. 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](#).

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.

6. Site Safety Fencing

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

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

7. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. 2021/66) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to 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 by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.