

IDAP REPORT

Property:	5 St Annes Square STRATHFIELD SOUTH Lot: 7 DP: 9889 DA 2021/129
Proposal:	Construction of a two (2) storey dwelling house and ancillary landscaping
Applicant:	Metricon Homes
Owner:	SS Doyle
Date of lodgement:	7 June 2021
Notification period:	11 June 2021 – 25 June 2021
Submissions received:	One (1)
Assessment officer:	J W Brown
Estimated cost of works:	\$658,051.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Adjacent
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

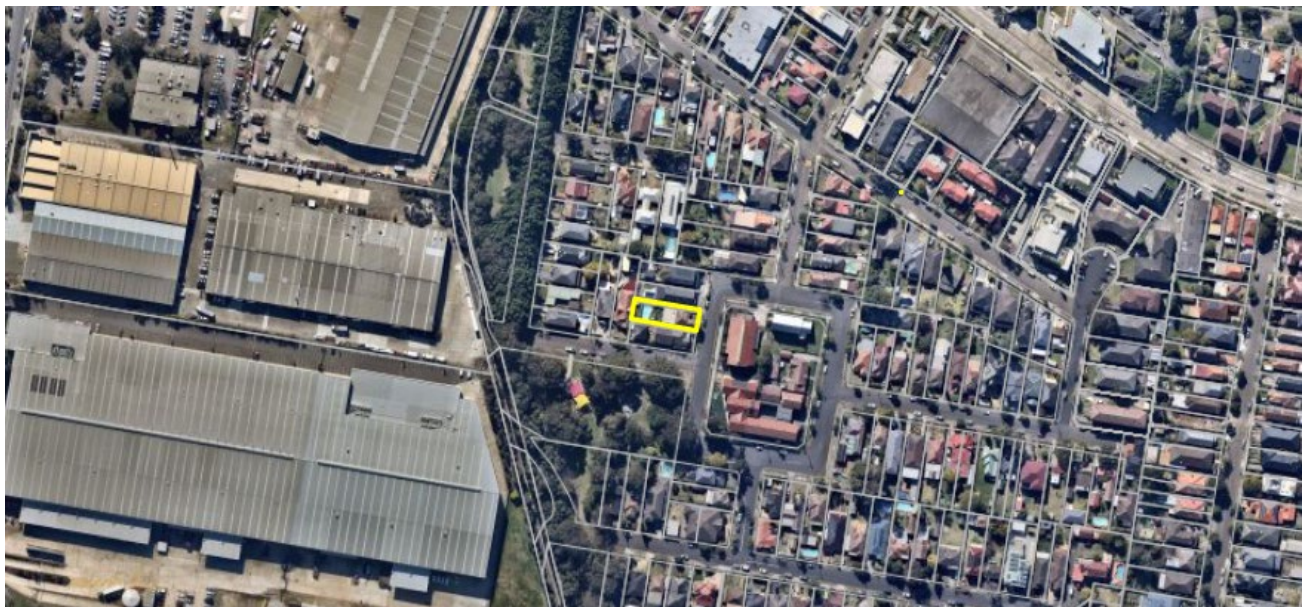


Figure 1: Aerial Image of the site

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the construction of a two (2) storey dwelling house and ancillary landscaping.

Site and Locality

The site is identified as 5 St Anne's Square Strathfield South and has a legal description of Lot: 7 DP: 9889. The site is a regular shaped parcel of land and is located west side of 5 St Anne's Square.

The site has a width of 12.495m, a depth of 40.235m and an overall site area of 502.8m².

The locality surrounding the subject site contains a mixture of dwelling houses with differing architectural styles. The site is opposite to St Anne's Catholic Church and St Anne's Catholic Primary School.

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 11 June 2021 to 25 June 2021 where a submission was received raising the following concern;

- Noise attenuation

Issues

- Garage Setback 900mm

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/129 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the construction of a two (2) storey dwelling house and ancillary landscaping. More specifically, the proposal includes;

Ground floor level:

- 2 car garage
- Study
- Bedroom
- Bathroom
- Laundry
- Walk in linen cupboard
- Open plan dining, kitchen with pantry and family room

First floor level

- 4 bedrooms
- Master bedroom with ensuite and walk in wardrobe
- Leisure room
- Communal bathroom
- Separate toilet

External works:

- Portico
- Outdoor Room (Terrace)

The Site and Locality

The subject site is legally described as Lot: 7 DP: 9889 and commonly known as 5 St Anne's Square Strathfield South. It is located off the west side of St Anne's Square Strathfield South between Therry Street West and Bede Street.

The site is rectangular in shape and has a frontage of 12.495m to the east, rear boundary of 12.495m to the west, side boundary lengths of 40.235m to both the north and south, and an area of 502.8m².

The site slopes gradually to the rear of the property.

The site is occupied by a dwelling house, swimming pool and two sheds. Vehicular access is provided to the site via an existing driveway from the street.

The current streetscape is characterised by a mix of single and two storey dwelling houses with a range architectural designs. Opposite the proposed dwelling is the St Anne's Catholic Church and St Anne's Catholic Primary School. St Anne's Reserve is just south of the proposed development and 100m to the west is industrial development that includes warehouses and industries



Figure 2: Closer image of the site.



Figure 3: Front façade of the dwelling and driveway of the subject site



Figure 4: Front façade of the dwelling of the subject site



Figure 5: Backyard facing the rear façade of the dwelling of the subject site



Figure 7: Backyard facing the rear façade of the dwelling



Figure 8: Backyard rear boundary

Due to NSW government Health Order following the COVID-19 outbreak in greater Sydney, Council Officers were unable to attend the site and subsequently requested a thorough suite of site photos to be provided by the applicant. The application has been assessed utilising photographic evidence provided by the applicant, Council's geographic information systems data and other available information relating to the existing site conditions.

Background

7 June 2021	The subject development application (DA2021/129) was lodged with Council
11 June 2021	The application was publicly exhibited until the 25 June 2021
11 August 2021	Owner of the property provided site photos. Due to the that Council's Officer was unable to go to site due the NSW Health Orders
13 August 2021	Application was referred to Heritage Officer due to proximity to state heritage item
23 August 2021	Comments received by Heritage Officer

Referrals – Internal and External

Tree Management Coordinator Comments

The application was referred to Council's Tree Management Coordinator who offered no objection subject to the conditions of consent.

Development Engineers Comments

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

Heritage Officer Comments

The application was referred to Council's Heritage Officer who offered no objection to the proposal offering no further conditions.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

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	8.885m	YES
4.4 Floor Space Ratio	0.625:1 (314.25m ²)	0.43:1 (214.8m 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 is in close proximity to two state heritage items (Tunnel Shaft 5: Dewatering Shaft [2450345] and the Original St Anne's Catholic Church - Church, School and Trees [2450131]). The application was referred to Council's Heritage Officer who has advised that the proposed works would not adversely impact the heritage items therefore no conditions were provided and the application satisfies clause 5.10 of the SLEP 2012.

Flood Planning

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

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils and is located within 500m of a Class 4 soils but is not below 5 metres Australian Height Datum. Therefore an Acid Sulfate Soils Management Plan is not required.

Earthworks

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

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area

and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer who raised no objection to the proposal. The shared south western boundary tree and street tree will be protected by conditions of consent.

Further, no objection was raised to the removal of a number of other trees on the site subject to replacement planting. These have been identified in the Arboricultural Impact Assessment Report provided by the applicant in exception to the street tree. The street tree being immature watergum should be able to be replanted away from driveway crossing.

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

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

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

- (iii) any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	3.4m	NO but acceptable
Height to underside of eaves:	7.2m	7.16m	YES
Number of Storeys/Levels:	2	2	YES
Setbacks:			
Front:	9m	4.5m	NO but acceptable
Side: North	1.2m (min)	900mm	NO but acceptable
Side: South	1.2m (min)	1.287m	YES
Combined Side Setback:	2.499m (20%)	2.187m	NO but acceptable
Rear:	6m	16m	YES
Landscaping			
Landscaping/Deepsoil Provisions:	38.5% (193.578m ²)	39% (195.9m ²)	YES
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved, although contextually difficult due to east to west lot	YES
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.5m	NO Condition
Vehicular Crossing:	1	1	YES
Driveway setback – side:	0.5m	0.9m	YES
No. of Parking Spaces:	2	2	YES
Ancillary Development			
RETAINING WALLS			
Maximum height:	1.2m	0.55m	YES

Building Envelope

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

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

Floor to Ceiling Height

The proposed development does not meet the requirement of a maximum of 3m for the internal floor to ceiling height. The floor to ceiling height increases from 2.8m to 3.4m as the dwelling steps down from the entry corridor to the open plan kitchen and family area on the ground floor. The non-compliance does not increase the overall dwelling height and is limited to the rear ground floor section of the dwelling. This is considered acceptable as the ground floor design responds appropriately to the topography of the site while maintaining a consistent finished floor level on the first floor.

Front and Side Setback

The 4.5m front setback is less than the required 9m as stated in the SDCDP 2005. This is considered acceptable on merit as the proposed dwelling maintains the setback of the existing dwelling on the site which is consistent with the prevailing setbacks of the street. The proposed dwelling front setback does not result in excessive bulk, scale or massing and will not conflict with the existing character of the street. Therefore meeting the criteria and thus supportable.

The north side setback is 900mm and does not meet the minimum required setback. The reduced setback is limited to the attached garage section of the new dwelling. With the majority of northern setback achieving 2.8m for increased privacy and solar access. The garage is unlikely to have amenity impacts to the northern neighbour as it has no direct windows to the northern boundary and due to its orientation will not create overshadowing. Due to these reasons the variation to the setback is appropriate.

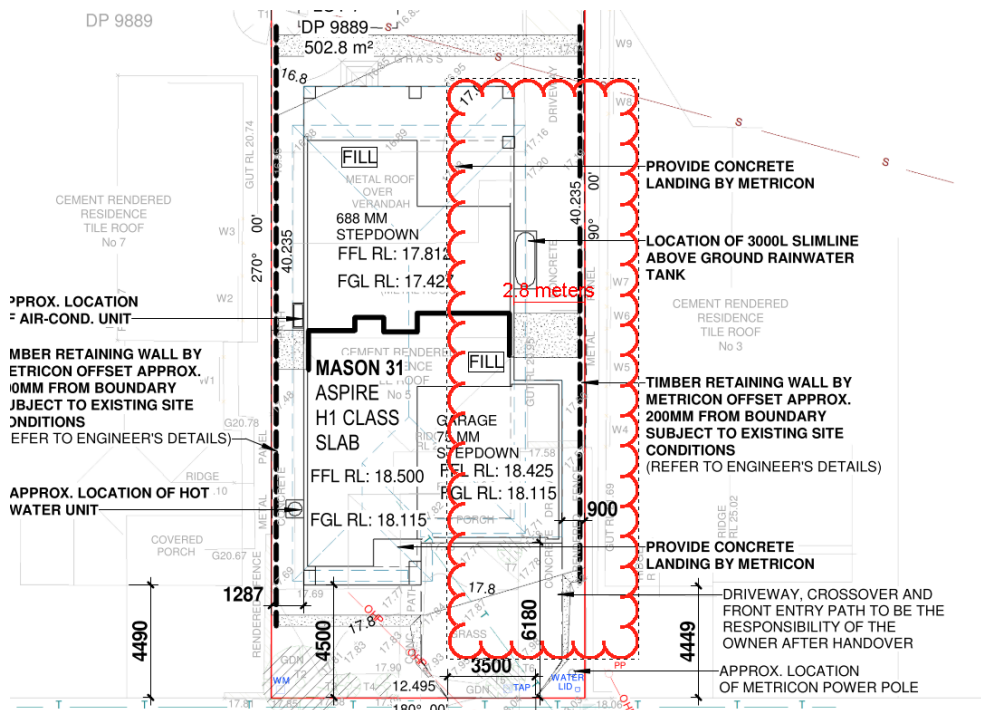


Figure 9: Northern Setback

Landscaping and Open Space

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

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 SCDCP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. Rear windows on the first floor have been positioned to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of two (2) parking spaces and adequate vehicular access provisions. The driveway width at the boundary will be appropriately conditioned to meet the 3m requirement as specified in the SCDCP 2005. Consideration of moving the immature street tree as part of new cross over will also be conditioned.

Cut and fill

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

Water and Soil Management

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

Access, Safety and Security

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

ANCILLARY STRUCTURES

Retaining Walls

The proposed development satisfies the relevant objectives and controls within SCDGP 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.

PART H – Waste Management (SCDGP 2005)

In accordance with Part H of Strathfield CDGP 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.

PART P – Heritage (SCDGP 2005)

The subject development is within the vicinity of two state heritage items (Tunnel Shaft 5: Dewatering Shaft [2450345] and the Original St Anne's Catholic Church - Church, School and Trees [2450131]). The development has been assessed by Council's Specialist Heritage Planner and will not negatively impact the heritage items.

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

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

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

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

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

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification 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. Noise from Enfield Intermodal impacting on the development.

Comment: NSW Ports are the custodians of the Enfield Intermodal Logistics Centre (Enfield ILC) and have concerns that their infrastructure may impact residents in the local vicinity of the area. Concerns of rail noise and vibration as well as the surrounding industry were raised in the submission. Further investigation is needed to understand if the impacts will affect the amenity of the property. Therefore conditions of consent have been added for an acoustic report and any findings from that report to be designed into the new dwelling.

(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:

Based on the Cost of Works of \$658,051 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	\$6,580.51
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 129/2021 should be approved.

Signed:
J W Brown
Planner

Date: 24/8/21

- ☒ 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:
Gary Choice
Planner

Date: 24/8/21

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
Cover Sheet	717758	29/5/21	F	Metricon
Site Plan	Sheet 1	10/12/20	F	Metricon
Waste Management	Sheet 2	10/12/20	F	Metricon
Ground Floor Plan	Sheet 2	10/12/20	F	Metricon
First Floor Plan	Sheet 3	10/12/20	F	Metricon
Elevations	Sheet 4	10/12/20	F	Metricon
Elevations	Sheet 5	10/12/20	F	Metricon
Section	Sheet 5	10/12/20	F	Metricon
Roof Plan	Sheet 12	10/12/20	F	Metricon

General Notes	Sheet 1	11/5/21	B	Intrax Housing
Stormwater Hydraulic Management Plan	Sheet 2	11/5/21	B	Intrax Housing
Stormwater Details	Sheet 3	11/5/21	B	Intrax Housing
DA Landscape Plan	L-01 A	2/4/21	A	Site Design + Studios
External Colourcard	717758	19/3/21		Studio/M
Overland Flow Study Report	RF21103	28/4/21		ACCON Engineers
Waste Management Plan		3/5/21		
Arboricultural Impact Assessment	717758	19/4/21		Site Design + Studios

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) **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/	\$2,303
Security Damage Deposit	\$12,200
Tree Bond	\$3,050
Administration Fee for Damage Deposit	\$130
Administration Fee For Tree Bond	\$130
DEVELOPMENT CONTRIBUTIONS	

Strathfield Section 94A Indirect Development Contributions Plan 2017	\$6,580.51
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General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council:

- prior to the release of the Construction Certificate.

Further Information

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

(6) Damage Deposit – Minor Works

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

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.
- 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
- 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.

(7) Tree Bond

A tree bond of \$3,050 (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.

(8) 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.

(9) 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. 1191247S must be implemented on the plans lodged with the application for the Construction Certificate.

(10) 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.

(11) Compliance with Swimming Pool Act 1992

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

(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) Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

(14) Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Camellia sasanqua (sasanqua camellia)	Shared South Western Boundary	2.4m
8	Tristanopsis laurina (watergum)	Street Tree	2.0m

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

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

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

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

(15) 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.

(16) Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by ACCON Engineers ref: 21103 dated 28 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.

(17) Required Design Changes

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

Driveway width	The vehicular access driveway width must be reduced from the proposed 3.5 metres to 3 metres to achieve a maximum allowed width of 3m. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
Street Tree	The Street tree will be relocated to an appropriate location within the road reserve to avoid being impacted by the proposed driveway crossing.

(18) Acoustic Requirements

The site is affected by noise from the Enfield Intermodal Logistics Centre and local industrial area. An Acoustic Report needs to be prepared by a suitably qualified acoustic consultant addressing this concern and that the development has been designed to meet the internal noise and vibration levels specified in NSW Department of Planning 'Development Near Rail Corridors and Busy Roads. The Construction Certificate plans shall demonstrate compliance with this Acoustic Report.

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

(19) 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.

(20) Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

(21) 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.

(22) 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.

(23) 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

(24) 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.

(25) 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.

(26) Completion of Landscape Works

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

(27) 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.

(28) 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.

(29) 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) 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;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) 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.

(30) Acoustic Compliance

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated any recommendations in the Acoustic Report.

OPERATIONAL CONDITIONS (ON-GOING)

(31) 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

(32) Requirement for a Construction Certificate

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

(33) 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.

(34) 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.

(35) 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.

(36) 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](#).

(37) 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.

(38) 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

(39) Clause 97A – BASIX Commitments

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

(40) 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.

(41) 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](#).

(42) Clause 98E – Protection & Support of Adjoining Premises

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

(43) Clause 98F – Site Excavation

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

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

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

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

4. 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.

5. 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. Year/DA 2021/129) 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.

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. Register your Swimming Pool

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au

8. Electricity Supply

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

