

## IDAP REPORT

<b>Property:</b>	5 Wakeford Road STRATHFIELD Lot: A DP: 386343 DA2021.11
<b>Proposal:</b>	Demolition of existing structures, tree removal and the construction of a two (2) storey dwelling house with basement level, swimming pool and outbuilding.
<b>Applicant:</b>	T Harb
<b>Owner:</b>	MS Matar and V Gorelik
<b>Date of lodgement:</b>	4 February 2021
<b>Notification period:</b>	15 February to 1 March 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$1,299,463.00
<b>Zoning:</b>	R2 – Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



**Figure 1:** Locality Plan showing subject site (outlined in yellow) and surrounding properties

## EXECUTIVE SUMMARY

## **Proposal**

Development consent is being sought for the demolition of existing structures, tree removal and the construction of a two (2) storey dwelling house with basement level, swimming pool and outbuilding.

## **Site and Locality**

The site is identified as No. 5 Wakeford Road, Strathfield and has a legal description of Lot A in DP 386343. The site is a rectangular shaped parcel of land and is located on the northern side of Wakeford Road.

The site has a frontage of 16.7m, an average depth of 40m and an overall site area of 671.5m<sup>2</sup>.

The locality surrounding the subject site has a predominantly low density residential character with two (2) storey detached dwelling houses. The dominant architectural style within the vicinity of the site and along Wakeford Road is primarily traditional – comprising pitched and tiled roofing, exposed brick façades, some dormer windows, and masonry fencing.

## **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 15 February to 1 March 2021. No submissions were received during this period.

## **Issues**

- Tree removal

## **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/134 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, tree removal and the construction of a two (2) storey dwelling house with basement level, swimming pool and outbuilding. More specifically, the proposal includes:

Demolition of existing structures including dwelling house, pool, rear deck, carports and detached garage.

Construction of a new dwelling house comprising:

- Basement level:
  - Two (2) car spaces, vehicular access and turning areas;
  - Some storage zones;
  - Plant room;
  - Waste bin storage area; and
  - Pedestrian access to stairwell and lift.
- Ground floor level:
  - Formal living room;
  - Formal dining room;
  - Office with ensuite;
  - Powder room;
  - Dining and lounge room;
  - Open plan kitchen with butler's pantry; and
  - Laundry; and
  - Roofed alfresco and outdoor dining area.
- First floor level:
  - Master bedroom with walk-in-robos and ensuite;
  - Front-facing rumpus room with balcony; and
  - Three (3) bedrooms with ensuite facilities.
- Ancillary structures and external works:
  - Outbuilding comprising an open cabana and enclosed bathroom;
  - In-ground swimming pool;
  - Driveway works; and
  - Landscaping works.

Figures 2 to 4 show a site plan and a southern (front) and northern (rear) elevations of the proposal.

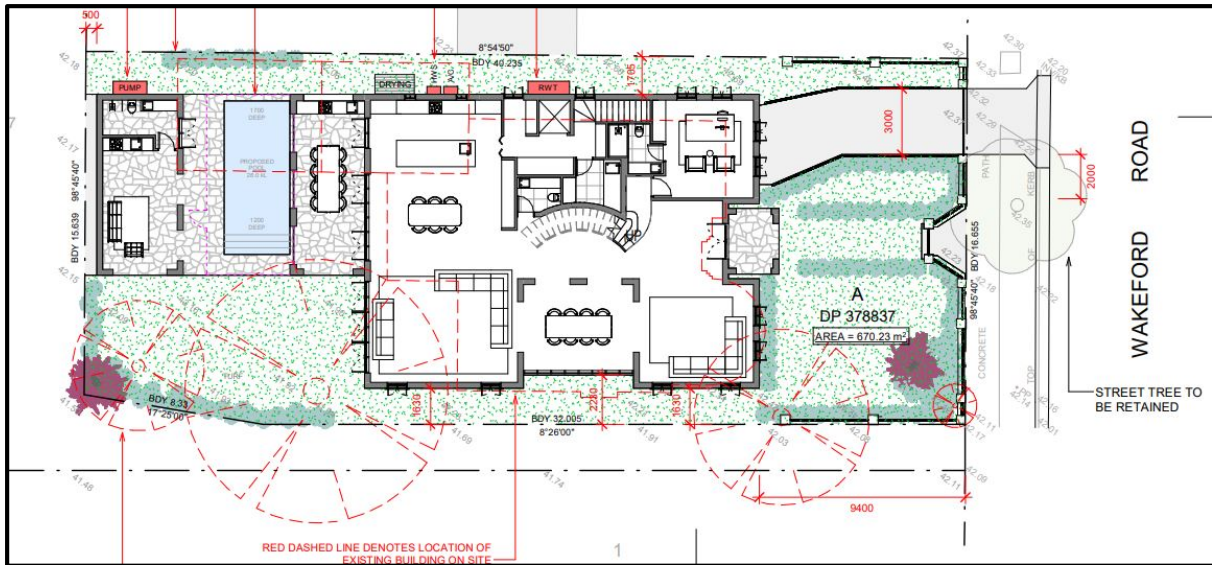


Figure 2: Site Plan

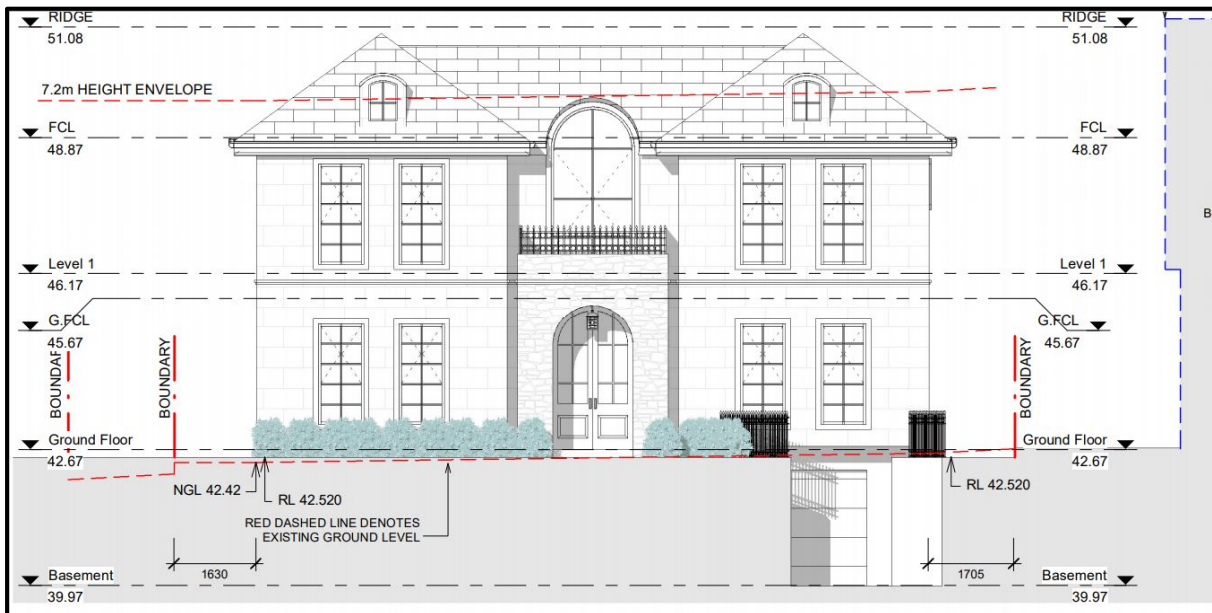
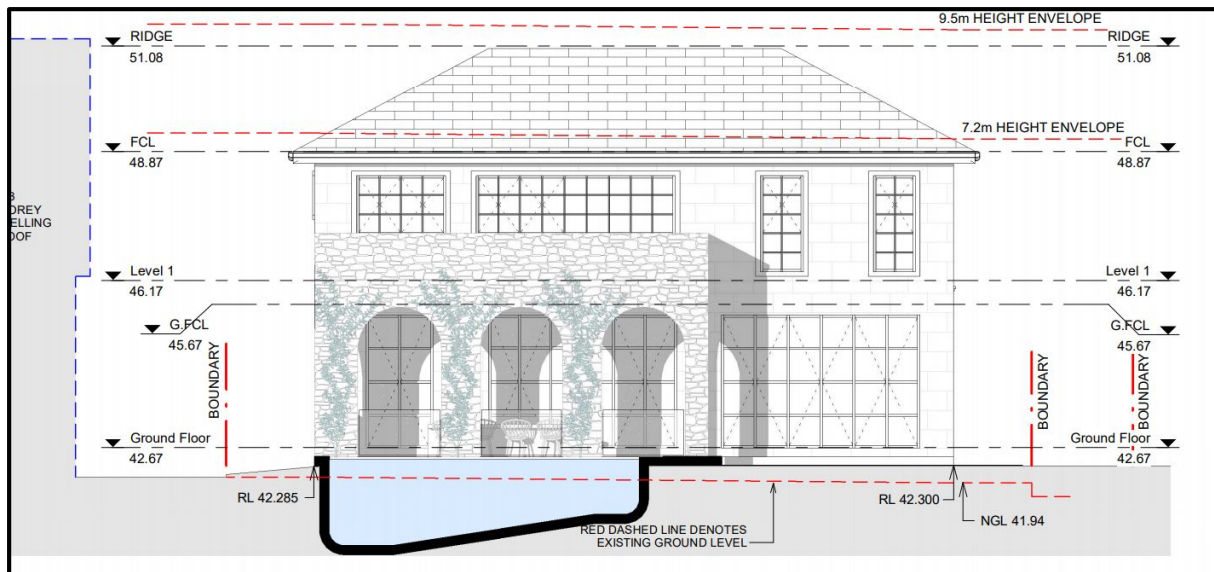


Figure 3: Southern (Front) Elevation





**Figure 4: Northern (Rear) Elevation**

### **The Site and Locality**

The site is identified as No. 5 Wakeford Road, Strathfield and has a legal description of Lot A in DP 386343. The site is a rectangular shaped parcel of land (with a small kink in the north western corner) and is located on the northern side of Wakeford Road.

The site is predominantly flat, has a frontage of 16.7m, a minimum depth of 40m and an overall site area of 671.5m<sup>2</sup>, and a south-north orientation.

The subject site contains an existing two (2) storey dwelling house, attached carports, rear deck, in-ground swimming pool and detached garage (refer to Figures 5 and 6). The site is mostly modified; however, three (3) trees are present on site: a *Cupressus macrocarpa* (Monterey Cypress), a *Jacaranda mimosifolia* (Jacaranda) and a *Leptospermum petersonii* (Lemon-scented Tea Tree).

The locality surrounding the subject site has a predominantly low density residential character with two (2) storey detached dwelling houses. The dominant architectural style within the vicinity and along Wakeford Road is primarily comprised of pitched and tiled roofing, exposed brick façades, some dormer windows, and masonry fencing.

A single modern dwelling design occurs along the street at No. 4 Wakeford Road – which features a boxy and contemporary form with rendered beige walls, a two (2) storey portico, first floor balcony and glass balustrades.



**Figure 5:** Front of existing dwelling house at No. 5 Wakeford Road, Strathfield



**Figure 6:** Rear yard of existing dwelling house and swimming pool at No. 5 Wakeford Road

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a dwelling house at No. 3 Wakeford Road (refer to Figure 7);
- Adjoining the western boundary: the access handle of a dwelling house at No. 5A Wakeford Road (refer to Figure 8);
- Adjoining the northern (rear) boundary: a dwelling house at No. 5A Wakeford Road; and



- Across the road and to the south: a dwelling house at No. 4 Wakeford Road (refer to Figure 9).

A heritage item is located across the road and diagonal from the site at No. 10 Wakeford Road.



**Figure 7:** No. 3 Wakeford Road, Strathfield



**Figure 8:** Access handle (driveway) for No. 5A Wakeford Road, Strathfield





**Figure 9.** No. 6 Wakeford Road, Strathfield



**Figure 10:** Streetscape on northern side of Wakeford Road.

### **Background**

**4 February 2021**      The subject application was lodged.

**23 March 2021**      A deferral letter was sent to the applicant raising the following issues:

- Floor space ratio (FSR);
- Basement level;
- Landscaped area;
- Tree removal;
- Front setback;



- Front boundary fence;
- Privacy concerns; and
- Floor to ceiling level of void area on section plan or elevation plan.

<b>12 May 2021</b>	A site visit was undertaken by Council's assessment officer.
<b>12 May 2021</b>	Correspondence was sent to the applicant with regard to following up on additional information to be provided to address matters in the deferral letter.
<b>9 June 2021</b>	The applicant provided additional information to address the issues raised in the letter.
<b>18 August 2021</b>	Council's Executive Manager – Civic Services provided comments with regard to tree removal (see below).

### **Referrals – Internal and External**

#### **Development Engineer Comments**

Council's Development Engineer provided the following advice:

*"The subject site has a natural fall to the rear, but OSD/pump out drainage system has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m<sup>2</sup>. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff on the eastern boundary drains into above ground rainwater tank in accordance with BASIX requirements by charged means via downpipes. Overflow from tank and all other roof runoffs, previous and impervious areas drain into below ground OSD/pump out tank by gravity means via overflow pipe, downpipes and grated surface inlet pits. Proposed basement drains into pump out tank by gravity means via grated trench drain and subsoil drainage. Rising main from pump out tank connects to OSD/pump out tank. Emergency overflow from the OSD/pump out tank drains into back absorption trench by gravity means via overflow outlet. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions.*

Accordingly, Council's Developer Engineer offered no objections to the proposal subject to the imposition of conditions.

#### **Traffic Manager Comments**

Council's Traffic Manager provided the following commentary:

*"All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory. The swept paths confirm that vehicles can enter and exit the basement in a forward direction.*

*The Traffic and Parking Assessment identified a non-conformance to AS which exceeds the 1 in 20 grade for the first 6m into the basement. It should be noted that this AS clause does not apply to domestic driveways and hence the proposal in fact complies with AS2890.1."*

Accordingly, Council's Traffic Manager offered no objections to the proposal subject to the imposition of conditions.

### **Executive Manager – Civic Services Comments**

Council's Executive Manager – Civic Services provided the following commentary with regard to landscaping and tree removal:

*"About the Tree aspect of this DA I have gone through the application and Arborist Report.*

- 1. Tree T1 (street tree) must be protected and retained.*
- 2. Tree T2 Cupressus can be removed and replaced with in the landscaping.*
- 3. Tree T3 Jacaranda is in good condition as per Arborist Report however the building works will have an impact especial the basement area in that corner. Consideration needs to be given to the retaining tree and measures taken to reduce impact. For example, reduce the size in the corner of basement to create root protection zone. This tree has significant canopy value.*
- 4. Tree T4 Leptospermum – as per Arborist Report this tree is to be retained."*

Council's Executive Manager – Civic Services raised concern with regard to the proposed removal of the Jacaranda tree.

**Officer comments:** It is evident that the central location of the Jacaranda tree, poses a significant challenge in designing a dwelling house for the site. The proposal is considered a reasonably sized built form featuring a fully compliant dwelling house that is proportionate to the site dimensions and area, and adequately setback from property boundaries. It is noted that the resultant building will be well-within 3m from the tree. It is noted that under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a developer/owner can remove a tree if the tree is within 3m from any existing/approved structures and buildings; however, this tree must have a height that is than 8m. The Jacaranda tree is 10m high and therefore, cannot be removed without Council approval.

Removing the basement portion that impacts tree roots is not considered an adequate solution as the ground floor and first floor portions will still have some impact on the tree as these elements are well within the tree protection zone. In order to ensure the tree is retained and protected the following design change condition will be imposed:

- A portion of the plant room in the basement is to be deleted.
- A portion (0.5m width) will be deleted from the lounge room (ground floor) and bedroom 3 (first floor).

This condition will ensure the Jacaranda tree is retained and the concern raised by Council's Executive Manager is addressed, and the resultant built form and building footprint remain acceptable and any internal spaces impacted are of a reasonable size.

### **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
<b>4.3</b> Height of Buildings	9.5m	9.14m	Compliant.
<b>4.4</b> Floor Space Ratio	0.6:1 402.138m <sup>2</sup>	0.6:1 402m <sup>2</sup>	Compliant.

**Part 5 – Miscellaneous Provisions**

The proposal does not trigger any provisions under Part 5.

**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 excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement. 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. Conditions of consent will be imposed to ensure that the proposed excavation works 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.

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

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

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

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

The proposed development involves the removal of a site tree and the retention of a street tree and two (2) site trees that are subject to the provision of this SEPP.

- (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 (SCDCP 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
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>	Max. 0.6:1 402.14m <sup>2</sup>	0.6:1 402m <sup>2</sup>	Compliant.



<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3m	Compliant
Height to underside of eaves:	7.2m	6.93m	Compliant.
Basement height above NGL:	1.0m	0.7m	Compliant.
Number of Storeys/Levels:	2	2 storeys	Compliant.
<b>Setbacks:</b>			
Front:	9m	8.9m	Compliant.
Side (east):	1.2m (min)	1.7m	Compliant.
Side (west):	1.2m (min)	1.33m	Compliant.
Combined Side Setback:	3m (20%)	3m (20%)	Compliant.
Rear:	6m	12.47m	Compliant
<b>Landscaping</b>			
Landscaping/Deep soil Provisions:	Min. 41.5% 278.15m <sup>2</sup>	42.8% 286.9m <sup>2</sup>	Compliant.
Front landscaped area	Min. 50%	71%	Compliant.
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.5m	Compliant.
Solid Component:	0.7m	0.7m	Compliant.
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Min. 3hrs provided.	Compliant.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Compliant.
Vehicular Crossing:	1	1 crossing	Compliant.
Driveway setback – side:	0.5m	Min. 1m	Compliant.
No. of Parking Spaces:	2	2 spaces provided	Compliant.
<b>Basement:</b>			
Basement protrusion:	Less than 1.0m	0.7m	Compliant.
Basement ramp/driveway	3.5m	3.5m	Compliant.
Internal height:	2.2m	Min. 2.4m	Compliant.
<b>Ancillary Development</b>			
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	Side: 1.7m Rear: 5.5m	Compliant. Compliant.

## 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.

## *FSR and Site Coverage*

The final design features an amended footprint of the development and landscaping treatments that demonstrate compliance with relevant development standard and controls under the SLEP 2012 and SCDP 2005. The proposal is considered a well-balanced design outcome and is of compatible scale and massing as more current built forms within the vicinity of Wakeford Road and The Boulevard.

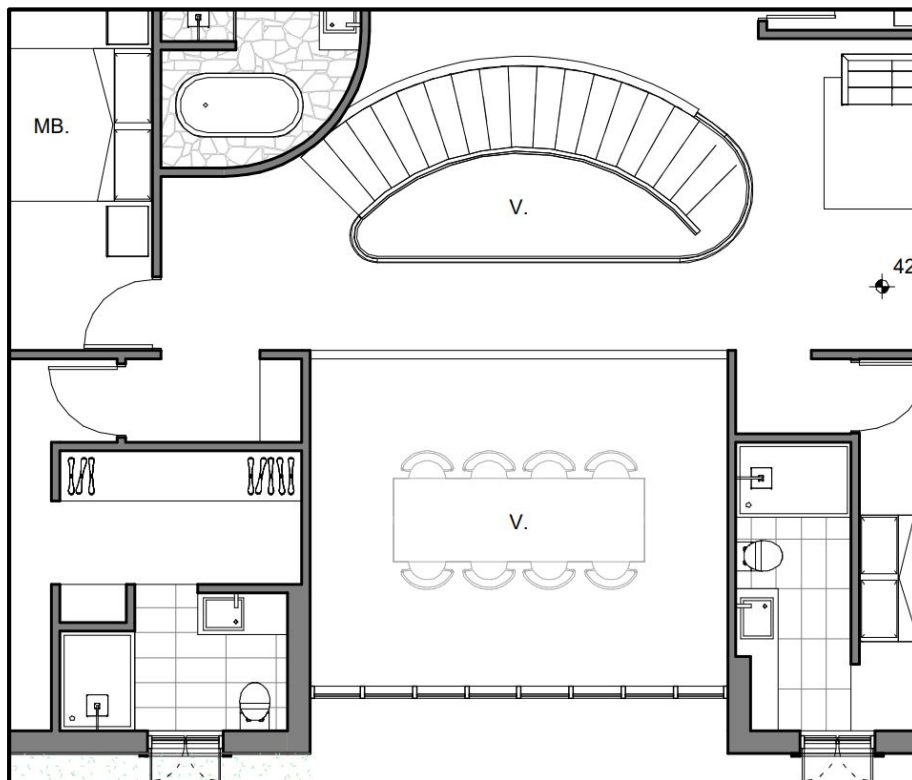
## *Basement Level*

The final design features an amended basement level that sits wholly below the ground floor and is not protruded above ground. The spaces within the basement satisfies the relevant definitions under the SLEP 2012 and SCDP 2005 and as such, none of the spaces were included in the gross floor area (GFA) and FSR calculation.

## *Void Spaces*

The void spaces included in the first floor of the design are considered reasonable and acceptable. These voids relate to the stairwell and the formal dining room (refer to Figure 11). The void above the formal dining room provides additional solar access and amenity for this room and is further recessed compared to rest of the western wall. It is also noted that any bulk and presentation by this void space will primarily affect the access handle of No. 5A Wakeford Road. The 1.3m setback of the building combined with the width of the access handle will further minimise the presentation of the western wall from the neighbouring residence at No. 7-9 Wakeford Road.

To ensure that the void space above the formal dining room remains a void an ongoing condition will be included in the consent.



**Figure 11:** Void spaces adjacent to the stairwell and above the formal dining room



## **Landscaping and Open Space**

The proposed development complies with and 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.

## **Front Fencing**

The design of the proposed front fencing, which comprises masonry piers and metal finials, demonstrates compliance with the relevant controls for front fencing including maximum heights and of being visually permeable.

## **Solar Access**

Given the south-north 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 three (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. The front-facing balcony faces Wakeford Road and provides passive street surveillance. A condition will be imposed to ensure the roof of the alfresco/outdoor dining remains as a non-trafficable area to ensure this space is not used for entertaining.

## **Vehicular Access, Parking and Basement Level**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to maximum 0.7m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.4m.

## **Cut and Fill**

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

## **Water and Soil Management**

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

## **Access, Safety and Security**

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

## **ANCILLARY STRUCTURES**

### Swimming Pools, Spas & Associated Enclosures

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

The outbuilding comprising open cabana and enclosed bathroom is compliant with relevant controls including the minimum side and rear setback (0.5m). The site coverage of the cabana is less than 40m<sup>2</sup> and the enclosed bathroom is approximately 5m<sup>2</sup>. It is noted that the cabana is predominantly an open structure and any area within this structure is not considered GFA.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

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

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

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

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

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

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this period.

**(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

**Local Infrastructure Contributions**

Section 7.13 of the *Environmental Planning and Assessment 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. Based on the Cost of Works of **\$1,299,463** 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 for the proposal is as follows:

Local Amenity Improvement Levy	<b>\$12,994.63</b>
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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. 2021/134 should be approved, subject to the recommended conditions set out below.



**Signed:**

**M Rivera  
Senior Planner**

**Date: 24 August 2021**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;



Report and recommendations have been peer reviewed and concurred with.

**Signed:**  
**J Gillies**  
**Senior Planner**

**Date: 31 August 2021**

## **REASONS FOR CONDITIONS**

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) 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:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Site Plan	Sheet 1	9 Jun 2021	E	H.A. Design
Basement	Sheet 3	9 Jun 2021	E	H.A. Design
Ground Floor	Sheet 4	9 Jun 2021	E	H.A. Design
Level 1	Sheet 5	9 Jun 2021	E	H.A. Design
Roof Plan	Sheet 6	9 Jun 2021	E	H.A. Design
South and North Elevations	Sheet 7	9 Jun 2021	E	H.A. Design
West and East Elevations	Sheet 8	9 Jun 2021	E	H.A. Design

Cabana Elevations	Sheet 9	9 Jun 2021	E	H.A. Design
Sections	Sheet 10	9 Jun 2021	E	H.A. Design
Demolition, Erosion and Sediment Control Plan	Sheet 11	9 Jun 2021	E	H.A. Design
Schedule of Colour/Finishes	Sheet 21	9 Jun 2021	E	H.A. Design
Landscape Plan	Sheet 22	9 Jun 2021	E	H.A. Design
Front Fence	Sheet 24	9 Jun 2021	E	H.A. Design
Stormwater Drainage Notes	01226-1	7 Dec 2020	00	SY Harb
Stormwater Drainage Plan	01226-2	7 Dec 2020	00	SY Harb
Stormwater Drainage Details	01226-3	7 Dec 2020	00	SY Harb
Stormwater Drainage Details	01226-4	7 Dec 2020	00	SY Harb
Tree Assessment Report	-	18 May 2021	-	Nour_Co B. & G.
Waste Management Plan	-	21 Dec 2020	-	H.A. Design
BASIX Certificate	Cert No. 1166155S_02	20 Dec 2020	-	Elam Architectural Drafting

## 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](http://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](http://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.



#### **4. Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

#### **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

##### **5. Sydney Water – Tap in <sup>TM</sup>**

The approved plans must be submitted to a Sydney Water Tap in<sup>TM</sup> 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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in<sup>TM</sup> agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	<b>\$4,548.00</b>
Security Damage Deposit	<b>\$15,000.00</b>
Administration Fee of Bond Deposit	<b>\$130.00</b>
Tree Bond	<b>\$10,150.00</b>
Administration Fee of Tree Bond	<b>\$130.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$12,994.63</b>

#### 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](http://www.strathfield.nsw.gov.au).

### **7. Damage Deposit – Minor Works**

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

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

### **8. Tree Bond**

A tree bond of \$10,150.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

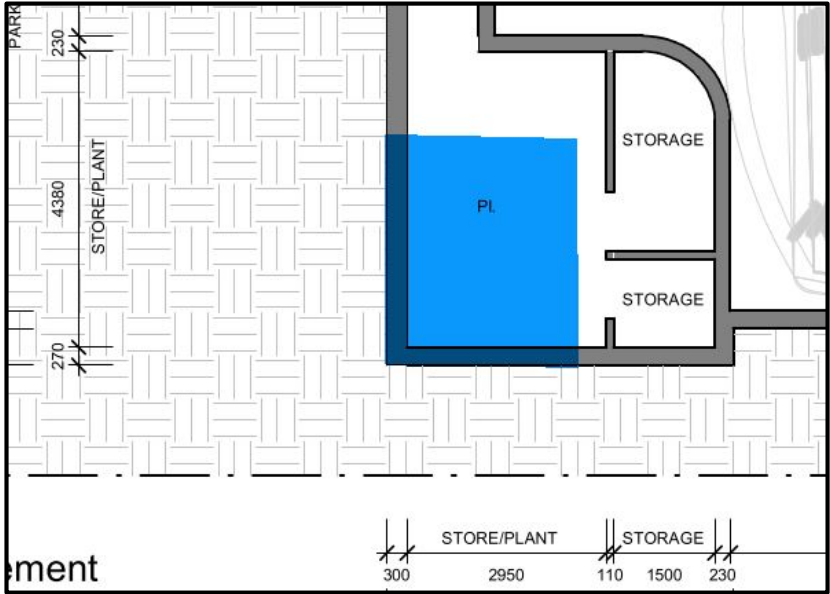

A request for refund of the Tree Bond must be made in writing.

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

### **9. Required Design Changes**

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



Reduced building footprint	<p>A portion of the plant room in the basement is to be deleted (see figure below – shaded in blue).</p>  <p>A portion of at least 0.5m must be deleted from the lounge room (ground floor) and bedroom 3 (first floor) (see figure below – shaded in red).</p> 
Trees to be retained and protected	<p>The existing trees on site – <i>Jacaranda mimosifolia</i> (Jacaranda) and <i>Leptospermum petersonii</i> (Lemon scented Tea Tree) that are located in the rear yard must be annotated on all approved plans as trees to be retained.</p>
All architectural plans and documents	<p>All references to and annotations that relate to a proposed Dual Occupancy must be deleted from all approved plans and documents.</p>

## 10. 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.

### **11. 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. 1166155S\_02 must be implemented on the plans lodged with the application for the Construction Certificate.

### **12. 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.

### **13. Stormwater System**

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

### **14. 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.

### **15. 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.

### **16. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

### **17. Swimming Pools – Use and Maintenance**

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

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

### **18. Waste Management Plan**

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.



[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

## 19. 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.

## 20. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Tree Assessment Report prepared by Nour\_Co B. & G. dated 18 May 2021 must be implemented throughout the relevant stages of construction except for any recommendations with regard to the removal of the Jacaranda tree (T3).

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

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
T1	Tristanopsis laurina (Water Gum)	Road reserve along Wakeford Road, directly in front of the site.	3m
T3	Jacaranda mimosifolia (Jacaranda)	Rear yard.	6.5m
T4	Leptospermum petersonii (Lemon-scented Tea Tree)	Rear yard, north-eastern border of site.	3.5m

## 21. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
T1	Tristanopsis laurina (Water Gum)	Road reserve along Wakeford Road, directly in front of the site.	3m
T3	Jacaranda mimosifolia (Jacaranda)	Rear yard.	6.5m

T4	Leptospermum petersonii (Lemon-scented Tea Tree)	Rear yard, north-eastern border of site.	3.5m
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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.

## 22. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following tree:

Tree No.	Tree species	Number of trees	Location
T2	Cupressus macrocarpa (Monterey Cypress)	One (1)	Front yard

## **General Tree Removal Requirements**

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

## **Tree Replacement**

All trees permitted to be removed by this consent shall be replaced two (2) trees to be planted within the site, as per Condition 9 of this consent.

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

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

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

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

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

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

## **23. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

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

### **24. 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](http://www.SafeWork.nsw.gov.au).

## **25. 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.

## **26. 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](#).

## **27. 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.

## **28. Registered Surveyors Report - During Development Work**

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.



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

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

### **29. 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**

### **30. 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.

### **31. 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.

### **32. 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.

### **33. Removal & Filling of Swimming Pools**

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

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **34. 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.

### **35. 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.

The development proposes that the side setback area between the dwelling and boundary (not including the area containing the rainwater tank) be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area shall be maintained as landscaped area and can only be used for growing plants, grasses and trees and cannot include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems).

### **36. Restriction to User and Positive Covenant for On-Site Detention Facility**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

### **37. 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.

### **38. 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.

### **39. Requirements Prior to the Issue of the Occupation Certificate**

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

### **40. 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.

## OPERATIONAL CONDITIONS (ON-GOING)

### 41. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

### 42. Swimming Pools – Resuscitation Notice

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

### 43. Private Swimming Pools & Spas – Pump Noise

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

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

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

### 44. Void Space (First Floor)

The first floor void space above the formal dining room must be retained for so long as the dwelling house is utilised.

### 45. Roof of Alfresco and Outdoor Dining Area

The roof of the alfresco and outdoor dining area must remain as a non-trafficable area.

### 46. Entering & Exiting of Vehicles

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

### 47. 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**

### **48. Requirement for a Construction Certificate**

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

### **49. 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.

### **50. Critical Stage Inspections**

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

### **51. Notice to be Given Prior to Critical Stage Inspections**

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

### **52. Occupation Certificate**

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

## **PRESCRIBED CONDITIONS**

### **Clause 97A – BASIX Commitments**

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

### **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.

### **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.

### **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](#).

### **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.

### **Clause 98F – Site Excavation**

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

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

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

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

## **END CONDITIONS**

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## **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](http://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. **Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

## 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](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2021/11) 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.

#### 8. **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](http://www.SafeWork.nsw.gov.au)).

#### 9. **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](http://www.swimmingpoolregister.nsw.gov.au)

#### 10. **Noise**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

#### 11. **Acoustical Engineer Contacts & Reference Material**

Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au](http://www.acoustics.asn.au))
- (b) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au))
- (c) NSW Industrial Noise Policy – Office of Environment & Heritage ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au))

#### 12. **Solid Fuel Heaters**

A copy of the 'Selecting, installing and operating domestic solid fuel heaters' can be found at: <http://www.environment.nsw.gov.au/resources/woodsmoke/woodguide.pdf>

#### 13. **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](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

#### 14. **Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )