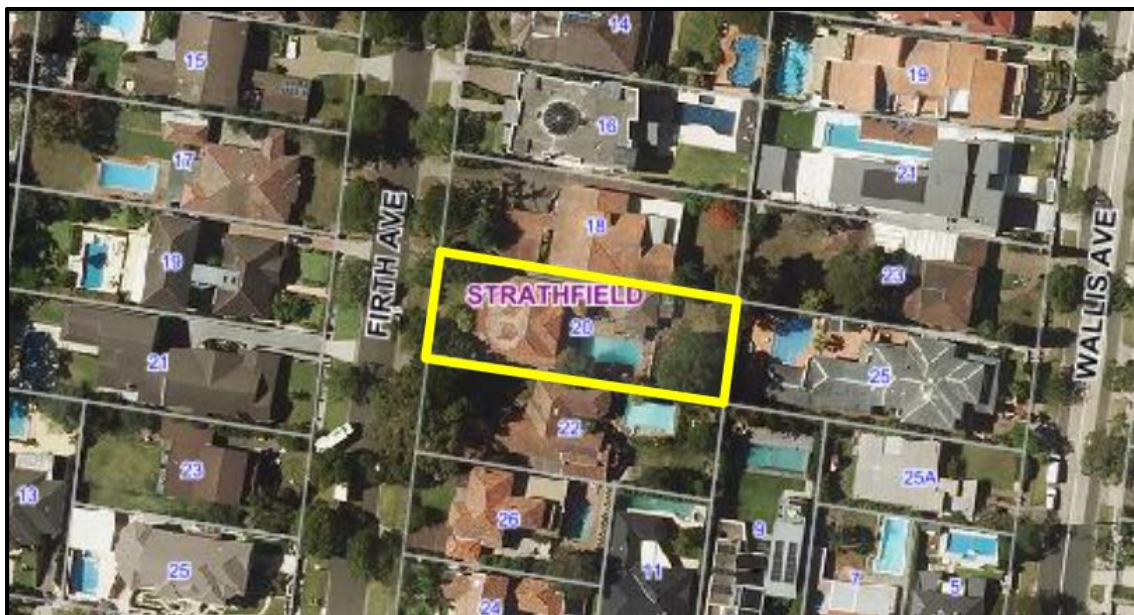


## IDAP REPORT

<b>Property:</b>	20 Firth Avenue Strathfield Lot 112 in DP 8778 DA2021.118
<b>Proposal:</b>	Demolition of existing structures and construction of a two (2) storey dwelling house with basement level, swimming pool, secondary dwelling, landscaping works and front fencing.
<b>Applicant:</b>	M Cubed Architects
<b>Owner:</b>	X Shao and Z Ke
<b>Date of lodgement:</b>	26 May 2021
<b>Notification period:</b>	1 to 15 June 2021
<b>Submissions received:</b>	<b>Nil</b>
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$1,503,000.00
<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 and construction of a two (2) storey dwelling house with basement level, swimming pool, secondary dwelling, landscaping works and front fencing.

### **Site and Locality**

The site is identified as No. 20 Firth Avenue, Strathfield and has a legal description of Lot 112 in DP 8778. The site is a rectangular shaped parcel of land and is located on the eastern side of Firth Avenue.

The site has a width of 20m, a depth of 60.35m and an overall site area of 1213m<sup>2</sup>.

The locality surrounding the subject site comprises a low density residential character containing detached dwelling houses of mixed scale and architectural style – from traditional, single storey ‘California bungalow’ houses to more modern, multi-storey palatial built forms with at-grade or basement parking. Most of the dwelling houses contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades/screens.

### **Strathfield Local Environmental Plan**

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 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 Development Control Plan 2005 (SCDCP 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 (CPP) from 1 to 15 June 2021. No submissions were received during this period.

### **Issues**

- Streetscape
- Overshadowing

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/118 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of existing structures and construction of a two (2) storey dwelling house with basement level, swimming pool, secondary dwelling, landscaping works and front fencing. More specifically, the proposal includes:

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

Construction of a new dwelling house comprising:

- Basement level:
  - Three (3) car spaces, vehicular access and turning areas;
  - Two (2) separate storage zones;
  - Plant room;
  - Pool pumps/electrical room;
  - Bathroom;
  - Foyer and pedestrian access to stairwell and lift.
- Ground floor level:
  - Guest bedroom with ensuite;
  - Study;
  - Living room;
  - Water closet;
  - Laundry;
  - Lounge and dining rooms;
  - Family room;
  - Open plan kitchen with butler's pantry;
  - Central courtyard (facing north); and
  - Roofed alfresco and pool deck.
- First floor level:
  - Master bedroom with walk-in-robe, storage room, ensuite and rear-facing balcony;
  - Three (3) bedrooms with walk-in-robos and ensuite facilities;
  - Study nook; and
  - Rumpus room with rear-facing balcony; and
  - Front-facing balcony off Bedroom 4.
- Construction of a secondary dwelling comprising:
  - Living room;
  - Single bedroom;
  - Kitchen;
  - Two (2) bathrooms;
  - Open garden area framed by concrete beams and posts.
- Ancillary structures and external works:
  - Front pond with waterfall feature;
  - In-ground swimming pool with waterfall feature and separate spa;
  - Driveway works; and
  - Landscaping works.

Figures 2 to 6 show a site plan and elevations of the proposal.

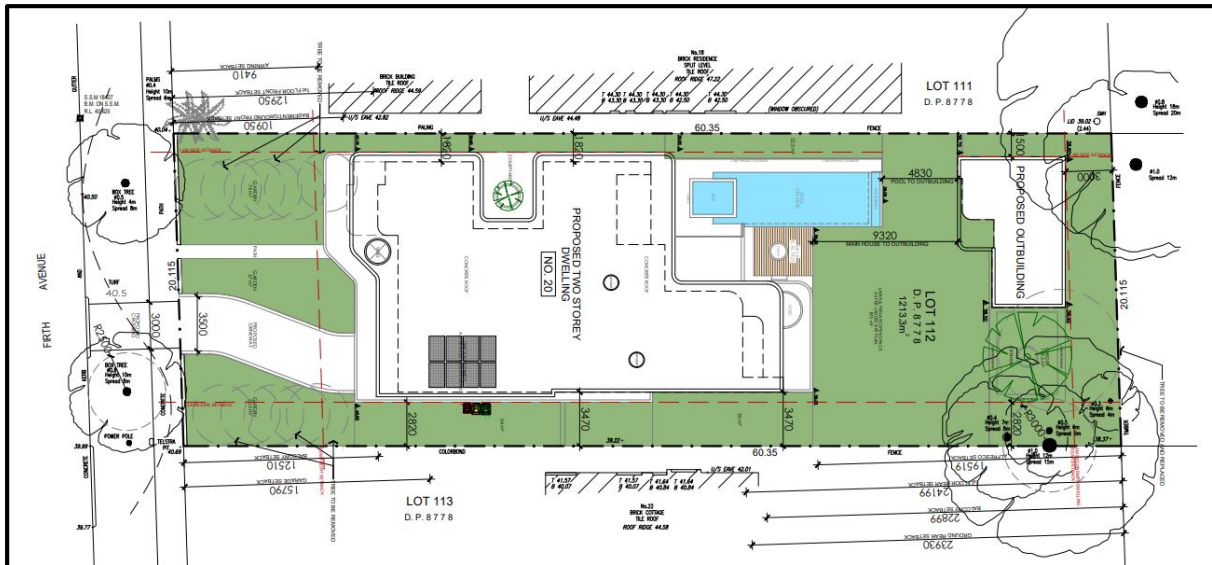


Figure 2. Site Plan

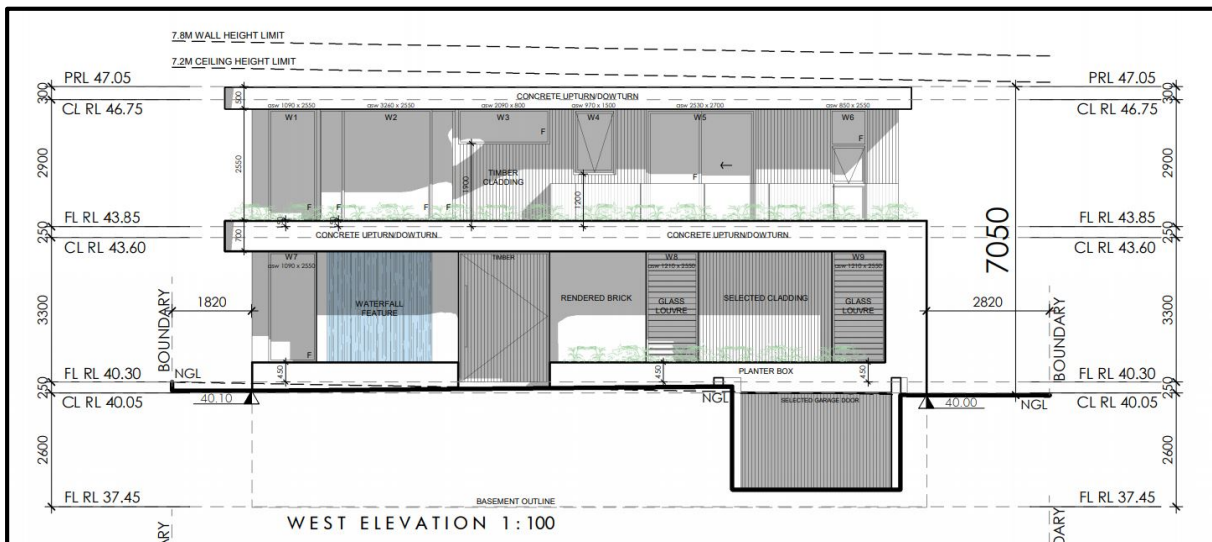


Figure 3. Front (West) Elevation

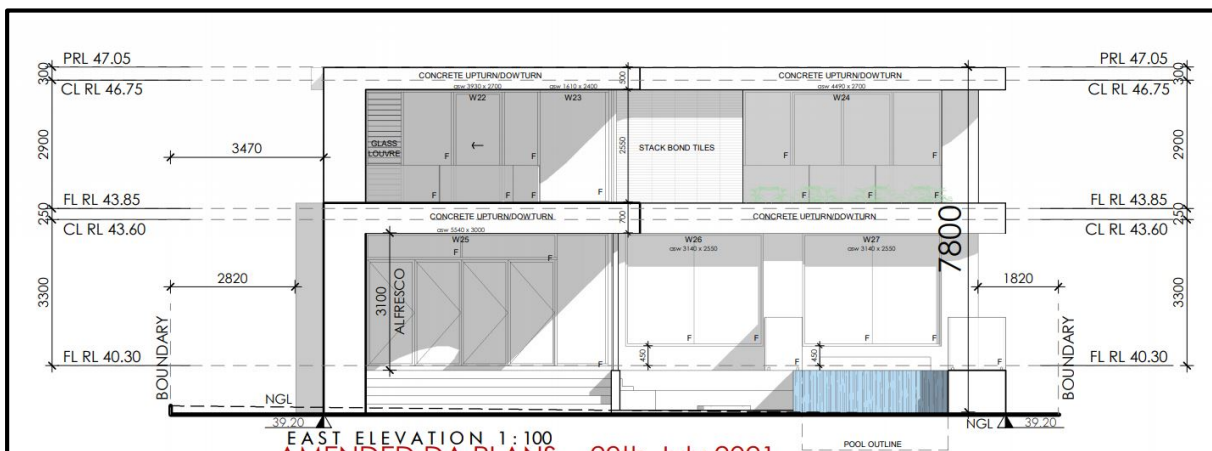


Figure 4. Rear (East) Elevation

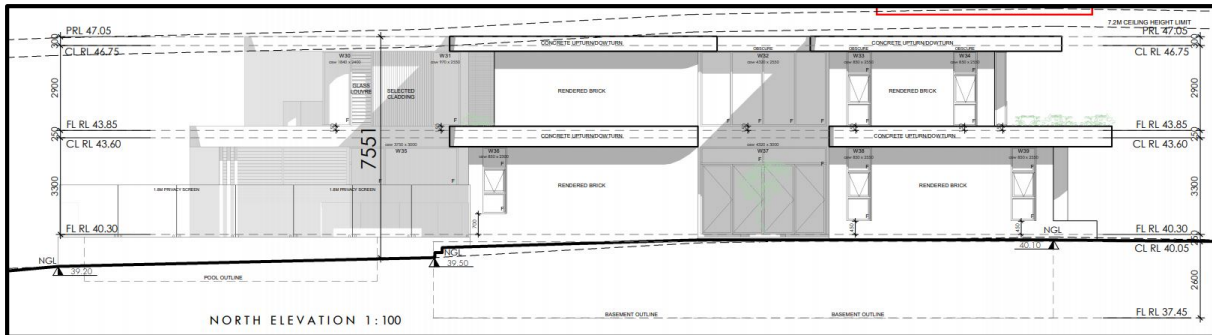


Figure 5. West Elevation

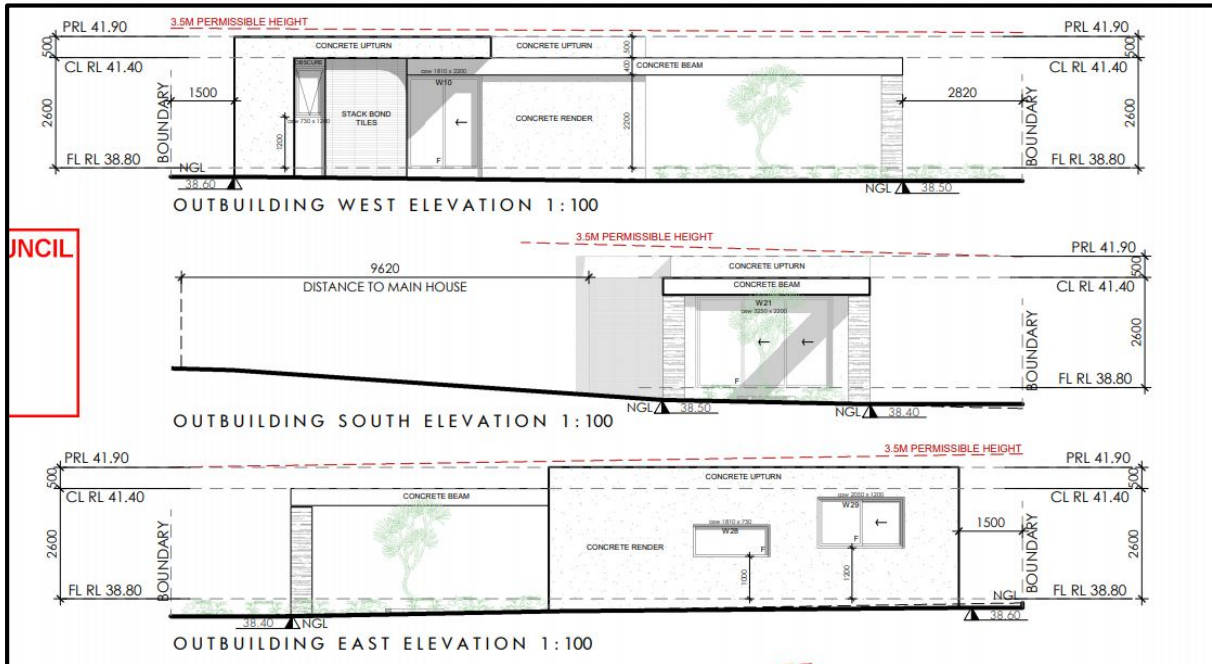


Figure 6. Secondary Dwelling Elevations

### The Site and Locality

The subject site is legally described as Lot 112 in DP 8778 and commonly known as No. 20 Firth Avenue, Strathfield. It is located on the eastern side of Firth Avenue (refer to Figure 1).

The site is rectangular in shape and has west-east orientation, a frontage of 20m, a rear boundary of 20m, a minimum side boundary length of 60.35m and an area of 1213m<sup>2</sup>.

The site has a 2m fall from the street to the rear (east) boundary.

The site is occupied by an existing dwelling house with ancillary structures including a detached garage and swimming pool (refer to Figures 7 and 8). The site has vehicular access via an existing driveway from Firth Avenue.



**Figure 7.** Front of existing dwelling house at No. 20 Firth Avenue, Strathfield



**Figure 8.** Rear yard at No. 20 Firth Avenue

The current streetscape has a low density residential character and comprises detached dwelling houses of mixed scale and architectural style – from traditional, single storey ‘California bungalow’ houses to more modern, multi-storey palatial built forms with at-grade or basement parking. Most of the dwelling houses contain pitched roofing, rendered or exposed brick façades and masonry fencing with metal palisades/screens.

The site is surrounded by the following properties:

- Adjoining the northern boundary: a dwelling house at No. 18 Firth Avenue (refer to Figure 9);
- Adjoining the southern boundary: a dwelling house at No. 22 Firth Avenue;
- Adjoining the eastern (rear) boundary: a dwelling house at No. 25 Wallis Avenue; and
- Across the road and to the west: a dwelling house at No. 19 Firth Avenue (refer to Figure 10).



**Figure 9.** No. 18 Firth Avenue

A number of modern building designs and examples are found along Firth Avenue including the dwelling houses at No. 11, 16 and 23 Firth Avenue (refer to Figures 11 to 13).



**Figure 10.** No. 19 Firth Avenue



**Figure 11.** No. 11 Firth Avenue



**Figure 12.** No. 16 Firth Avenue



**Figure 13.** No. 23 Firth Avenue

## **Background**

- 26 May 2021** The subject application was lodged.
- 28 May 2021** A site visit was undertaken by Council's assessment officer.
- 1 June 2021** The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 15 June 2021. No submissions were submitted during this period.
- 8 July 2021** A deferral letter was sent to the applicant raising the following issues:
- Floor space ratio (FSR);
  - Basement level;
  - Height;
  - Privacy impacts and response to topography;
  - Setbacks of secondary dwelling;
  - Schedule of materials, colours and finishes;
  - Overshadowing impacts;
  - Driveway; and
  - Tree removal.
- 6 August 2021** The applicant provided additional information to address the issues raised in the letter but did not provide the correct Arborist Report.
- 3 and 6 September 2021** The applicant provided the correct Amended Arborist Report and an amended Stormwater Plan.

## **Referrals – Internal and External**

### **Development Engineer Comments**

Council's Development Engineer provided the following advice:

*"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan...The subject site has a natural fall to the rear, but charged 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>. OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into above ground rainwater in accordance with BASIX requirements via downpipes by charged means. Overflow from the tank charges to the boundary pit via overflow pipe. Proposed basement drains into the pump well by gravity means via subsoil drainage and grated trench drain. Rising main from the pump well connects to the boundary pit. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions."*

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. It is noted that swept paths have been submitted to demonstrate that B85 vehicle can gain adequate access when travelling on the curved ramp."*

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

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

The application involves removing several trees in the front setback, which comprise of Mediterranean Cypress (*Cupressus sempervirens*) as well as one (1) *Robinia* tree, and two (2) Umbrella (*Schefflera* species) trees in the rear yard. It is noted that the Umbrella trees are exempt species that can be removed without Council approval. The street tree and remaining trees onsite are proposed to be retained.

Council's Executive Manager – Civic Services provided the following commentary with regard to the proposed tree removal and tree retention/protection:

*"I have reviewed report and I am supportive of the recommendations. Please ensure DA approval conditions the recommendation of Arborist report."*

*Please condition that the route of stormwater drainage lines are marked-up and approved by the Project Arborist on-site before excavation works. Also condition that the construction involve use non-destructive excavation methods to protect any trees and associated roots. The route for the stormwater system must also move closer to the boundary fence and away from trees."*

Council's Executive Manager – Civic Services confirmed support for the proposal subject to the imposition of conditions reflecting the above commentary. It is noted that the applicant provided amended stormwater plans to ensure the stormwater infrastructure is located away from the tree protection zones of retained trees.

## **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 (SLEP 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	Max. 0.5:1 606.5m <sup>2</sup>	0.5:1 603m <sup>2</sup>	Compliant.
<b>4.4</b> Floor Space Ratio	Max 9.5m	7.8m	Compliant.

The amended design features a fully compliant floor space ratio (FSR), which has been calculated to include the following elements:

- third car space in the basement;
- bathroom and most of the circulation space between the car parking and the storage rooms in the basement; and
- stairs and lift on the ground floor.

The massing and scale of the development are considered adequate and proportionate to the generous land size of the site. It is further noted that the development incorporates sufficient setbacks, material and colour differentiation and modulation and recessing of the façades that assist in minimising bulk and scale as well as creating an appropriate aesthetic and presentation when viewed from public domain or neighbouring properties.

### **Part 5 – Miscellaneous Provisions**

#### **Controls relating to miscellaneous permissible uses**

Section 5.4(9) of the SLEP 2012 contains the following maximum area provisions for secondary dwellings:

*Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- 60 square metres,*
- 20% of the total floor area of the principal dwelling.*

The proposed secondary dwelling has a total floor area of 40m<sup>2</sup> and therefore, easily complies with the above requirement.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

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

### **Earthworks**

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works including swimming pool and spa. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement and the footprint of the pool and spa. 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. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

### **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 proposal was referred to Council's Executive Manager – Civic Services who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

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 (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. 0.5:1 606.5m <sup>2</sup>	0.5:1 603m <sup>2</sup>	Compliant.
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3.3m	No – see below.
Height to underside of eaves:	7.2m	7.55m	No – see below.
Parapet height:	0.8m	0.5m	Compliant.
Overall height for flat roof dwelling:	7.8m	7.8m	Compliant.
Basement height above NGL:	1.0m	0.7m	Compliant.
Number of Storeys/Levels:	2	2 storeys	Compliant.
<b>Setbacks:</b>			
Front:	9m	10.95m	Compliant.
Side (north):	1.2m (min)	1.82m	Compliant.
Side (south):	1.2m (min)	2.82m	Compliant.
Combined Side Setback:	4m (20%)	4.64m (23%)	Compliant.
Rear:	6m	19.5m	Compliant
<b>Landscaping</b>			
Landscaping/Deep soil Provisions:	Min. 45% 545.985m <sup>2</sup>	50% 606.5m <sup>2</sup>	Compliant.
Front landscaped area	Min. 50%	74%	Compliant.

<b>Fencing</b>			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1m 1m	Compliant. No – see below.
<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: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 2	3m 1 crossing Min. 4m 3 spaces provided	Compliant. Compliant. Compliant. Compliant.
<b>Basement:</b> Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m 2.2m	0.7m 3.5m Min. 2.6m	Compliant. Compliant. Compliant.
<b>Ancillary Development</b>			
<b>SECONDARY DWELLING</b> Total floor area	60m <sup>2</sup> ; or 20% of the total floor area of the dwelling.	40m <sup>2</sup>	Compliant.
Setbacks Side: Rear:	Min. 1.5m Min. 3m	1.5m 3m	Compliant. Compliant.
<b>SWIMMING POOL</b> Side/Rear Setback	1.0m	Side: 1.82m Rear: over 12m	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.

## Built Form

### *Floor to ceiling heights and height to underside of eaves*

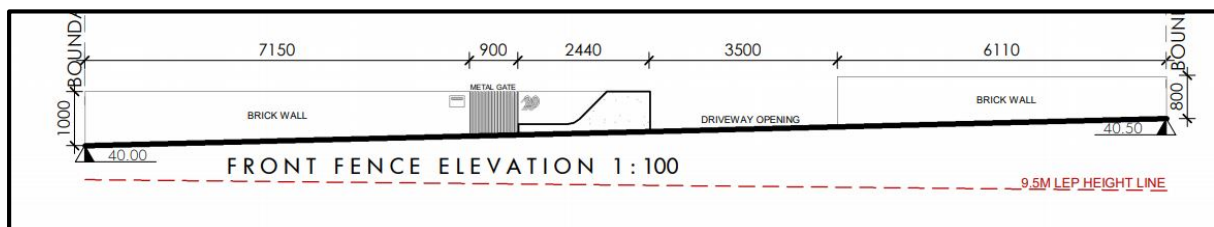
The proposed dwelling house features a floor to ceiling height on the ground floor of 3.3m, which contravenes the maximum floor to ceiling height control of 3m by 0.3m (10%). The height of the underside of the eaves of this development is 7.55m, which contravenes the maximum height to underside of eaves control of 7.2m by 0.35m (4.9%). The above slight variations are considered acceptable and supportable given that the first floor has floor to ceiling height of 2.9m and the entire building complies with the maximum building height under the SLEP 2012 and the maximum height for flat-roofed dwelling houses. The minor non-compliances are not considered significant nor will result in unreasonable impacts. On balance, the overall scale of the development remains compatible and consistent with other modern, multi-storey built forms along Firth Avenue and Ada Avenue.

## 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 0.8-1m tall, masonry piers and walls, demonstrates general compliance with the relevant controls for front fencing (refer to Figure 14). It is noted however, that the solid portion of the fence exceeds the maximum 0.7m control under the DCP. The proposed variation to this control is considered acceptable and reasonable given that the entire fence does not incorporate any additional elements such as metal screening or palisades and is entirely open. Further, the fence does not detract from the existing fencing commonly occurring within the vicinity and will complement the new dwelling house.



**Figure 14.** Proposed front fence

## Solar Access

Given the west-east orientation of the site ensures that solar access for the south-adjointing neighbour will be impacted. However, these impacts are considered reasonable given that the design incorporates a generous setback to the southern side of 3.47m (first floor) and 2.8m (ground floor). It is evident that some effort was involved in attempting to provide some solar access to the habitable rooms of the neighbour. The north-facing windows of this neighbour will not receive any solar access during mid-winter; however, their east-facing and west-facing windows will receive at least three (3) hours of sunlight. It is noted that the development facilitates solar access to at least 50% of the private open space for all neighbouring properties. On balance, 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 rear-facing balconies are recessed and/or comprise of planter boxes and minimal in dimension so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupants of the dwelling.

It is noted that both the pool deck and surrounds have a maximum elevation of 1.1m above ground from the lowest point of the site. This elevation is gradually reduced and tapered as the topography of the site slopes up towards the street. The inclusion of privacy screens in combination with the 1.8m setback from the northern boundary will assist in minimising privacy impacts associated with the pool area. It is observed that the pool area will be directly adjacent

to the walls of the north-adjointing residence, with the private open space of this neighbour being situated further away and to the east. As such, any overlooking impacts from this space are considered reasonable and acceptable.

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

The proposed development satisfies the relevant objectives and controls of the SCDGP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to maximum 0.7m above natural ground level and does not extend beyond the ground floor above. Furthermore, the basement been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m.

### **Cut and Fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDGP 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 SCDGP 2005 and complies with Council's Stormwater Management Code. A Soil Erosion Management 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 SCDGP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided through windows and a front-facing balcony addressing Firth Avenue.

## **ANCILLARY STRUCTURES**

### Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls with SCDGP 2005. This building has been adequately designed and comprises adequate setbacks from property boundaries.

### Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDGP 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 the basement level. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

As mentioned above, the pool coping and pool surrounds have a maximum elevation of 1.1m above ground from the lowest point of the site. This elevation is gradually reduced and tapered as the topography of the site slopes up towards the street. The elevated coping and floor levels are considered acceptable given the intended design of the pool, which is to comprise of a

waterfall feature and the inclusion of privacy screens on the affected side. Further, the pool has a sufficient 1.8m setback from the northern boundary and is adjacent to the walls of the neighbouring dwelling house. Any overlooking and bulk presented are considered minimal and acceptable, given the context of the site in relation to adjoining neighbours.

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

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

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

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

The proposed development does involve the demolition of a building and structures. 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 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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Roads and Traffic	\$512.97
Local Open Space	\$1,928.41
Major Open Space	\$8,763.21
Community	\$1,926.11
Administration	\$166.08

Total: \$13,296.79

#### 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. 2021/118 should be approved subject to imposition of conditions.



**Signed:**

**Miguel Rivera**  
**Senior Planner**

**Date: 6 September 2021**

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

Report and recommendations have been peer reviewed and concurred with.



**Signed:**  
**Gary Choice**  
**Planner**

**Date: 7 September 2021**

Following detailed assessment it is considered that Development Application No. 2021/118 should be approved subject to imposition of the following conditions.

### **Reasons for Conditions**

- (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:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Site Plan	1/18	29 Jul 2021	-	M Cubed Architects
Basement	2/18	29 Jul 2021	-	M Cubed Architects
Ground Floor	3/18	29 Jul 2021	-	M Cubed Architects
First Floor	4/18	29 Jul 2021	-	M Cubed Architects
Roof	5/18	29 Jul 2021	-	M Cubed Architects
Excavation Plan	6/18	29 Jul 2021	-	M Cubed Architects
West, East and Fencing Elevations	7/18	29 Jul 2021	-	M Cubed Architects
North and South Elevations	8/18	29 Jul 2021	-	M Cubed Architects
Sections	9/18	29 Jul 2021	-	M Cubed Architects
Outbuilding Footprint	10/18	29 Jul 2021	-	M Cubed Architects
Outbuilding Elevations	11/18	29 Jul 2021	-	M Cubed Architects
Demolition Plan	12/18	29 Jul 2021	-	M Cubed Architects
Construction Management Plan	13/18	29 Jul 2021	-	M Cubed Architects
Environmental Site Management Plan	14/18	29 Jul 2021	-	M Cubed Architects
Driveway Profile	16/18	29 Jul 2021	-	M Cubed Architects

Drainage Concept and Roof Drainage Plan	DG 2257 Sheet 1 of 2	3 Sept 2021	B	KD Stormwater Pty Ltd
Basement Drainage	DG 2257 Sheet 2 of 2	3 Sept 2021	B	KD Stormwater Pty Ltd
Landscape Plan	SB_20FS_10	30 Jul 2021	E	Studio Botanica
Schedule of Colours and Materials Board	-	-	-	M Cubed Architects
Arboricultural Impact Assessment and Root Mapping Report	-	6 May 2021	-	ArborLogix
BASIX Certificate	Cert. No. 1198382M	28 April 2021	-	M Cubed Architects

## 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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the

purpose of connections to utility providers);

(k) Stormwater & ancillary works in the road reserve; and

(l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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.

## **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](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™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## **PRIOR TO THE ISSUE OF THE 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](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>	\$5,260.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 13,200.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$512.97
Strathfield Section 94 Development Contributions – Local Open Space	\$1,928.41
Strathfield Section 94 Development Contributions – Major Open Space	\$8,763.21
Strathfield Section 94 Development Contributions – Community Facilities	\$1,926.11
Strathfield Section 94 Development Contributions – Administration	\$166.08

### 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.

### 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).

## **6. 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.

## **7. Tree Bond**

A tree bond of \$13,200.00 (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.

## **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. 1198382M 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. 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.

## **12. 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.

### **13. Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

### **14. 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.

### **15. 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.

### **16. 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).

### **17. 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.

## 18. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment and Root Mapping Report prepared by ArborLogix dated 21 May 2021 must be implemented throughout the relevant stages of construction. 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)
1	Lophostemon confertus (Qld. Brush Box)	Road reserve	8
2	Lophostemon confertus (Qld. Brush Box)	Road reserve	3.8
5	Syagrus romanzoffiana (Cocos Palm)	Neighbour's tree – 18 Firth Ave	2.8
6	Syagrus romanzoffiana (Cocos Palm)	Neighbour's tree – 18 Firth Ave	2.6
7	Corymbia citriodora (Lemon scented Gum)	Neighbour's tree – rear	6.1
8	Melaleuca linariifolia (Narrow-leaved Paperbark)	Neighbour's tree – rear	7.4
10	Jacaranda mimosifolia (Jacaranda)	Rear yard	3.1
11	Eucalyptus robusta (Swamp mahogany)	Rear yard	7.9

## 19. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection
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			<b>Zone (metres)</b>
1	Lophostemon confertus (Qld. Brush Box)	Road reserve	8
2	Lophostemon confertus (Qld. Brush Box)	Road reserve	3.8
5	Syagrus romanzoffiana (Cocos Palm)	Neighbour's tree – 18 Firth Ave	2.8
6	Syagrus romanzoffiana (Cocos Palm)	Neighbour's tree – 18 Firth Ave	2.6
7	Corymbia citriodora (Lemon scented Gum)	Neighbour's tree – rear	6.1
8	Melaleuca linariifolia (Narrow-leaved Paperbark)	Neighbour's tree – rear	7.4
10	Jacaranda mimosifolia (Jacaranda)	Rear yard	3.1
11	Eucalyptus robusta (Swamp mahogany)	Rear yard	7.9

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.

- (g) Non-destructive excavations methods must be employed to protect trees and roots for all works near any trees to be retained and protected.

### **Specific Street Tree Protection Measures**

- (h) 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**

- (i) 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.
- (j) 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.
- (k) 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.

## **20. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree No.</b>	<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
3	Cuppressus sempervirens (Med. Cypress)	5	Front yard
4	Cuppressus sempervirens (Med. Cypress)	6	Front yard
9	Robinia pseudoacacia (Robinia)	1	Rear yard
12	Umbrella tree	1	Rear yard
13	Umbrella tree	1	Rear 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 with a total of four (4) trees by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

### **21. 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).

## **22. 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.

## **23. 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](#).

## **24. Dial Before Your Dig**

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

## **DURING CONSTRUCTION**

### **25. 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.

### **26. 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.

### **27. 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.

### **28. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

### **29. 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.

### **30. Swimming Pools – Filling with Water**

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

### **31. Tree Removal on Private Land**

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

### **32. Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected. Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

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

### **33. BASIX Certificate**

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

### **34. Completion of Landscape Works**

The approved landscape works have identified that the side setback area between the dwelling and boundary 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). (delete if not applicable)

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. (delete if not applicable – only use for dual occ's and above)

### **35. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

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

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

### **39. 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.

### **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. Entering & Exiting of Vehicles**

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

#### **44. 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 AND ASSESSMENT ACT 1979**

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

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

#### **46. 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.

#### **47. 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.

#### **48. 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.

#### **49. 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.

#### **50. 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**

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

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

#### **52. 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.

#### **53. 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 (PC1504)**

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.

#### **54. 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.

## ADVISORY NOTES

### i. 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.

### ii. 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.

### iii. 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.

### iv. 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)

### v. 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.

### vi. 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.

**vii. 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. (DA2021/118) 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.

**viii. 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)).

**ix. 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)

**x. Noise**

Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nlg.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)).

#### 16.13 Acoustical Engineer Contacts & Reference Material (AD1613)

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))

#### **xi. 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.

#### **xii. 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) )