

IDAP REPORT

Property:	13 Gregory Street STRATHFIELD SOUTH Lot 3 in DP 201466 DA2021.98
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling house with basement, cabana, in-ground swimming pool, front fence and associated landscaping works.
Applicant:	BJ Architects International
Owner:	K. Qiu & C. Li
Date of lodgement:	5 May 2021
Notification period:	10 May 2021 to 24 May 2021
Submissions received:	2
Assessment officer:	G I Choice
Estimated cost of works:	\$950,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval

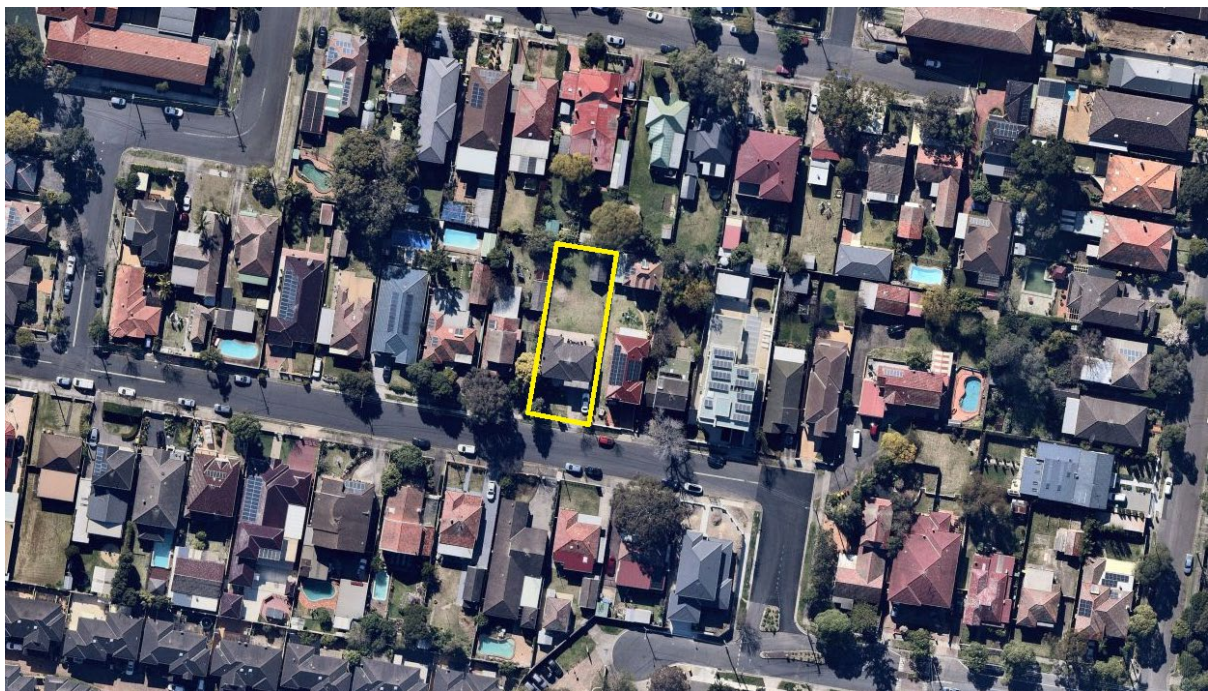


Figure 1: Subject site aerial photography (site highlighted in yellow)

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, cabana, in-ground swimming pool, front fence and associated landscaping works.

Site and Locality

The site is identified as 13 Gregory Street, Strathfield South and has a legal description of Lot: 3 DP: 201466. The site is a rectangular shaped parcel of land and is located on the north side of Gregory Street south-east of St Anne's Square between Junction Street to the east and John Street to the west.

The site has a frontage width of 15.575m, a rear boundary width of 15.42m, a depth of 45m and an overall site area of 697.5m².

The locality surrounding the subject site contains a mixture of single-storey and two-storey dwellings.

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 (insert notification period), where two (2) submissions were received raising the following concerns

- Noise impacts from Enfield Intermodal Logistics Centre; and
- Replacement fencing and noise associated with new swimming pool

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act* 1979, Development Application 2021/98 is recommended for approval/refusal 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, cabana, in-ground swimming pool, front fence and associated landscaping works. More specifically, the proposal includes:

Basement level:

- Two (2) space parking
- Storage room
- Pool filter and pump room
- Heating and rainwater tank storage room

Ground floor level:

- Open plan kitchen/dining/family area
- Walk-in pantry
- Separate laundry
- Poets room
- Separate living area
- Study
- Bathroom
- Separate entertainment room
- Detached guest studio with en suite and WIR

First floor level:

- Four (4) bedrooms each with WIR and en suite

External works:

- Timber deck and BBQ area
- Detached pool cabana
- New swimming pool

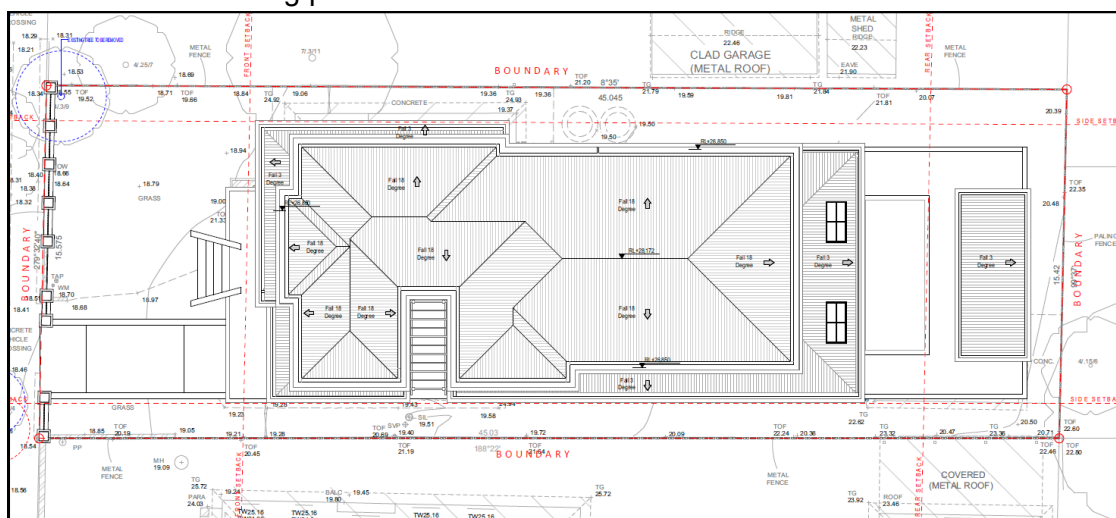


Figure 1: Proposed roof plan

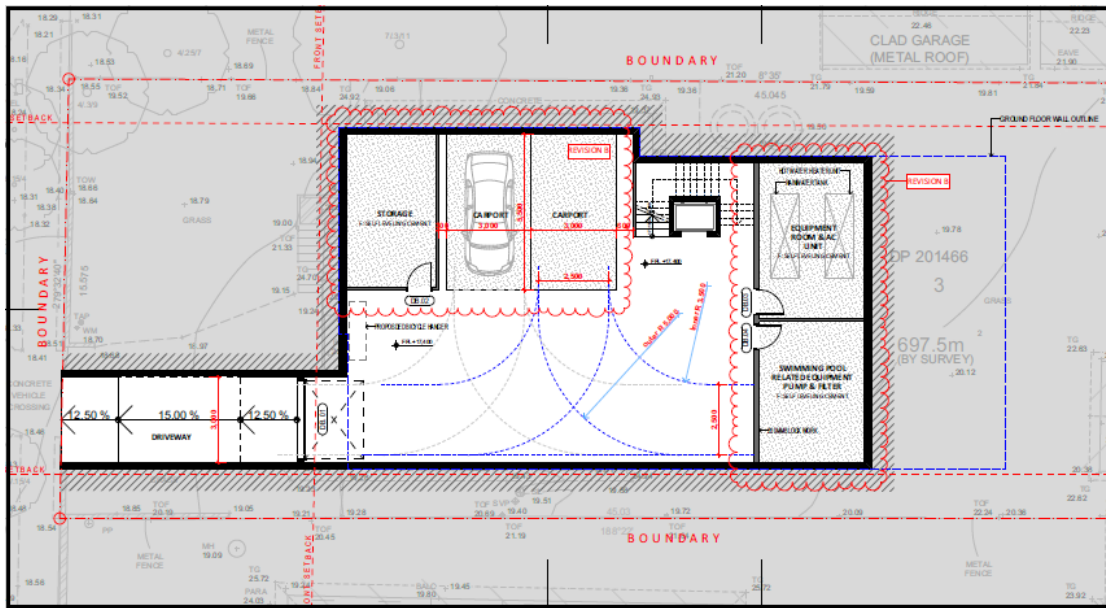


Figure 2: Proposed basement plan

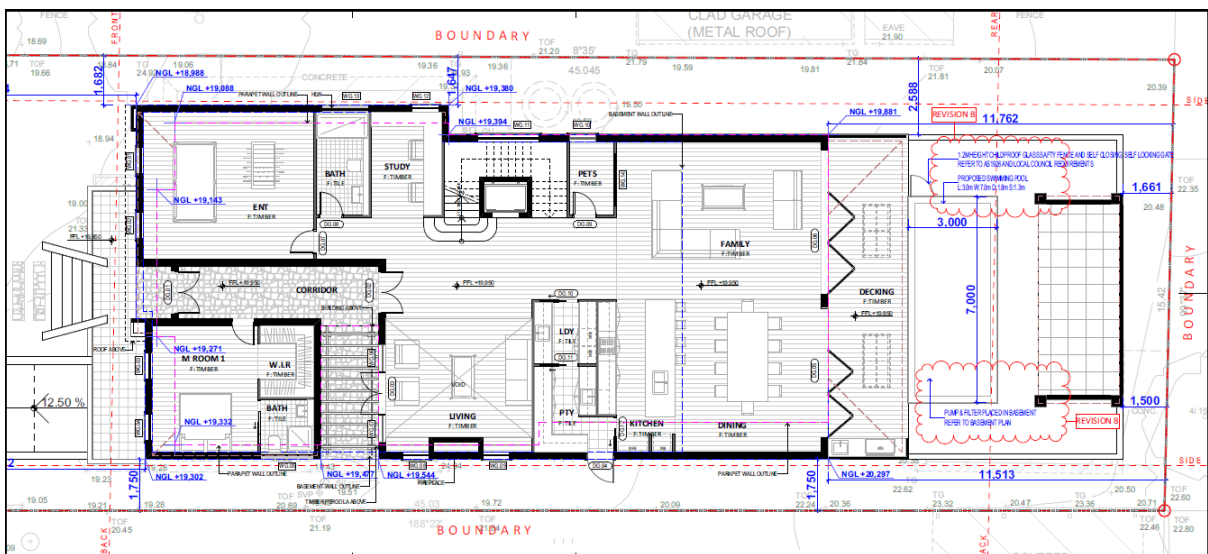


Figure 3: Proposed ground floor plan

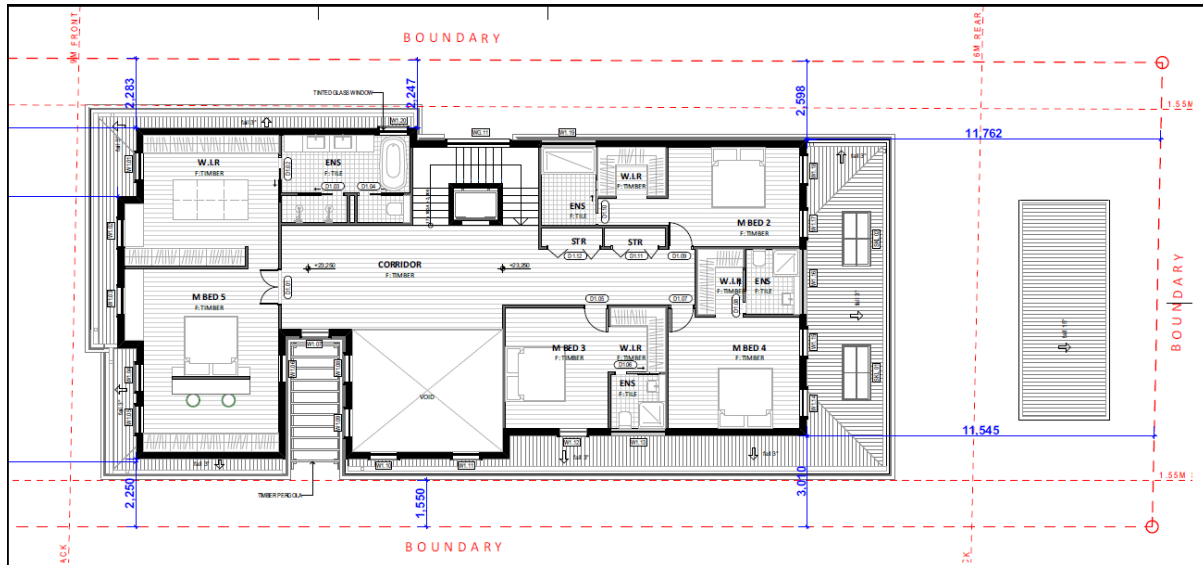


Figure 4: Proposed first floor plan

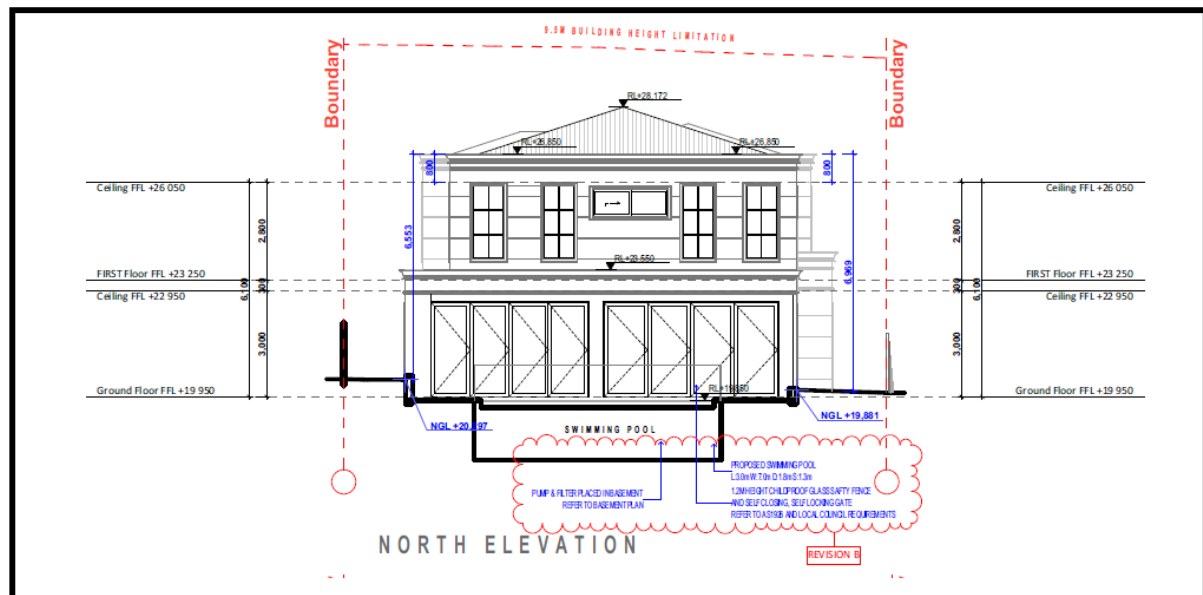


Figure 5: Proposed north elevation

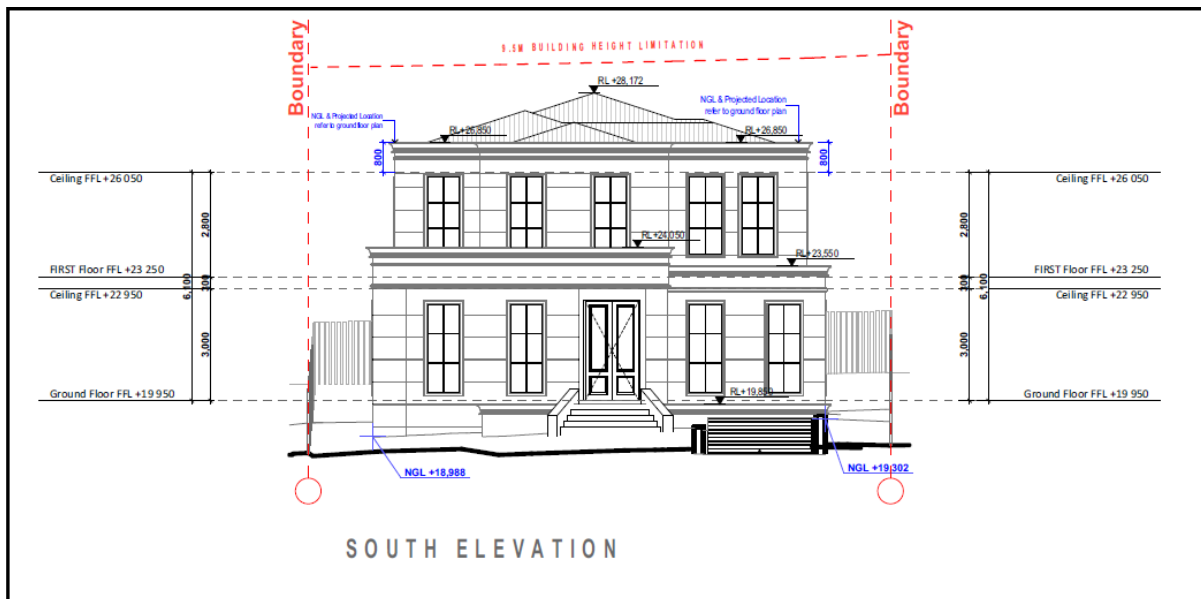


Figure 6: Proposed south elevation



Figure 7: Proposed east elevation

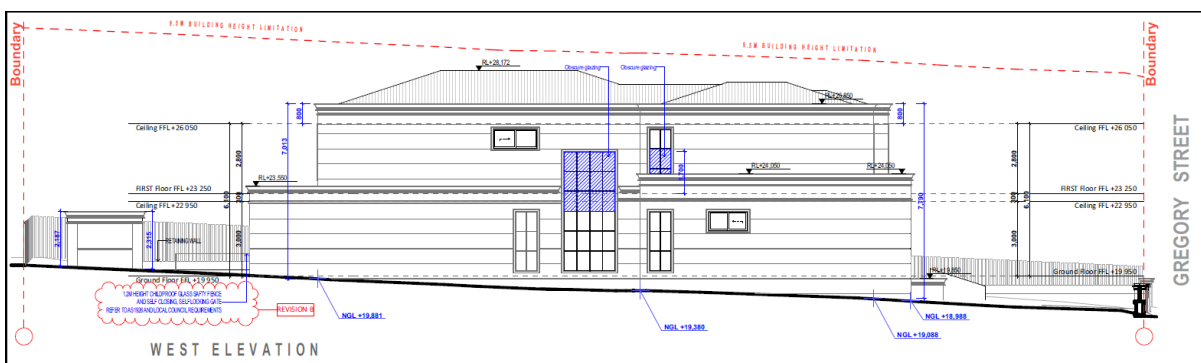


Figure 8: Proposed west elevation

The Site and Locality

The site is identified as 13 Gregory Street, Strathfield South and has a legal description of Lot: 3 DP: 201466. The site is a rectangular shaped parcel of land and is located on the north side of Gregory Street south-east of St Anne's Square between Junction Street to the east and John Street to the west.

The site has a frontage width of 15.575m, a rear boundary width of 15.42m, a depth of 45m and an overall site area of 697.5m².

The site slopes from the front to the rear in a north-east direction and has a cross-fall of 1.65m or two (2) degrees.

Existing development on the site comprises a two-storey brick dwelling with attached single garage and rear detached shed. Vehicular access is provided to the site via an existing driveway from Gregory Street. There are a number of trees located across the site that are proposed to be removed.

Development on adjoining properties comprises a two-storey rendered brick dwelling at 11 Gregory Street; and a two-storey brick dwelling at 15 Gregory Street (see **Figure 12 & 13**).

The current streetscape is characterised by a mix of single-storey and two-storey dwellings of various architectural styles and materials. Pitched and hipped tiled roofs are prevalent, as are open construction masonry fences with decorative metalwork. The subject site is located approximately 250m east of the Cooks River and adjacent industrial lands, however the surrounding area is characterised by low density residential development.



Figure 9: Subject site existing dwelling



Figure 10: Subject site rear existing dwelling north elevation



Figure 11: Subject site existing rear yard and detached shed



Figure 12: Existing dwelling at 11 Gregory Street



Figure 13: Existing dwelling at 15 Gregory Street



Figure 14: Adjoining streetscape



Figure 15: Adjacent streetscape

Background

5 May 2021	DA 2021/98 (subject application) was lodged.
20 May 2021	Site inspection by Assessing Officer.
24 May 2021	End of neighbour notification period.
3 June 2021	<p>An additional information request letter was issued by Council to the Applicant which raised the following issues:</p> <ul style="list-style-type: none"> i. The proposed basement floor plan – including five (5) parking spaces - was not supported. An amended basement design was required to show a more efficient use of floor space for equipment for services. ii. Detailed plans of the proposed swimming pool dimensions and location of pump/equipment were required; iii. A Demolition Plan was required; iv. A Waste Management Plan was required; and v. An Arboricultural report was requested to justify the proposed tree removal and protection measures for adjoining properties.
15 June 2021	An extension of time was requested by the Applicant to submit all additional information.
16 July 2021	Additional information was provided by the Applicant including amended plans, arborist report, demolition plan and WMP. The basement floor plan has been substantially reduced and includes two (2) parking spaces only.

The Applicant has provided sufficient information to complete a full and thorough assessment of the proposed development.

Referrals – Internal

Tree Management

Council's Tree Coordinator provided comments below following a preliminary assessment of the proposed development:

“The proposed stormwater plan potentially impacts on several trees and is not supported. The development proposes the removal of a street tree and a tree in the front yard without justification or comment, nor the submission of a detailed Arborist report from an AQF level 5 Consulting Arborist. The street tree is to be retained and protected and the applicant is to use the existing footprint of the driveway crossing and layback.”

Officer comment: An Arboricultural report was submitted as part of the additional information received and forms part of the final development assessment.

Stormwater and Drainage

The subject application was referred to Council's Development Engineer whom raises no objections to the proposed Stormwater Management Plan subject to appropriate conditions of consent.

Traffic

Council's Traffic Manager provided the comments below following a preliminary assessment of the proposed development:

“All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory. Council's CDCP Part A Clause 8.1 requires excavation to be minimised to reduce disturbance to natural ground level. There appears to be opportunities to re-configure the basement layout to further reduce the basement area while still retain two on-site parking spaces and adequate manoeuvres. Consideration shall be given to basement reconsideration and reducing basement area.”

Officer comment: The amended basement plan has substantially reduced the overall floor area and now provides two (2) parking spaces only.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

(a) the provision of:

(i) **any environmental planning instrument,**

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.8m	Yes
4.4C Floor Space Ratio (Zone R2)	Lots 600-699m ² 0.6:1 Lot size: 697.5m ² 418.5m ²	415.9m ² 0.6:1 (59.6%)	Yes

The amended basement design has deleted three (3) parking spaces and excessive turning area which was assessed as calculable floor area and contributed to an exceedance of allowable FSR. The reduced basement design with any spaces therein (storage, plant rooms etc.) are excluded from gross floor area calculations GFA (in accordance with the GFA definition in SLEP 2012).

Part 5 – Miscellaneous Provisions

Heritage Conservation

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

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

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 a new swimming pool. 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. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

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

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

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

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

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

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

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

The objectives outlined within 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 and objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

There are eight (8) trees – located within and adjacent the subject site - that are relevant to this proposed development. Two (2) trees are proposed to be removed including one (1) street tree to facilitate a driveway improvement and one (1) site tree to accommodate new fencing. An appropriate condition is imposed requiring the street tree to be replaced and a single new canopy tree to be planted in the front setback of the subject site.

The proposal was referred to Council's Tree Management Coordinator who requested an Arboricultural report to provide justification for the removal of two (2) street trees, which were recommended to be retained and protected. An Arboricultural Impact Assessment (AIA) prepared by Complete Arborcare (dated 5 July 2021) was submitted to support the proposed development and is discussed in detail elsewhere in this report (see section Part O – Tree Management SCDP 2005)

It is considered that sufficient information has been provided (including an amended stormwater plan) to provide adequate justification for the proposed tree removal and appropriate protection measures for trees on adjoining properties. Additionally, revised tree protection measures are conditioned to include two (2) street trees not mentioned in the abovementioned AIA.

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 to ensure the retention and protection of significant vegetation and suitable replacement placement planting.

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

Note: Due to a temporary staff shortage and NSW government Health Order following the COVID-19 outbreak in greater Sydney the final Arboricultural report was reviewed by the Assessing Planner utilising a thorough suite of photographic evidence and other available information relating to the existing site conditions.

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:	Lots 600-699m ² 0.6:1 Lot size: 697.5m ² 418.5m ²	415.9m ² 0.6:1 (59.6%)	Yes
Heights: Floor to ceiling heights:	3.0m	Basement: 2.2m Ground: 3m First: 2.8m	Yes
Height to underside of eaves:	7.2m	6.7m	Yes
Basement height above NGL:	1.0m	0.7m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks: Front: East side: West side: Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 3.12m (20%) 6m	Min. 9.6m 1.75m Min 1.64m 3.39m (21.8%) Min. 11.5m	Yes Yes Yes Yes Yes
Landscaping			
Landscaping/Deepsoil Provisions:	601 – 700m ² = 41.5% (697.5m ² x 41.5%) Minimum: 289.5m ²	303.5m ² 43.5%	Yes
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	Maximum height of piers and solid components to be conditioned	Yes Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	Yes
Vehicle Access and Parking			

Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.8m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	0.7m	Yes
Basement ramp/driveway	3.5m	3m	Yes
Internal height:	2.2m	Min. 2.2	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	18.1m ²	Yes
Height:	3.5m	2.4m	Yes
Side/Rear setback:	0.5m	Min. 1.5m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	5.8m	Yes

Building Envelope

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

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

Comment: The proposed first floor plan includes a large void space along the east elevation which features two (2) six-pane centre panel windows. This is considered acceptable as the building design achieves sufficient articulation and modulation to reduce visual bulk by incorporating an increased first floor side setback (2.25m to 3.01m), open corridor feature and substantial glazing. It is noted that the proposed void will provide further amenity to the east-facing living room. Further, the area comprising the void will not result in significant overshadowing on adjoining properties.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided, at least one (1) large canopy tree within both the front setback and rear yard and, where possible, trees have been retained and protected.

Fencing

The proposed front and side fencing satisfies the relevant objectives and controls within SCDP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences. An appropriate condition

is imposed to ensure the solid portion of fence shall not exceed a height of 0.7m above natural ground level and piers do not exceed a height of 1.5m.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. The proposed first floor north elevation includes two (2) windows on each wall of Bed 2 and Bed 4. These windows are setback a minimum 11.5 metres which limits visual privacy impacts to adjoining rear yards of 11 and 15 Gregory Street.

Rear adjoining properties of 16 and 18 Therry Street East each benefit from substantial setbacks to their respective dwellings and 16 Therry Street East contains several structures (sheds etc.) along the rear southern boundary which provides additional visual relief to reduce opportunities of overlooking into the rear yard. As the proposed bedrooms are less frequented, they windows are considered acceptable

Vehicular Access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces (2) and adequate vehicular access provisions. The basement has been kept to less than 1m 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 2.2m.

Cut and fill

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

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has not been

submitted with the application to prevent or minimise soil disturbances during construction, however an appropriate condition has been imposed requiring preparation and submission to the Principal Certifying Authority prior to demolition or the issue of a Construction Certificate.

Access, Safety and Security

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

ANCILLARY STRUCTURES

Outbuildings

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

Retaining Wall

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

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen panting if required. The pool 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.

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.

PART O – Tree Management (SCDCP 2005)

Clauses 4 and 5 of Part O of the SCDP 2005 provide detailed controls regarding tree management, protection and removal. With regard to tree management for the proposed development, there are six (6) trees – located within and adjacent the subject site - that have been identified as potentially impacted by the proposed development as shown in **Figure 16** and described in the table below:

Tree No.	Common name	Genus/species	Height (m)	Location
1	Crepe Myrtle **To be removed and to facilitate driveway improvement	<i>Lagerstroemia indica</i>	3.5	Public domain (east boundary)
2	Flame Tree **To be removed to facilitate new fencing	<i>Brachychiton acerifolius</i>	9	South-west corner of subject site
3	Tea Tree	<i>Melaleuca alternifolia</i>	7	South-east corner of 15 Gregory Street
4	Black Tea Tree	<i>Melaleuca bracteata</i>	9	Front setback on east boundary of 5 Gregory Street
5	Mulberry Tree	<i>Morus alba</i>	5	Rear south-east corner of 16 Therry Street East
6	Jacaranda	<i>Jacaranda mimosifolia</i>	10	Rear south-east corner of 16 Therry Street East

It is considered that satisfactory measures can be implemented to protect all subject trees on adjoining properties (T3 to T6). Additionally, revised tree protection measures are conditioned to include two (2) street trees – located on the south-west side of the verge - not mentioned in the abovementioned AIA.

The proposal includes the removal of one (1) *Lagerstroemia indica* (Crepe Myrtle) street tree and one (1) *Brachychiton acerifolius* (Flame Tree) located on the south-west corner of the subject site (see **Figure 16**).

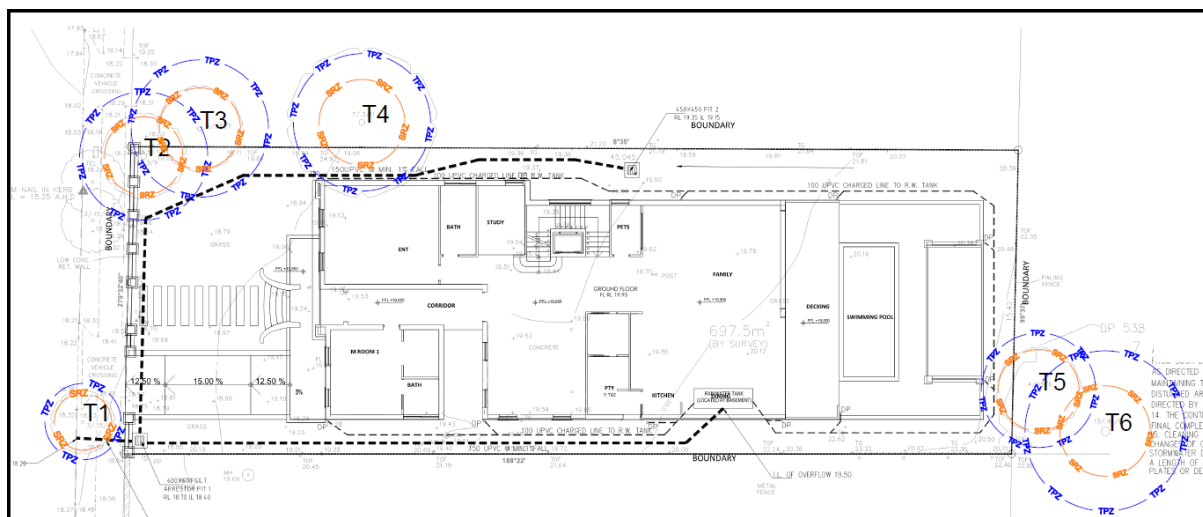


Figure 16: Proposed TPZ & SRZ plan

Part O - Clause 4.1(e) of the SCDGP 2005 provides specific matters for consideration to determine if the proposed works are justified and the circumstances for tree removal are considered significant. The proposed development has been assessed against these matters in conjunction with the recommendations of the Arboricultural Impact Assessment (AIA) prepared by Complete Arborcare (dated 5 July 2021) in the following section:

- *Matters of human life and minimisation of possibility of personal injury will be paramount in Council's considerations*

Officer Comment: Both trees to be removed do not pose an immediate hazard.

- *The health or condition of the tree/s; whether the tree is dead or dangerous; proximity to existing or proposed structures; and interference with utility services and amenity of any person or property*

Officer Comment: The AIA identified minor stem inclusion in tree 2, however both trees to be removed are generally in good condition.

- *Amenity value of the tree/s including visual amenity, ecological value, heritage significance, and whether the tree/s provide habitat for fauna and/or canopy connectivity*

Officer Comment: The AIA has classified both trees to be removed as *Medium* retention value in accordance with the priority matrix in the *IACA Significance of a Tree, Assessment Rating System* (STARS) (IACA, 2010). Trees of medium retention value are recommended to be prioritised, however if the trees are adversely affecting the proposed development and all protection measures have been considered, but are not viable, removal can be considered.

- *Necessity for action in order to construct improvements to the subject property*

Officer Comment: The AIA has established that the proposed driveway improvement and new fencing cannot be realised without damaging Tree 1 and Tree 2.

- *The number of healthy trees that a given area of land can support*

Officer Comment: The area of deep soil zone on the subject site and adjacent verge is such that the planting of one (1) street tree and one (1) large canopy tree within the front setback is achievable.

- *Effects in the nature of erosion, soil retention or diversion or increased flow of surface waters*

Officer Comment: The AIA does not consider impacts as such to be significant.

- The number of trees in the subject area and the impact of the proposed work on the amenity of that area and its surrounds

Officer Comment: Appropriate conditions for replacement planting are imposed so as to retain the amenity of the area. Generally, the trunk of a proposed canopy tree must be planted a minimum of 4m from built structures, or a minimum of 3m from pier beam footings. New trees must have a minimum setback of 3m from all boundaries, unless a species with non-invasive root system is proposed. A scaled assessment of the amended stormwater plan shows that a replacement canopy tree is achievable within the front setback. As shown in **Figure 17** below.

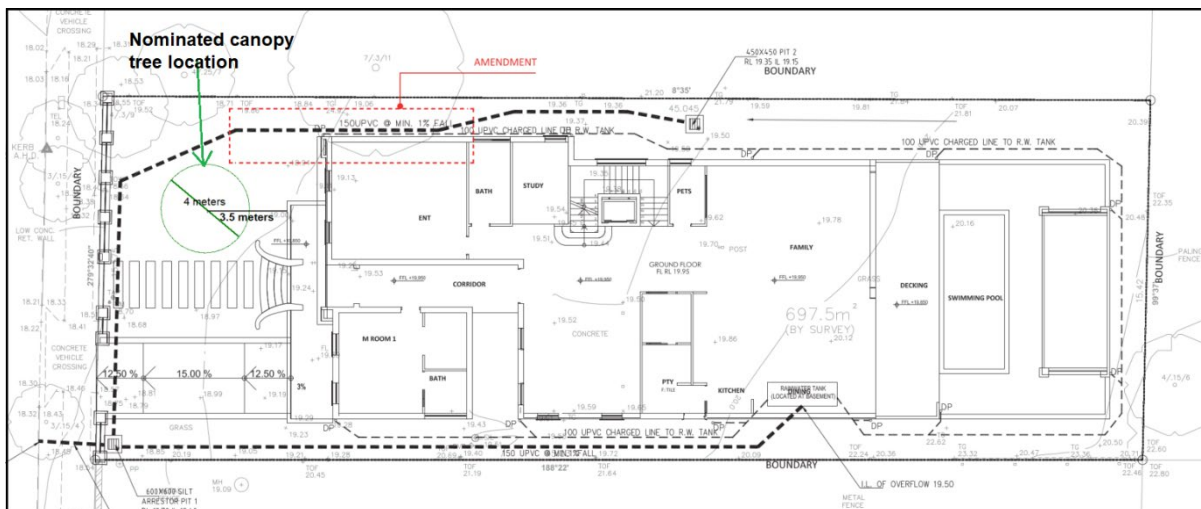


Figure 17: Amended stormwater plan and tree canopy location (marked in green as nominated by Development Assessment Officer)

It is the Assessing Officers recommendation that the proposed tree removal and replacement planting are supported as the proposed development is considered to satisfy Clauses 4 and 5 of Part O SCDGP 2005.

Appropriate conditions of consent are imposed to ensure the retention and protection of significant trees including a tree bond.

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

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

The proposed development involves the demolition of a number of 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 Councils Community Participation Plan, the application was placed on neighbour notification for a period of 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. Two (2) submissions were received raising the following concerns:

1. Potential noise impacts from Enfield Intermodal Logistics Centre (EILC)

A submission from NSW Ports has identified the subject site as being within proximity to the EILC and therefore potentially affected by noise impacts associated with the operation of the Enfield ILC and supporting industrial areas.

Comment: The subject site is located approximately 620m east of existing and proposed warehousing facilities and is located approximately 690m east of existing EILC facilities on the western fringe of the said industrial site. It is considered that the proposed development does not require additional noise attenuation measures beyond the proposed building materials. This issue has been considered and addressed.

2. Noise impacts generated by swimming pool

A submission requested additional information regarding replacement fencing as The Statement of Environmental Effects (Page 15) which states that:

“Suitable side and rear fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst also enabling front passive surveillance of the street.”

It was asserted in the submission that the existing fencing was not sufficient to provide suitable amelioration for noise associated with the new swimming pool.

Comment: It is noted that Council does not directly arbitrate matters regarding dividing fences and a new boundary fence cannot be conditioned as part of any consent. Appropriate conditions are imposed regarding the appropriate location and housing of pool pump and filter

equipment. Furthermore, the location of the pool is compliant with SCDP 2005 controls for setbacks and additional sound relief is afforded by the proposed cabana. This is considered a reasonable outcome. This issue has been considered and addressed.

(e) *the public interest.*

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

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan> as follows:

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 7.12 Indirect Contributions in accordance with the Strathfield Indirect Development Contributions Plan (3 September 2010). This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$950,000 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is **\$9,500**.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/98 should be approved subject to conditions of consent.

Signed:
**G I Choice
Planner**

Date: 24 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:
**Miguel Rivera
Senior Planner**

Date: 27 September 2021

CONDITIONS

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Roof Plan	A101	26 June 2021	B	BJ Architects International
Basement Plan	A102	26 June 2021	B	BJ Architects International
Ground Floor Plan	A103	26 June 2021	B	BJ Architects International
First Floor Plan	A104	26 June 2021	B	BJ Architects International
South & North Elevations	A201	26 June 2021	B	BJ Architects International
East & West Elevations	A202	26 June 2021	B	BJ Architects International
Sections AA / BB	A301	26 June 2021	B	BJ Architects International
Section CC	A302	26 June 2021	B	BJ Architects International
Demolition Plan	A401	26 June 2021	B	BJ Architects International
Front Fence	A402	26 June 2021	B	BJ Architects International
Window Schedule	A407	26 June 2021	B	BJ Architects International
Window Schedule	A408	26 June 2021	B	BJ Architects International

Sample Board	A409	26 June 2021	B	BJ Architects International
Stormwater Plan Sheet 1 of 3	2021257	30 June 2021	3	MBC Engineering Pty Ltd
Stormwater Plan Sheet 2 of 3	2021257	13 April 2021	2	MBC Engineering Pty Ltd
Stormwater Plan Sheet 3 of 3	2021257	13 April 2021	2	MBC Engineering Pty Ltd
Landscape Plan	LP01	23 April 2021	F	Affordable Design Studio
Landscape Plan	LP02	23 April 2021	F	Affordable Design Studio
Document	Reference No.	Date	Revision	Prepared by
Waste Management Plan	-	29 June 2021	-	Lijun Chen
Arboricultural Impact Assessment	-	5 July 2021		Complete Arborcare
TPZ & SRZ Plan	-	5 July 2021		Complete Arborcare
BASIX Certificate	1194397S	26 April 2021		AENEC
Geotechnical Assessment Report	ESWN-PR-2021-887	27 April 2021	00	ESWNMAN Pty Ltd
Survey Plan	6271001A	29 December 2020		Hill & Blume Pty Ltd

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 28.172 AHD to the ridge of the building.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) 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. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

4. Vehicular Crossing - Minor Development

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

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

5. Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

6. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 3,325.00
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 6000.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 9,500.00

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

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

8. Required Design Changes

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

Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Front fence opening	Fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 1.5m. In these cases, a solid fence shall not exceed a height of 0.7m above natural ground level and may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element. Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street and do not exceed a height of 1.5m.

9. 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: \$12,200.00
- (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.

10. Tree Bond

A tree bond of \$6000.00 (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.

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. 1194397S must be implemented on the plans lodged with the application for the Construction Certificate.

12. Low Reflectivity Roof

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

13. 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.

14. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

15. Stormwater System

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

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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).

22. Landscape Plan

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) At least two (2) new canopy trees – one (1) in the rear yard and one (1) within the front setback- to have a minimum mature height of 10m planted within a minimum 50 litre container;
- (c) Details of earthworks including mounding and retaining walls and planter boxes;
- (d) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (e) Details of planting procedure and maintenance;
- (f) Landscape specification;
- (g) Details of drainage and watering systems;
- (h) Details of garden edging and turf; and
- (i) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

23. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Complete Arborcare dated 5 July 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)
3	Tea Tree <i>Melaleuca alternifolia</i>	South-east corner of 15 Gregory Street	3.6
4	Black Tea Tree <i>Melaleuca bracteata</i>	Front setback on east boundary of 5 Gregory Street	3.6
5	Mulberry Tree <i>Morus alba</i>	Rear south-east corner of 16 Therry Street East	3
6	Jacaranda <i>Jacaranda mimosifolia</i>	Rear south-east corner of 16 Therry Street East	4.2
TBC	Street tree	Public domain (south-west boundary end)	TBC

TBC	Street tree	Public domain (south-west boundary end)	TBC
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General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

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

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

24. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
1	Crepe Myrtle <i>Lagerstroemia indica</i>	1	Public domain (east boundary)
2	Flame Tree <i>Brachychiton acerifolius</i>	1	South-west corner of subject site

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 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)

25. 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.

26. 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.

27. 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](#).

28. 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.

29. 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.

30. 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

31. 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.

32. 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.

33. Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

34. 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.

35. 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.

36. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

37. 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).

38. 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

39. 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.

40. BASIX Compliance Certificate

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

41. 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).

42. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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

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

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. Restricted Use for Designated Basement Areas

The basement areas nominated below shall be restrictive to use as follows:

- i. Pool filter and pump room shall be used for pool filter and pump and associated pool equipment only; and
- ii. Heating and rainwater tank storage room shall be used for heating equipment and rainwater tank storage only.

49. Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

OPERATIONAL CONDITIONS (ON-GOING)

50. 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.

51. Use of Structure

The basement area and/or cabana are not to be used for human habitation or for any commercial or industrial purpose.

52. 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.

53. 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

54. Requirement for a Construction Certificate

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

55. 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.

56. 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.

57. Notice of Commencement

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

58. 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](#).

59. 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.

60. 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

61. Clause 97A – BASIX Commitments

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

62. 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.

63. 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.

64. Clause 98B – Home Building Act 1989

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

4. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

5. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. 2021/98 and reference this condition number (Advisory Note 6.)
- (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.

7. 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).

8. 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

9. Electricity Supply

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