

IDAP REPORT

Property:	7 Badgery Avenue Homebush LOT 24 DP 9220 DA2021.119
Proposal:	Demolition of the existing structures and construction of a two storey dwelling house with in-ground swimming pool, outbuilding and associated landscaping works.
Applicant:	H.A Design Group Pty Ltd
Owner:	R Sethi
Date of lodgement:	24 May 2021
Notification period:	27 May 2021 – 10 June 2021
Submissions received:	One (1)
Assessment officer:	J Gillies
Estimated cost of works:	\$1,094,107.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1 – subject site shown in yellow

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a two storey dwelling house with in-ground swimming pool, outbuilding and associated landscaping works.

Site and Locality

The site is identified as 7 Badgery Avenue, Homebush and has a legal description of Lot: 24 DP: 9220. The site is a regular shaped parcel of land and is located northern side of Badgery Avenue between Bates Street and Mackenzie Street.

The site has a width of 15.24m, a depth of 45.72m and an overall site area of 696.7m².

The locality surrounding the subject site comprises low density residential development, with tree lined streets in a grid subdivision pattern.

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 27 May 2021 – 10 June 2021, where one (1) submission was received raising the following concerns:

- The scale of the dwelling and outbuilding and proximity to the rear boundary.
- Lack of green space and tree removal along the rear boundary.

Issues

- Impacts to trees from excavation and new structures.
- Streetscape compatibility.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/119 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of the existing structures and construction of a two storey dwelling house with in-ground swimming pool, outbuilding and associated landscaping works. More specifically, the proposal includes;

Ground floor level:

- At grade two car garage and driveway,
- Internal living spaces, kitchen, guest bedroom, laundry and bathroom,
- Rear alfresco area.

First floor level:

- Four bedrooms each with access to an ensuite, a sitting room fronting Badgery Avenue, built in deck space at the rear of the first floor and rear planters.

External works:

- Landscaping across the site including a new front fence, courtyard along the western boundary and rear yard with in-ground swimming pool and outbuilding/cabana.

The Site and Locality

The subject site is legally described as Lot: 24 DP: 9220 and commonly known as 7 Badgery Avenue Homebush. It is located off the northern side of Badgery Avenue between Bates Street and Mackenzie Street.

The site is rectangular in shape and has a frontage and rear boundary of 15.24m, a depth of 45.72m and an overall site area of 696.7m².

The site slopes from the front boundary (south) to the rear boundary (north) and has a cross-fall of 15.72m (front) to 13.81 (rear).

The site is occupied by a dilapidated single storey dwelling with carport and garage in the rear yard, a number of mature trees and weeds. Vehicular access is provided to the site via an existing driveway along the eastern boundary, which leads under the carport to the rear garage.

The current streetscape is characterised by traditional dwellings with pitched roofs, however no distinct period or theme is evident. Single and two storey dwellings are present in the surrounding locality.

The properties immediately adjoining the site are as follows:

- To the east at 5 Badgery Avenue, a single storey blonde brick dwelling,
- To the west at 9 Badgery Avenue, a two storey red brick dwelling,
- To the north at 31-33 Mackenzie Street, a town house style development that backs onto the subject site,
- Single and two storey dwellings opposite the site on the southern side of Badgery Avenue.

Figures 2 to 8 provide images of the site and adjoining dwellings.



Figure 2 – The existing dwelling at the subject site as viewed from Badgery Avenue



Figure 3 – Property adjoining the site to the east at 5 Badgery Avenue



Figure 4 – Property adjoining the site to the west at 9 Badgery Avenue



Figure 5 – Opposite the site at 8 Badgery Avenue



Figure 6 – Eastern side setback, carport and garage at the subject site



Figure 7 – Rear yard and garage/shed at the subject site



Figure 8 – Rear boundary and adjoining property to the north



Figure 9 – Rear of the existing dwelling at the site



Figure 10 – Palm within the site and neighbouring Lemon scented Gum

Background

- 24 May 2021** The subject application was lodged with Council.
- 12 July 2021** A Request for Further Information (RFI) was issued to the Applicant, raising the following matters:
- An arborist report is required,
 - A clearer depiction of how the proposed dwelling will facilitate passive surveillance of the street is required,
 - Landscaped area is non-compliant,
 - Site photos are required due to restrictions associated with the NSW lockdown.
- 21 September 2021** The Applicant responded to the RFI, after requesting an extension due to the NSW lockdown, and provided revised design drawings and an Arborist Report. No site photos were provided.

19 October 2021 A site visit was undertaken to better understand the tree concerns raised by Council's tree manager and to obtain site photos which were not provided by the Applicant.

Referrals – Internal

Development Control Engineer

Council's Development Control Engineer reviewed the stormwater drainage concept plan submitted with the Application and outlined the following:

From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to conditions of consent.

Traffic Engineer

Council's Traffic Engineer reviewed the proposed development and outlined the following:

All aspects of the off-street parking has been assessed against the AS2890 series. The double garage dimensions and door opening conform to the minimum requirements.

Council's Traffic Engineer also provided recommended conditions of consent.

Tree Management Coordinator

Council's Tree Management Coordinator reviewed the submitted Arborist Report and provided the following comments following a site inspection:

- **Tree 1- *Lophostemon confertus*:** *is a large street tree in good health and has high significance in the current landscape.*
 - *The proposed relocation of the driveway has an encroachment into the trees SRZ (Structural Root Zone) in accordance with AS4970-2009 – Protection of trees on development sites.*
 - *The proposed front brick fence is encroaching the TPZ (Tree Protection Zone) of this tree.*
- **Tree 9- *Corymbia citriodora*:** *is a large neighbouring tree in good health and a has high significance in the current landscape*
 - *The proposed house and pool are a major encroachment into the trees TPZ in accordance with AS4970- Protection of trees on development sites.*

Please request the applicant address the following and resubmit:

Tree 1: *This tree needs further assessment for the proposed driveway opening is to stay in its current location.*

1. *Further investigation is required if the driveway opening is to be relocated. The proposed driveway cannot be within 4 metres form the base of this tree.*

A rooting mapping report is required from an AQF5 arborist to see if this can be achieved.

- 2. The proposed front brick fence is a major encroachment into the trees TPZ. A tree protection plan is required from an AQF5 arborist.*

Tree 9: *Complete a reconfiguration of the proposed pool location. Currently the proposed building and pool are encroaching the trees TPZ. The approved removal of the Tree 6 and 7 allows space and area for this to be achieved on site.*

- 1. Relocate the position of the proposed pool to reduce encroachment into the trees TPZ.*
- 2. No soils levels to be raised or reduced within the trees TPZ.*

Following discussion with Council's Tree Management Coordinator and the Applicant, the outcome for management of each tree was agreed to be as follows:

Tree 1: The existing driveway crossover is to be utilised. If new concrete is to be poured in the location of the existing crossover, a tree protection plan will need to be prepared by an Arborist and the Arborist will need to be present during construction. Pier and beam construction will be required for the front fence as it is located within the TPZ (11.64m from the base of the tree).

To allow for use of the existing crossover a condition of consent has been imposed requiring re-design of the internal driveway.

Tree 9: A condition of consent has been imposed requiring redesign of the pool to allow for a 3m clearance (with the current clearance being 2.6m).

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	7.8m	Complies
4.4 Floor Space Ratio	0.6:1 418m ²	0.598 416m ²	Complies

It is noted that the Applicant has excluded the first floor front sitting (18m²) room from their FSR calculations. This room incorporates floor to ceiling glazing and therefore is fully enclosed and contributes to Gross Floor Area (GFA). Notwithstanding, the overall GFA achieves compliance with the FSR controls with this room included.

Part 5 – Miscellaneous Provisions

The proposed development does trigger the assessment of clauses under Part 5.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal incorporates some minor excavation for the in-ground swimming pool as well as excavation for footings and levelling of the site. These works are considered minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Notwithstanding the above, to ensure works within the Tree Protection Zone of the street tree and neighbouring lemon scented gum do not impact on the health of these significant trees, conditions of consent will require suitable distances for excavation and pier and beam construction for the front fence. The existing driveway crossover is also to be utilised.

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.

Essential Services

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

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of certain trees identified as environmentally significant surrounding the site.

One objection to the removal of trees along the rear boundary was received from the owner/occupier of 12/31-33 McKenzie Street, Strathfield which adjoins the site to the north. The reason for the objection related to privacy, which is addressed later in this report. In regards to the ecological significance of the trees at the rear boundary, Council's Tree Management Officer agreed with the recommendations of the Arborist Report submitted with the Application, which did not identify the trees in question as environmentally significant.

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	2.8 and 2.9	Yes

Overall height for flat roof dwelling:	7.8m	7.8m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	9m	Yes
Side:	1.2m (min)	1.525	Yes
Side:	1.2m (min)	1.525	Yes
Combined Side Setback:	3.05 (20%)	3.5m	Yes
Rear:	6m	10.7m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	289.1m ² (41.5% of 695.5m ²)	290m ²	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	0.75m	Yes
Solid Component:	0.7m	0.75m	No
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs +	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2m	Yes
No. of Parking Spaces:	2	2	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	16m ²	Yes
Height:	3.5m	3.5m	Yes
Side/Rear setback:	0.5m	0.5m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	1.5 and 1.5	Yes

Building Envelope

The proposed development will introduce a flat roof dwelling along a section of Badgery Avenue that incorporates a consistent theme of pitched roof dwellings. The proposed flat roof dwelling is an acceptable deviation from this theme for the following reasons:

- The existing dwellings along Badgery Avenue vary in style and era of construction, include both single and two storey dwellings, and do not form part of a conservation area,
- The proposed flat roof dwelling is of a relatively low profile, complying with the 7.8m maximum height requirement under SCDP 2005 with a 7m profile fronting Badgery Avenue, and
- The retention of the street tree, compliant front setback, front setback landscaping and materials and colours for the proposed dwelling will soften the impact of the flat roof dwelling.

In consideration of the above, the proposal 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

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 and can accommodate large canopy trees and where possible trees have been retained and protected.

The Landscape Plan submitted with the proposal does not clearly depict the provision of canopy trees required due to numerous trees across the site being removed. A condition of consent will be imposed requiring the planting of two canopy trees within the front setback and two canopy trees in the rear yard.

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.

The proposed front fence incorporates a 0.75m solid component, with no top railing or picketing. This minor variation to the maximum 0.7m allowance for solid fencing is considered acceptable as the absence of fence topping ensures passive surveillance is achieved.

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 SCDP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

The side elevations incorporate modest window schedules, with a number of highlight windows and privacy screens for the curved first floor front balcony providing adequate privacy for the adjoining neighbours to the east and west. The rear alfresco area also incorporates integrated privacy walls, adding to the protection of neighbouring privacy and amenity.

The removal of trees along the rear boundary will increase the visibility between the site and properties at 31-33 McKenzie Street to the north. This property is a town house development orientated north south, with small windows facing south for the kitchen, bathroom and upstairs bedrooms and bathroom. Analysis of the properties within the town house development shows living spaces orientated to the north. Therefore the tree removal is

unlikely to create overlooking between high activity living spaces for the site and adjoining dwellings to the north.

Notwithstanding, the proposed dwelling incorporates a generous rear setback (10.7m with the minimum being 6m), providing adequate separation between the proposed alfresco space at ground level and rear windows on the first floor (bedroom/low activity spaces).

The proposed cabana also provides a screening feature for part of the northern boundary.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

Conditions of consent will require use of the existing driveway cross over for tree protection purposes.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduce site disturbance. Excavation for the proposed pool and minor re-grading works must address conditions of consent tailored to the retention of significant trees adjoining the site. Ground water tables are maintained and the impact on overland flow and drainage is minimised.

Water and Soil Management

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

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDP 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. The Applicant has provided details on the permeability of the first floor balcony fixed privacy louvres and ground floor viewlines from living spaces to the street. The outcome depicted in the provided design drawings is satisfactory in regards to achieving passive surveillance of the street.

ANCILLARY STRUCTURES

Outbuildings

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

Swimming Pools, Spas & Associated Enclosures

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

painting 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 is considered satisfactory.

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

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

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

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

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

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

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

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

In accordance with the provisions of 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. One (1) submission was received from a home owner at 31-33 McKenzie Street adjoining the site to the north, raising the following concerns:

1. The outbuilding is too big and too close the boundary. The height is also too high. I would like it removed entirely.

Comment: The proposed Cabana complies with the setback and height requirements for outbuildings under SCDCP 2005.

2. The main building envelope is pushed too far into the backyard (especially in comparison to neighbouring properties), while the main building is too high and will face into my upstairs bathroom window.

Comment: The proposed development incorporates a compliant rear setback and the building envelope sits within the 7.8m requirement for flat roof dwellings.

3. The main building, including outbuilding and pool allows very little green space at the rear of the property.

Comment: The proposal incorporates a compliant soft landscaping area and conditions of consent will require the planting of a new canopy tree, with a mature height of 10m, in the rear yard.

4. I also object to the removal of trees along the fence line which provides privacy for my property and yard.

Comment: The impacts of the proposed tree removal to the privacy of the properties at 31-33 McKenzie Street to the north has been addressed above under the assessment of the proposal against the SCDCP 2005.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$1,094,107.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$10,941.07
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 119/2021 should be approved subject to the following conditions of consent.


Signed:
J Gillies
Senior Planner
Date: 9 November 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:
G Choice
Planner
Date: 9 November 2021

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
Site Plan	20105 Sheet 1	09/08/21	D	HA Design
Ground Floor	20105	09/08/21	D	HA Design

	Sheet 3			
First Floor	20105 Sheet 4	09/08/2 1	D	HA Design
Roof Plan	20105 Sheet 5	09/08/2 1	D	HA Design
Elevations	20105 Sheet 6	09/08/2 1	D	HA Design
Elevations	20105 Sheet 7	09/08/2 1	D	HA Design
Elevations	20105 Sheet 8	09/08/2 1	D	HA Design
Sections	20105 Sheet 9	09/08/2 1	D	HA Design
Demolition, Erosion & Sediment Control Plan	20105 Sheet 10	09/08/2 1	D	HA Design
Schedule of Colour/Finishes	20105 Sheet 21	09/08/2 1	D	HA Design
Landscape Plan	20105 Sheet 22	09/08/2 1	D	HA Design
Front Fence	20105 Sheet 23	09/08/2 1	D	HA Design
Stormwater Drainage Notes	01233 - 1	14/05/2 1	00	S Y HARB Engineering
Stormwater Drainage Plan	01233 - 2	14/05/2 1	00	S Y HARB Engineering

Stormwater Drainage Details	01233 - 3	14/05/21	00	S Y HARB Engineering
Stormwater Drainage Details	01233 - 4	14/05/21	00	S Y HARB Engineering
Arboricultural Implication Assessment and Tree Protection Specification	-	11/09/21	B	Horticultural Resources Consulting Group
BASIX Certificate	1201878S	10/05/21	-	Elam Eco Design

(2) Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed **Relative Level (RL)** 21.99 AHD to the top of the dwelling and RL 17.32 to the top of the outbuilding.

SEPRARATE 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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(5) 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

(6) Fees to be Paid

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

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	\$ 3,829.37
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,000.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Deposit	\$ 130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$10,941.07

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.

(7) Required Design Changes

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

Driveway Design	<p>The Design Drawings are to be amended to locate the proposed driveway over the existing crossover. The eastern most part of the driveway crossover is to match the existing eastern edge of the driveway. The western edge of the new driveway crossover can extend the full 3m required for DCP compliance.</p> <p>Inside the property boundary, the driveway is to curve to allow access to the garage. Any landscaped area required for re-design of the driveway is to be offset an equal amount with new landscaped area in the front setback.</p>
Pool Design	<p>The pool edge (being the edge of the pool excavation area) is to be setback 3m from the Corymbia citriodora located within the neighbouring property at 9 Badgery Avenue. To achieve this, the pool is to be reduced in length if necessary. No other design changes are permitted.</p>

(8) 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.

(9) Tree Bond

A tree bond of \$10,000.00 (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.

(10) 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. 1201878S must be implemented on the plans lodged with the application for the Construction Certificate.

(11) 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.

(12) **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.

(13) **On Site Detention**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

(14) 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.

(15) Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

(16) Site Management Plan

Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

(17) Low Reflectivity Roof

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

(18) 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) 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.

(20) 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).

(21) Landscape Plans

The approved landscape plan is to be amended to incorporate the following:

- Two (2) trees are to be planted in the front setback and are to be selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.
- Two (2) trees are to be planted in the rear setback and are to be selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.
- The reconfigured driveway is to be designed so that the overall soft landscaping area remains the same.
- The reconfigured pool is to be designed so that the overall soft landscaping area remains the same.

With the exception of the above, 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.

(22) Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on Council's public footway, public reserves or on neighbouring properties.

(23) Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled *Arboricultural Implication Assessment & Tree Protection Plan* prepared by *Horticultural Resources Consulting Group*

dated 11 September 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	Street tree – 7 Badgery Avenue	11.64 metres
3	Mangifera indica	5 Badgery Avenue	3.96 metres
4	Murraya paniculata	5 Badgery Avenue	2.64 metres
5	Jacaranda mimosifolia	5 Badgery Avenue	5.1 metres
8	Jacaranda mimosifolia	9 Badgery Avenue	3.36 metres
9	Corymbia cirtiodora	9 Badgery Avenue	6.6 metres

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

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the street 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

- (g) 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.
- (h) 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.
- (i) 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.

Pier and Beams

- (j) To preserve the Tree 1 – *Lophostemon confertus* (Street tree), the footings of the proposed front brick fence shall be isolated pier and beam construction within a 11.64 metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method 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	No of trees	Location
2	Jacaranda mimosifolia	1	7 Badgery Avenue
6	Nerium oleander	1	7 Badgery Avenue
7	Acer nugundo	1	7 Badgery Avenue
10	Syagrus romanzoffianum	1	7 Badgery Avenue
11	Schefflera actinophylla	1	7 Badgery Avenue

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 four (4) tree species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres. Two (2) of the four (4) are to be located in the rear yard, and two in the front yard.

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.

DURING CONSTRUCTION

(29) 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.

(30) 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.

(31) 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.

(32) 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.

(33) Swimming Pools – Filling with Water

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

(34) 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

(35) 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.

(36) 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).

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 design changes required under this consent.

(37) 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.

(38) 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.

(39) 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)

(40) 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.

(41) 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.

(42) Greywater System

In order to conserve and re-use water, Council encourages all developments for new residential 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

(43) Requirement for a Construction Certificate

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

(44) 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.

(45) 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.

(46) 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.

(47) 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

(48) Clause 97A – BASIX Commitments

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

(49) 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.

(50) 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.

(51) 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](http://www.legislation.nsw.gov.au/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. (2021/119) 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.

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