

IDAP REPORT

Property:	38 Myrna Road STRATHFIELD Lot 22 in DP 14613 DA2021.148
Proposal:	Demolition of existing structures, tree removal and construction of a two (2) storey dwelling house with basement and detached outbuilding
Applicant:	ES Design
Owner:	J & S Obeid
Date of lodgement:	24 June 2021
Notification period:	6 to 20 July 2021
Submissions received:	Nil
Assessment officer:	M Rivera
Estimated cost of works:	\$990,000.00
Zoning:	R2 – Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

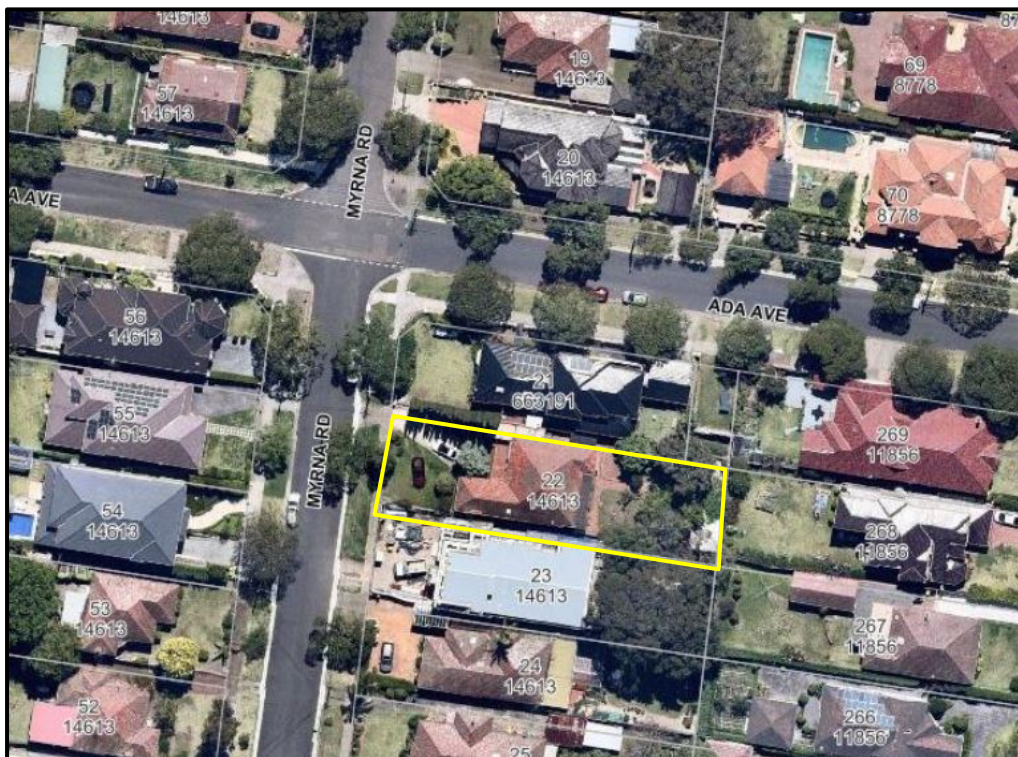


Figure 1: Location Map showing subject site (outlined in yellow) and surrounding properties.

EXECUTIVE SUMMARY

Proposal

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

Site and Locality

The site is identified as No. 38 Myrna Road, Strathfield and has a legal description of Lot 22 in DP 14613. The site is a rectangular shaped parcel of land and is located on the eastern side of the street.

The site has a width of 15.24m, a depth of 53.13m and an overall site area of 809.39m².

The locality surrounding the subject site features a low density residential character and is dominated by detached dwelling houses of varying architectural style and scale.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) from 1 to 15 July 2021, where no submissions were received.

Issues

- Potential impacts on existing trees onsite.
- Overshadowing impacts on south-adjointing neighbour.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/148 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures, tree removal and construction of a two (2) storey dwelling house with basement and detached outbuilding. More specifically, the proposed development involves the following elements:

- Demolition of existing structures including dwelling house, garage and shed;
- Removal of five (5) trees within the site – two (2) in the front setback and three (3) in the rear yard;
- Construction of a new dwelling house comprising:
 - Basement level with two (2) parking spaces and turning bay area, storage rooms, a cool room and communications room, stairwell and lift to access the upper levels;
 - Ground floor with front porch and entry, front lounge room, office, guest bedroom with ensuite, dining and living room, powder room, laundry, kitchen with butler's pantry, BBQ and alfresco area;
 - First floor with a hallway, family retreat, master bedroom with walk-in-robe, ensuite and rear-facing balcony, four (4) bedrooms with individual ensuites;
- Construction of a single storey outbuilding comprising an open cabana area and enclosed toilet.
- External works surrounding the new dwelling house including landscaping works.

A Site Plan, Floor Plans, Elevations and Longitudinal Section are shown in Figures 2 to 8 below.

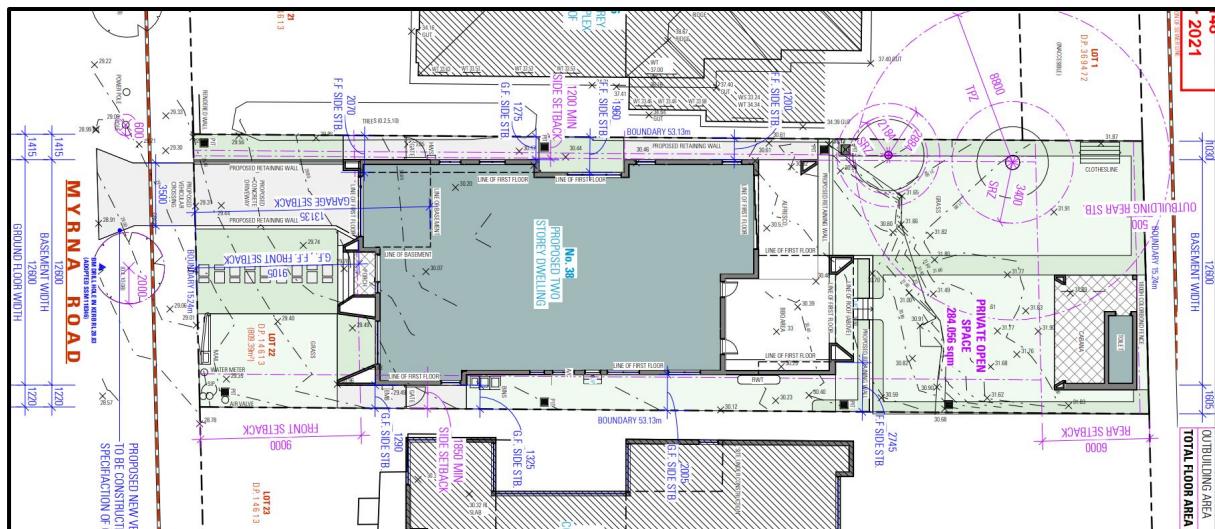


Figure 2: Site Plan

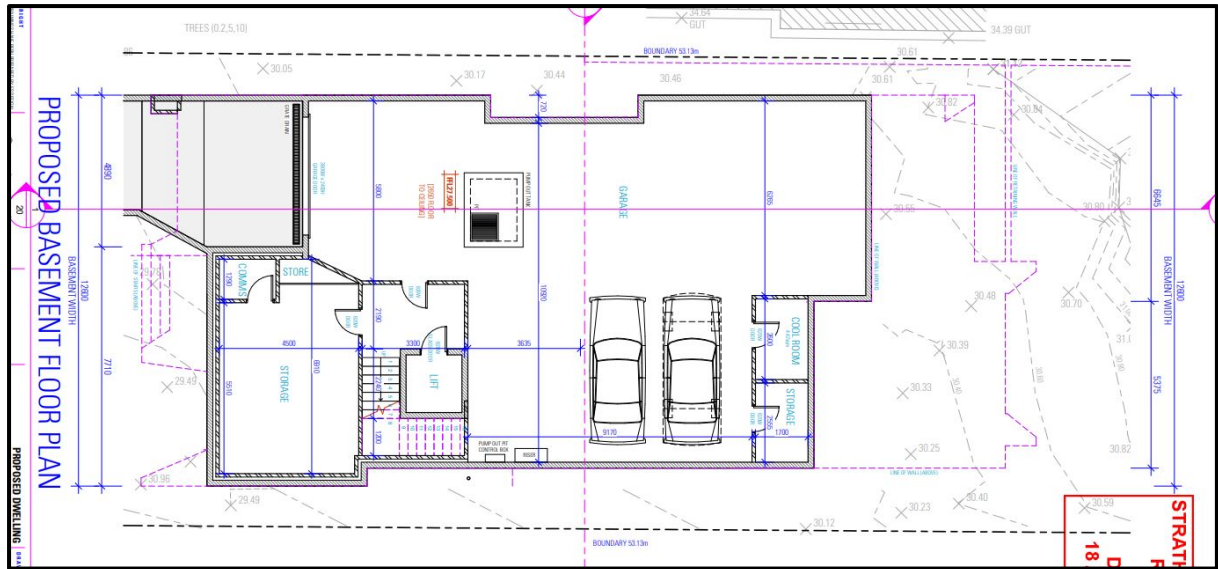


Figure 3: Basement Plan

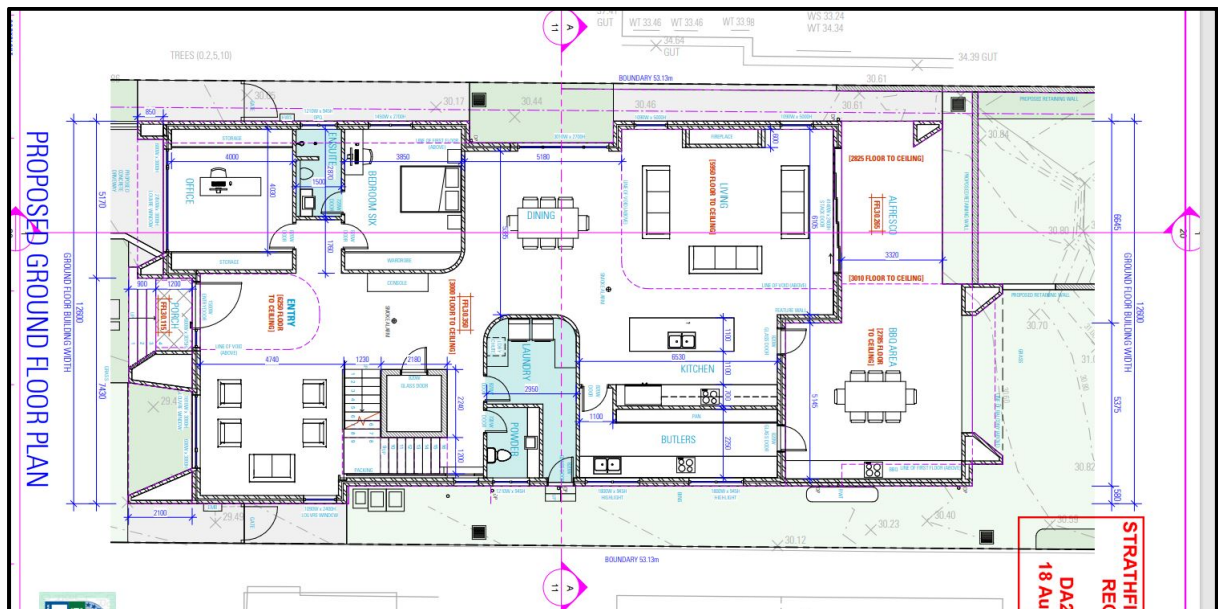


Figure 4: Ground Floor Plan

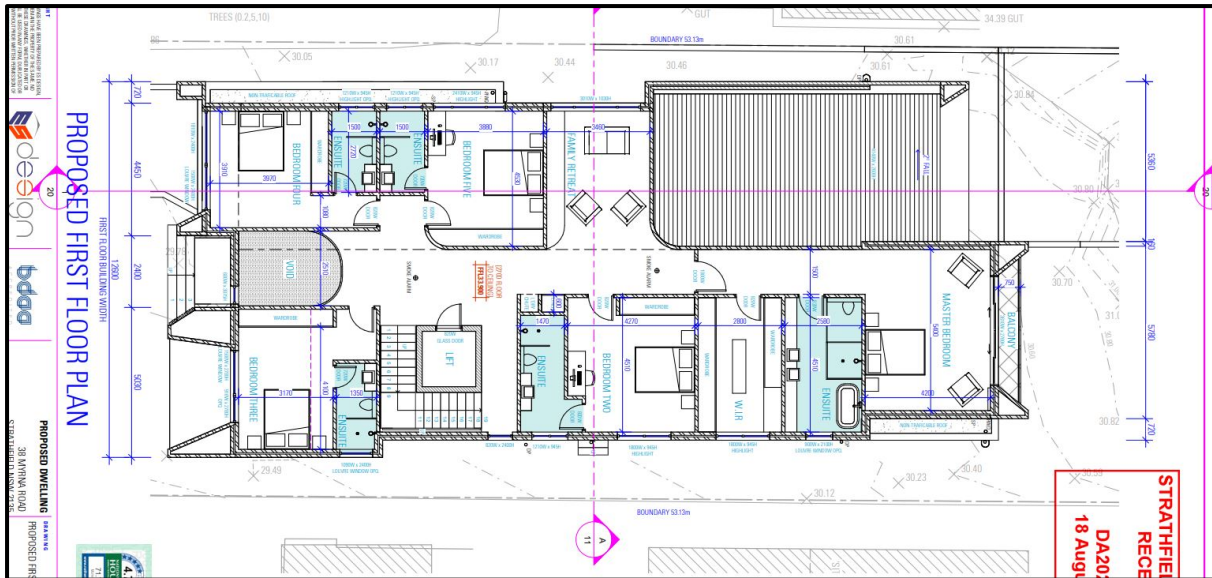


Figure 5: First Floor Plan

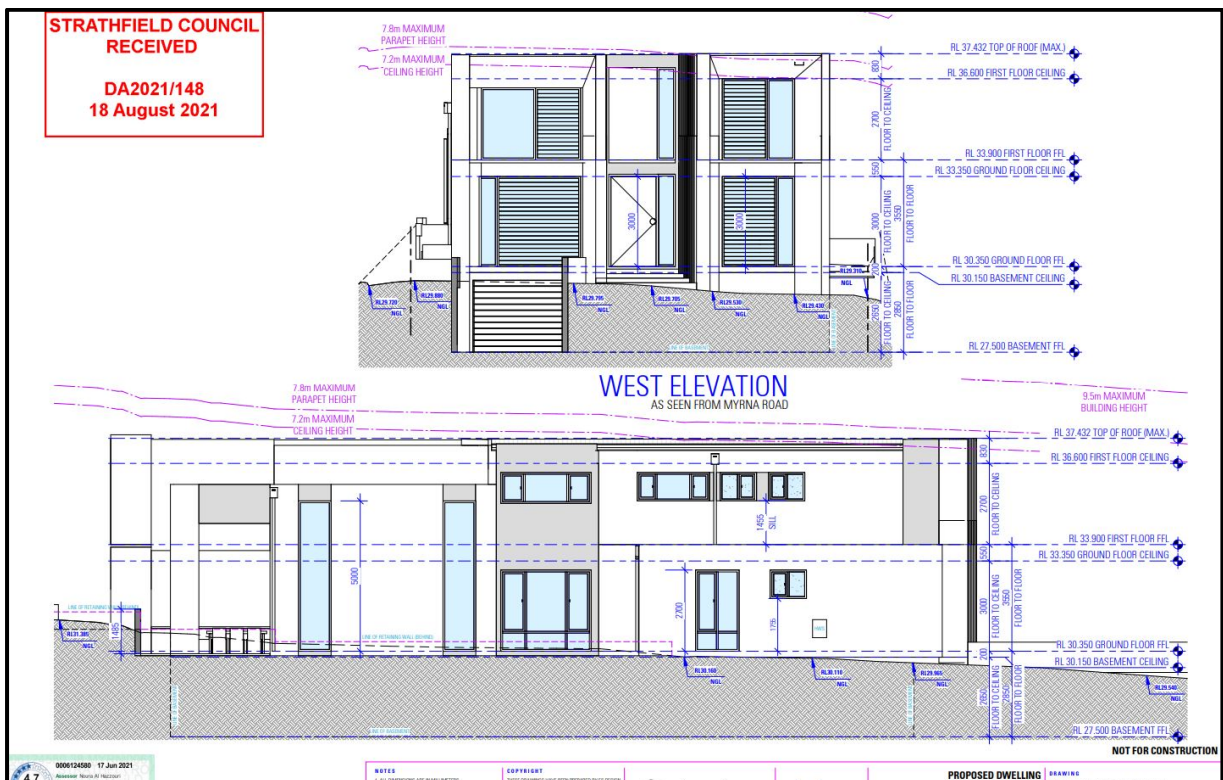


Figure 6: West and North Elevations

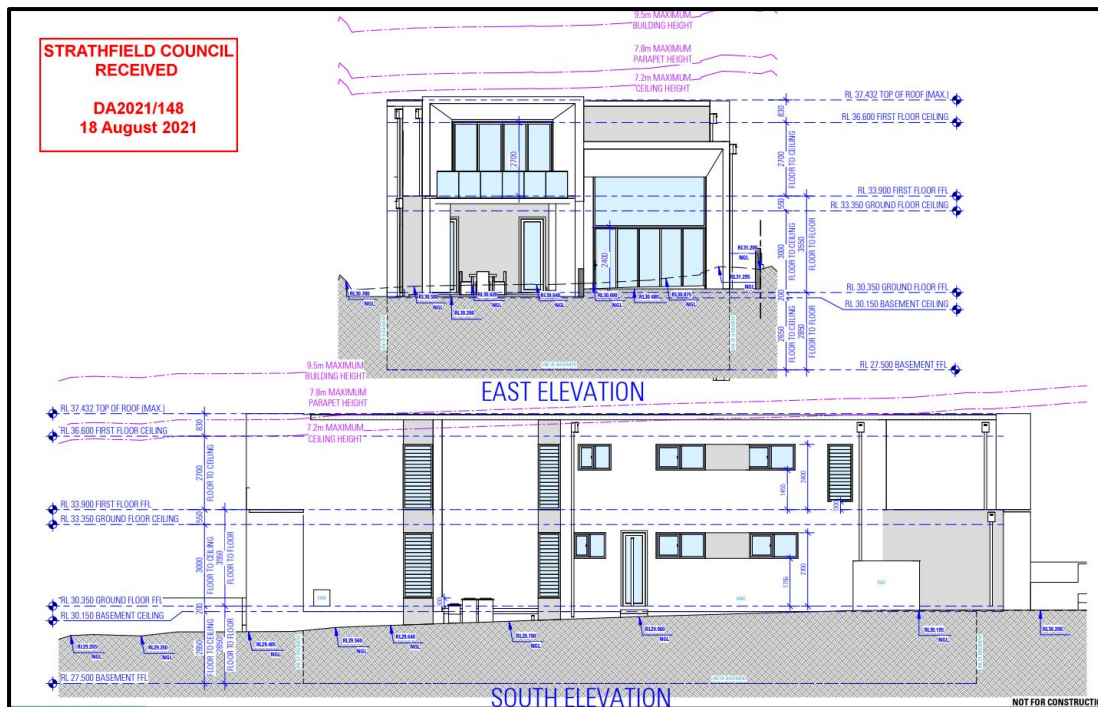


Figure 7: East and South Elevations

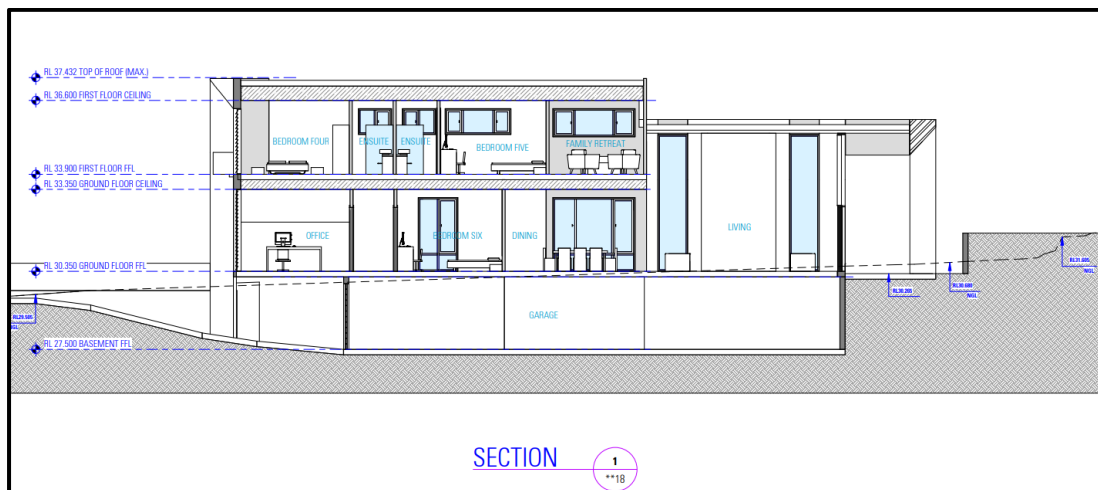


Figure 8: Longitudinal Section

The Site and Locality

The subject site is legally described as Lot 22 in DP 14613 and commonly known as No. 38 Myrna Road, Strathfield. It is located on the eastern side of the street.

The site is rectangular in shape and has a frontage of 15.24m, a depth of 53.13m and an area of 809.39m². The site has an east-west orientation and a 2.8m fall to Myrna Road.

The site is currently occupied by a single storey dwelling house, attached garage and garden shed (refer to Figure 9). The site is predominantly modified with some vegetation comprising grassed lawn areas and scattered trees (including a Japanese Maple, Jacaranda, Broad-leaved Paperbark, Narrow Leaf Peppermint and Weeping Fig) in the front setback and rear yard. A single street tree is situated within the road reserve directly in front of the subject site. Vehicular access to the site is via an existing driveway off Myrna Road, located on the northern side of the front boundary.

The streetscape along Myrna Road features a suburban, low density residential character, dominated by dwelling houses of diverse architectural styles and scale (refer to Figures 9 to 16). Older housing stock along Myrna Road are primarily single storey, have traditional pitch roofing and exposed dark brown/red brick façades (refer to Figures 9, 10 and 14).

New housing along the street is generally comprised of larger and multi-storey development with contemporary architecture, flat roofing or discrete roof pitches, rendered masonry walls and pronounced porch entries and porticos (refer to Figures 11, 12, 13, 15 and 16). It is noted that several multi-storey houses along Myrna Road contain basements. The majority of front setbacks along Myrna Road contain perimeter garden beds, grassed turf areas and front fencing.



Figure 9: Existing dwelling house at No. 38 Myrna Road



Figure 10: Existing dwelling house at No. 36 Myrna Road (north-adjoining neighbour)



Figure 11: Existing dwelling house (under construction) at No. 36 Myrna Road (south-adjoining neighbour)



Figure 12: Existing dwelling house at No. 39 Myrna Road



Figure 13: Existing dwelling house at No. 45 Myrna Road



Figure 14: Existing dwelling houses at No. 24 and 44 Myrna Road



Figure 15: Existing dwelling house at No. 50 Myrna Road



Figure 16: Existing dwelling house at No. 54 Myrna Road

Background

24 June 2021	The subject application was lodged.
23 July 2021	A site visit was undertaken by Council's assessment officer.
27 July 2021	<p>A deferral letter was sent to the applicant raising the following issues:</p> <ul style="list-style-type: none"> • Basement level and bulk/scale; • Landscaped area; • Combined side setback; • Arborist report and tree protection plan; and • Longitudinal section.
18 August 2021	The applicant provided additional information to address the issues raised in the letter.
3 September 2021	Council's Executive Manager – Trees confirmed that the proposed tree removal is not supported and further information is required.
22 September 2021	Council provided further correspondence to the applicant outlining some outstanding issues including tree removal.
2 and 5 November 2021	The applicant provided additional information to address any outstanding issues.

Referrals – Internal and External

Development Engineer Comments

Council's Development Engineer provided the following advice:

"I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by Capital Engineering Consultants (rev A drawing no. SW001, SW010, SW020, SW030 and ER001), dated 09.06.2021. The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Dwelling roof runoff drains into above ground rainwater tank in accordance with BASIX requirements via downpipes. Overflow from the tank and cabana roof runoff drain into boundary pit by gravity means via overflow pipe and downpipes. Proposed basement drains into the pump out tank by gravity means via subsoil drainage and grated trench drain. Rising main from the pump out tank connects to the boundary pit. From an engineering perspective, concept plan is feasible and there are no objections raised subject to conditions."

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

Traffic Manager Comments

Council's Traffic Manager provided the following commentary on the initial design of the proposal:

"There appears to be opportunities to re-configure the basement layout to further reduce the basement area."

A 1m by 1m splay is to be provided on both sides of the driveway crossing and within the property boundary."

Should approval be recommended by Planning Section, conditions (as recommended) must be imposed."

The amended design now features reduced basement footprint and is considered a reasonable size that allows for forward entry and exit. Accordingly, Council's Traffic Manager offered no objections to the amended design of the proposal subject to the imposition of conditions.

Tree Referral Comments

Initially, the proposed tree removal involved removing the following seven (7) site trees:

- Golden Biota Conifer (*Thuja orientalis*) in front setback – T2
- Atlas Cedar (*Cedrus atlantica*) in front setback – T3
- Japanese Maple (*Acer palmatum*) in rear yard – T4
- Broad-leaved Paperbark (*Melaleuca quinquenervia*) in rear yard – T5
- Jacaranda (*Jacaranda mimosifolia*) in rear yard – T6
- Narrow Leaf Peppermint (*Eucalyptus nicholii*) in rear yard – T7

- Weeping Fig (*Ficus benjamina*) in rear yard – T8

Council's Executive Manager – Trees reviewed the original proposal and advised that there were opportunities to retain some of these trees – particularly trees T4, T5, T6 and T7. It was recommended that these trees be retained and the design amended accordingly. Alternatively, further information should be provided in order to further consider their removal. This advice was provided to the applicant.

The applicant confirmed that retaining trees T4 and T5 were possible; however, trees T6, T7 and T8 would likely be impacted by any demolition works required to remove the existing slab and structures that surround these trees. The applicant's arborist identified that this cluster of trees did not have any retention or landscape value, and that it would be a better outcome to remove these trees given their condition. The applicant provided an addendum to the previous arborist report to support the retention of trees T4 and T5 and the removal of trees T6, T7 and T8.

Council's Tree Management Coordinator assessed the final scheme and proposed tree retention and removal, and confirmed support for the tree retention and removal and offered no objections to the proposal, subject to the imposition of conditions.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012 (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8m	Compliant.
4.4 Floor Space Ratio	0.55:1 445.17m ²	0.55:1 443.12m ²	Compliant.

Floor space ratio (FSR) calculation

The calculated gross floor area (GFA) and FSR includes the cool room in the basement, the relevant spaces in the ground and first floors of the dwelling house, and the outdoor toilet in the outbuilding. The remaining spaces within the basement satisfies the basement definitions under the SLEP 2012 and SCDP 2005 and as such, these spaces were excluded in the GFA and FSR calculation.

Part 5 – Miscellaneous Provisions

Flood Planning

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

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. 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 relevant aims, objectives and development standards of the SLEP 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/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 Coordinator who outlined specific conditions to be imposed with any development consent in order to ensure the protection of any trees to be retained.

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

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

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

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

(iii) *any development control plan,*

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. 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:	Max. 0.55:1 445.17m ²	0.55:1 443.12m ²	Compliant.
Heights: Floor to ceiling heights:	3.0m	>6m (entry void) 3m (remainder of house)	No – demonstrates merit. Compliant
Height to underside of eaves: Parapet height:	7.2m 0.8m	7.2m 0.83m	Compliant. No – demonstrates merit.
Overall height for flat roof dwelling:	7.8m	8m	No – demonstrates merit.
Basement height above NGL: Number of Storeys/Levels:	1.0m 2	0.95m 2 storeys	Compliant. Compliant.
Setbacks: Front: Side (north): Side (south):	9m 1.2m (min) 1.2m (min)	9m 1.2m 1.29m	Compliant. Compliant. Compliant.
Combined Side Setback:	3.048m (20%)	2.49m (16.3%)	No – demonstrates merit.
Rear:	6m	17.55m	Compliant
Landscaping			
Landscaping/Deep soil Provisions:	Min. 41.5% 364.23m ²	47.8% 387.2m ²	Conditioned to comply.
Front landscaped area	Min. 50%	69%	Compliant.
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1.3m 1.3m	Compliant. No – demonstrates merit.
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Min. 3hrs provided.	Compliant.
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Conditioned to comply.
Vehicular Crossing:	1	1 crossing	Compliant.
Driveway setback – side:	0.5m	Min. 1.5m	Compliant.

No. of Parking Spaces:	2	2 spaces provided	Compliant.
Basement:			
Basement protrusion:	Less than 1.0m	0.95m (max.)	Compliant.
Basement ramp/driveway	3.5m	3.5m	Compliant.
Internal height:	2.2m	Min. 2.65m	Compliant.
Ancillary Development			
OUTBUILDING			
Max height	3.5m	3m	Compliant.
Max gross floor area	40m ²	4.4m ²	Compliant.
Side setback	0.5m	Side: 1.6m	Compliant.
Rear setback	0.5m	Rear: 0.5m	Compliant.

Building Envelope

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

- Building scale, height and floor space ratio;
- Rhythm of built elements in the streetscape;
- Fenestration and external materials, and
- Street edge.

The architectural design and expression of the proposed dwelling house; whilst modern in style, featuring a flat roof and comprising contemporary materials and finishes; are considered compatible with the eclectic and variable styles occurring along Myrna Road and surrounding streets. The proposal will introduce a new and modern building that reflects more current and trending residential architecture and is suitably balanced by several landscaping treatments proposed throughout the site. The overall design of the final scheme ties-in with low density residential setting of the site and is in keeping with the character of the immediate locality.

Overall height for flat roofed dwelling houses

The final design of the dwelling house will have a maximum height of 8m, which represents a 0.2m or 2.6% variation to the maximum height requirement for flat roofed dwelling houses under Part A of the SCDP 2005. This variation demonstrates merit given that it is attributed to a small portion of the building and is considered a point encroachment only. The majority of the building is 7.8m or less in height and therefore, complies with the requirement. The portion that exceeds this requirement is a small portion at the front, which is partly attributed to the site topography – which falls to the street. On balance, the variation is considered a reasonable and acceptable outcome as it will result in a building featuring bulk, scale and design that are consistent and compatible with similar modern built forms along Myrna Road and surrounds.

Parapet height

The proposed parapet of the dwelling house will have a maximum height of 0.83m, which is 0.03m above the maximum parapet requirement for dwelling houses under Part A of the SCDP 2005. This variation demonstrates merit given that it is minor and as mentioned above, the majority of the building demonstrates compliance with the maximum height requirement for flat roofed dwelling houses.

Floor to ceiling height

The majority of the dwelling house will have a floor to ceiling height of 3m (maximum). The void above the entry will comprise of higher ceilings. Given that this void is of a reasonable size and provides amenity for future occupants, the increased floor to ceiling height for this space is considered a reasonable and acceptable outcome.

Combined side setback

The combined side setback of the dwelling house is 2.49m (min.) – which is 16.3% of the lot width. This represents a variation of 0.56m or 18.3% to the minimum combined side setback requirement under Part A of the SCDCP 2005. This variation demonstrates merit given that this is only associated with a small portion (3%) of the total length of the building. The remainder of the building on the southern side features an increased setback of 2m – ensuring that most of the house complies with this setback requirement. It is further noted that the entire development complies with the minimum side setback requirement (1.2m). The applicant provided additional shadow diagrams to demonstrate that full compliance with this control will not result in significant improvements with regard to amenity and overshadowing impacts. On balance, the variation is considered a reasonable and supportable outcome.

Driveway width at boundary

The proposed driveway crossing is 3.5m in width. A condition will be imposed to reduce the width of the new crossing to comply with the maximum driveway width control (3m).

Landscaping and Open Space

The proposed development generally complies with and satisfies the relevant objectives and controls of the SCDCP 2005 in relation to landscaping and open space. The final landscaping treatments are composed of grassed turf areas, garden beds and vegetated pedestrian paths in the front setback, garden beds and hedges incorporating retain trees (T4 and T5) and two (2) distinct open grassed areas in the rear yard. A total of 348m² (43%) is provided – which fails to comply with the minimum landscaped requirement (45%) under Part A of the SCDCP 2005. A design change condition is recommended to remove paving along the 2m wide side setback on the southern side of the building to provide additional deep soil landscaped areas (of about 39.2m²). By condition, the proposal is able to facilitate 387.2m² or 47.8% of the site; thereby ensuring compliance with the above requirement.

It is further noted that no new canopy trees were provided by the development. Notwithstanding the retention of trees in the rear yard, a design change condition is recommended to provide at least one (1) canopy tree that is capable of reaching a mature height of at least 10m in the front yard. This ensures an improved balance of landscaped and hardscaped elements and compensates for the removal of four (4) site trees. Through the imposition of conditions the development is considered to enhance the existing streetscape and facilitate adequate open areas for deep soil planting and recreation for future occupants.

Front Fencing

The design of the proposed front fencing is highly minimal and only comprises a 1.275m high masonry column with an integrated letter box and a shorter masonry retaining wall feature containing a planter box that is centrally located along the front boundary. The solid column is higher than the maximum permitted height for solid fencing components (0.7m); however, given that the fencing covers only 3m of the front boundary, the majority of the views of the dwelling house, as presented to the street, are uninterrupted. Further, the proposed front

fencing is well below the maximum height requirement for front fencing (1.5m). The variation is considered to have merit and is supportable.

Solar Access

The proposal has been designed to allow solar access to most windows of habitable rooms and to at least 50% of the private open space for a minimum period of three (3) hours between 9.00am-3:00pm at the winter solstice. It is noted that Bedroom 2 not be able to receive the necessary three (3) hours of solar access as its window faces south. This is considered an acceptable outcome given the orientation of this space in relation to the site.

The east-west orientation of the site ensures that overshadowing impacts on south-adjointing neighbour/s are inevitable and likely to be unavoidable. The final scheme has provided additional building separation from the southern boundary for the majority of the dwelling house. This assists in maximising solar access for the south-adjointing neighbour. In addition, shadow diagrams provided by the applicant demonstrate that the proposal complies with the relevant requirements in that a minimum of three (3) hours of solar access is provided to the private open space of this adjoining residence.

As such, the proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005 and provides sufficient amenity and solar access for both future occupants and neighbours.

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. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties.

The rear-facing balcony in the Master Bedroom is only 0.75m wide and is flanked by blade walls on either side to ensure any overlooking from this space is minimised. Its design and location will not likely result in significant privacy impacts.

Vehicular Access, Parking and Basement Level

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. The basement has been kept to maximum 0.95m 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 2.65m. The basement spaces are wholly underground and contain no openings or windows that would enable these spaces to be used for habitable 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 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.

It is noted that the development some excavation/cut and filling outside the building footprint to create two (2) distinct levels in the rear yard – one (1) comprising the alfresco and BBQ

areas and a second portion with the deep soil landscaping and open grassed turf areas. These works are considered reasonable and acceptable and ensures the development creates useable and levelled areas in the rear yard that generally reflect the topography of the site. The proposal will result in no significant changes to the topography – the site continues to fall towards Myrna Road. The proposed cut and fill will not impact adjoining properties as the finished levels remain relatable and consistent with the levels of this properties. As such, the proposed cut and fill are supportable.

Water and Soil Management

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

Access, Safety and Security

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

ANCILLARY STRUCTURES

Outbuildings

The proposed outbuilding, comprising a cabana and toilet, satisfies the relevant objectives and controls the SCDCP 2005. This building complies with the maximum height, gross floor area and minimum setback requirements for outbuildings under Part A of the SCDCP 2005.

PART H – Waste Management (SCDCP 2005)

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

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

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

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

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

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

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days (from 6 to 20 July 2021) where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this period.

(e) the public interest.

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

Local Infrastructure Contributions

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

STRATHFIELD INDIRECT / SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. Based on the Cost of Works of **\$990,000.00** 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 for the proposal is as follows:

Local Amenity Improvement Levy	\$9,900.00
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/148 should be approved subject to the recommended conditions set out below.



Signed:

**M Rivera
Senior Planner**

Date: 11 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 not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.



Signed:

**L Gibson
Senior Planner**

Date: 15 November 2021

Following detailed assessment it is considered that Development Application No. 2021/148 should be approved subject to the recommended conditions set out below.

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

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

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
Demolition Plan	21016-02	17 Aug 2021	B	ES Design
Site Plan	21016-03	17 Aug 2021	B	ES Design
Basement Floor Plan	21016-04	17 Aug 2021	B	ES Design
Ground Floor Plan	21016-05	17 Aug 2021	B	ES Design
First Floor Plan	21016-06	17 Aug 2021	B	ES Design
Roof Plan	21016-07			
Outbuilding Plan, Section and Elevations	21016-08	14 Jun 2021	A	ES Design
West and North Elevation	21016-09	17 Aug 2021	B	ES Design
East and South Elevation	21016-10	17 Aug 2021	B	ES Design
Section View	21016-11	17 Aug 2021	B	ES Design
Front Fence Details	21016-12	17 Aug 2021	B	ES Design
Driveway Grade	21016-13	14 Jun 2021	B	ES Design
Schedule of External Colours and Finishes	21016-14	17 Aug 2021	B	ES Design
Landscape Plan	LDA-01	28 Oct 2021	B	Ground Ink
Plant Palette	LDA-02	28 Oct 2021	B	Ground Ink
Landscape Details	LDA-03	28 Oct 2021	B	Ground Ink
Cover Sheet	SW001	9 Jun 2021	A	Capital Engineering Consultants
Basement Plan and Details	SW010	9 Jun 2021	A	Capital Engineering Consultants
Site Stormwater Plan and Details	SW020	9 Jun 2021	A	Capital Engineering Consultants
First Floor and Roof Plan	SW030	9 Jun 2021	A	Capital Engineering Consultants
Erosion and Sediment Control Plan	ER001	9 Jun 2021	A	Capital Engineering Consultants
Waste Management Plan	-	18 Jun 2021	-	ES Engineering
BASIX Certificate	Cert No. 1208750S	17 Jun 2021	-	Noura Al Hazzouri
Arboricultural Impact Assessment and Tree Plan	-	16 Aug 2021	-	Horticultural Management Services

Arborist Addendum	-	5 Nov 2021	-	Horticultural Management Services
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2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

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

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

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

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

3. Vehicular Crossing - Minor Development

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

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

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

4. Building – Hoarding Application

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

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Sydney Water – Tap in™

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 THE 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://portal.longservice.nsw.gov.au/bci/levy/	\$3,465.00
Security Damage Deposit	\$12,200.00
Tree Bond for Street Tree – T1	\$10,150.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$9,900.00

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.

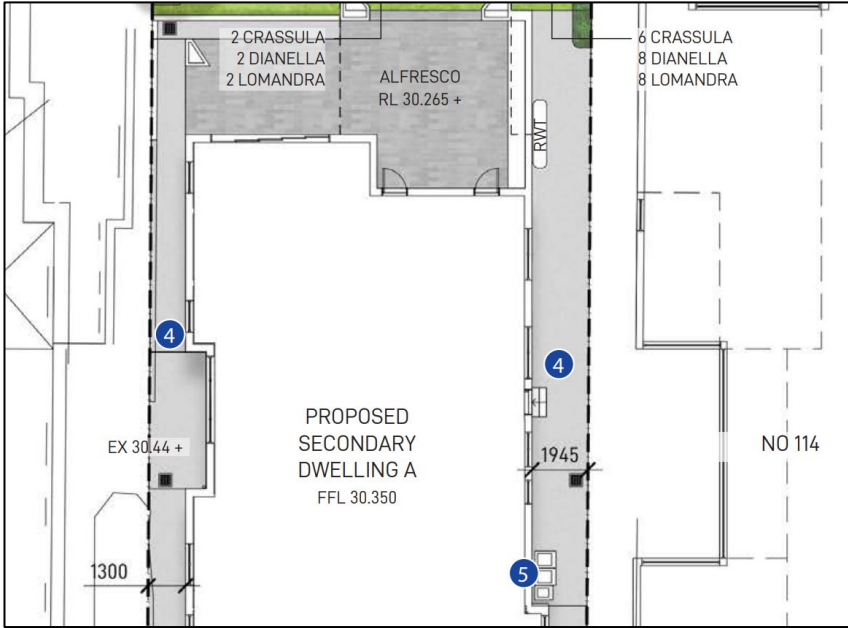
Further Information

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.

7. Required Design Changes

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

Driveway sight splays	A minimum 1m x 1m splay must be provided on both sides of the vehicular access, within the property boundary. The areas must be kept clear from obstructions and only allow ground cover landscaping, to maintain sight distances for pedestrians and motorists. Any front fence or gate opening adjustments required as a result of this splay must be illustrated on the plans lodged with the application for the Construction Certificate.
Southern side setback – changed to grassed turf area	The paved area shaded in blue must be deleted and changed to grassed turf areas to establish additional deep soil zones and to comply with the minimum landscaped area requirement under the DCP.

	
New tree/s in front setback	At least one (1) canopy tree must be provided in the front setback of the development. This tree must be of a species chosen from Strathfield Council's Recommended Tree List that is capable of reaching a mature height of at least 10m. The new planting/s must have a minimum container size of 50L and must be located more than 3m from any approved/existing building or structure.
Driveway crossing	The maximum width of the new driveway crossing at the property boundary and within the road reserve must be reduced to 3m to comply with maximum driveway width control under the DCP.

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: \$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.

9. Tree Bond

A tree bond for the single street tree T1 – *Sapium severferm* of \$10,150.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

10. Site Management Plan

Minor Development

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

11. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1208750S must be implemented on the plans lodged with the application for the Construction Certificate.

12. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

(h) Compliance with Managing Urban Stormwater – Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

13. Stormwater System

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

14. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

(a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;

(b) The pump system shall be regularly maintained and serviced, every six (6) months; and

(c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line. Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

15. 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.

16. Structural Details

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

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

17. 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).

18. Landscape Plans

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

19. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural impact Assessment prepared by Horticultural Management Services dated 5 November 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	Sapium sebiferum	Street tree 38 Myrna Road	7.2 metres
4	Acer palmatum	38 Myrna Road	3.4 metres
5	Melaleuca quinquervia	38 Myrna Road	8.4 metres

20. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Sapium sebiferum	Street tree 38 Myrna Road	7.2 metres
4	Acer palmatum	38 Myrna Road	3.4 metres
5	Melaleuca quinquervia	38 Myrna Road	8.4 metres

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

General Tree Protection Measures

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance AS4970 -2009 *Protection of trees on development sites*.
- 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).
- 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.
- 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.

21. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	No of trees	Location
3	Cedrus atlantica	1	38 Myrna Road – front setback
6	Jacrandra mimosifolia	1	38 Myrna Road – rear yard
7	Eucalyptus nicholii	1	38 Myrna Road – rear yard
8	Ficus benjamina	1	38 Myrna Road – rear yard

General Tree Removal Requirements

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

Tree Replacement

All trees permitted to be removed by this consent shall be replaced by a total of four (4) trees by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

22. 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.

23. 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.

24. 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](#).

25. Dial Before Your Dig

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

26. 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.

DURING CONSTRUCTION

27. 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.

28. 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.

29. 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.

30. 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.

31. Tree Removal on Private Land

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

32. Excavation Works Near Tree to be Retained

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

33. BASIX Certificate

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

34. Completion of Landscape Works

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

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. (delete if not applicable – only use for dual occ's and above)

35. Minor Development

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

36. 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.

37. 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.

38. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications. Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

39. 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. Maintenance of Landscaping

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

41. Entering & Exiting of Vehicles

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

42. Greywater System

In order to conserve and re-use water, Council encourages all developments for [new dwellings/dual occupancy/multi-unit 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 AND 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. 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.

45. 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.

46. 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.

47. 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.

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.

52. Clause 98E – Protection & Support of Adjoining Premises

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

ADVICES

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

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

2. 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.

3. Disability Discrimination Act

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

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

To apply for approval under Section 138 of the Roads Act 1993:

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA [insert number]) 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.

5. 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).

6. Noise

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

Useful links relating to Noise:

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

16.13 Acoustical Engineer Contacts & Reference Material (AD1613)

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

- (a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)

- (b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
- (c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)

7. 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.

8. Australia Post – Letter Box Size and Location

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