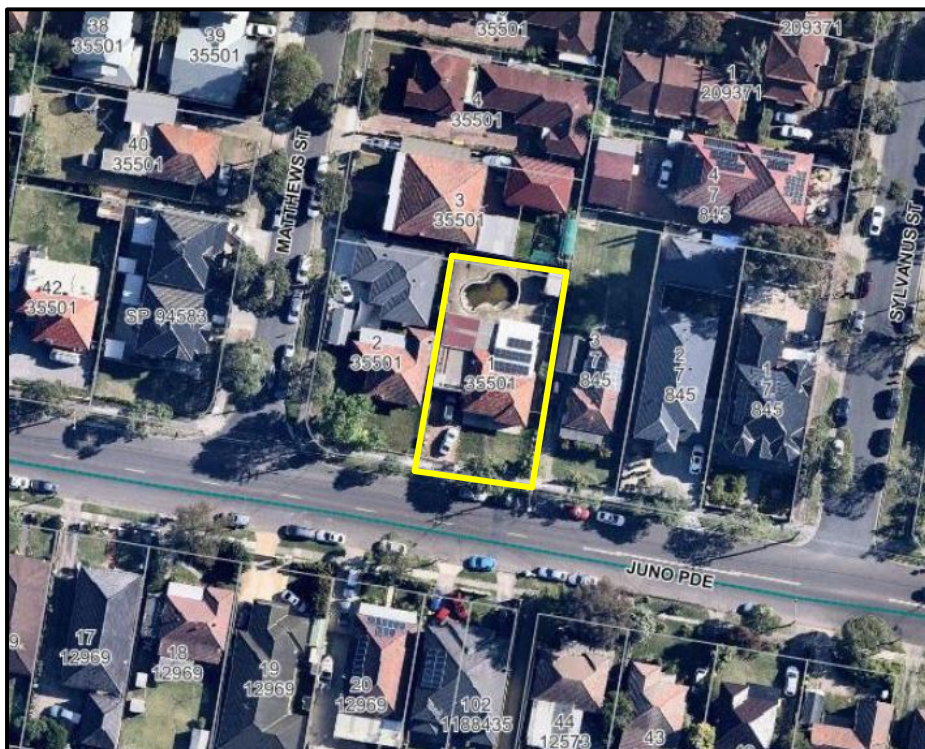


**IDAP REPORT**

<b>Property:</b>	91 Juno Parade GREENACRE Lot 1 in DP 35501 DA2021/126
<b>Proposal:</b>	Demolition of existing structures and construction of a two (2) storey dual occupancy with associated landscaping works.
<b>Applicant:</b>	Assurance Development and Construction Pty Ltd
<b>Owner:</b>	S M Sharker
<b>Date of lodgement:</b>	8 June 2021
<b>Notification period:</b>	15 to 29 June 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$750,000.00
<b>Zoning:</b>	R2 – Low Density Residential – SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



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

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of a two (2) storey dual occupancy with associated landscaping works.

### **Site and Locality**

The site is identified as No. 91 Juno Parade, Greenacre and has a legal description of Lot 1 in DP 35501. The site is a rectangular shaped parcel of land and is located on the northern side of Juno Parade.

The site has a width of 18.9m, a minimum depth of 34.44m and an overall site area of 652.7m<sup>2</sup>.

The locality surrounding the subject site is characterised by a busy classified road (Juno Parade) and low density residential housing in the form of detached dwelling houses and dual occupancy developments of varying scale and architectural style.

### **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 SLEP 2012.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). The proposal does not comply with some controls in the DCP – this has been detailed in the Assessment section of this report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 15 to 29 June 2021. No submissions were received during this period.

### **Issues**

- Landscaped area and site coverage.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/126 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the demolition of existing structures and construction of a two (2) storey dual occupancy with associated landscaping works. More specifically, the proposal involves the following elements:

Demolition of existing structures including the existing dwelling house.

Construction of a two (2) storey dual occupancy development comprising:

- Eastern dwelling with:
  - Ground floor: single car garage and storage room, study nook/entry foyer, hallway, guest room, family room, dining room, combined powder room and laundry, kitchen with butler's pantry;
  - First floor: sitting room with front-facing balcony, three (3) bedrooms, hallway, bathroom, master bedroom with ensuite, walk-in robe and rear-facing balcony (centralised);
- Western dwelling with:
  - Ground floor: single car garage and storage room, study nook/entry foyer, hallway, guest room, family room, dining room, powder room, laundry, kitchen with walk-in pantry;
  - First floor: study area with front-facing balcony, three (3) bedrooms, hallway, bathroom, master bedroom with ensuite, walk-in robe and rear-facing balcony (centralised);

External works:

- Removal of an existing street tree and compensatory planting of two (2) trees within the road reserve;
- Landscaped areas in the front and rear setback;
- Centralised driveway crossing and internal driveways with turning bays; and
- Additional parking spaces (one per dwelling) within front setback.

Site Plan, Floor Plans, Elevations and Section of the proposal are illustrated in Figures 2 to 7.

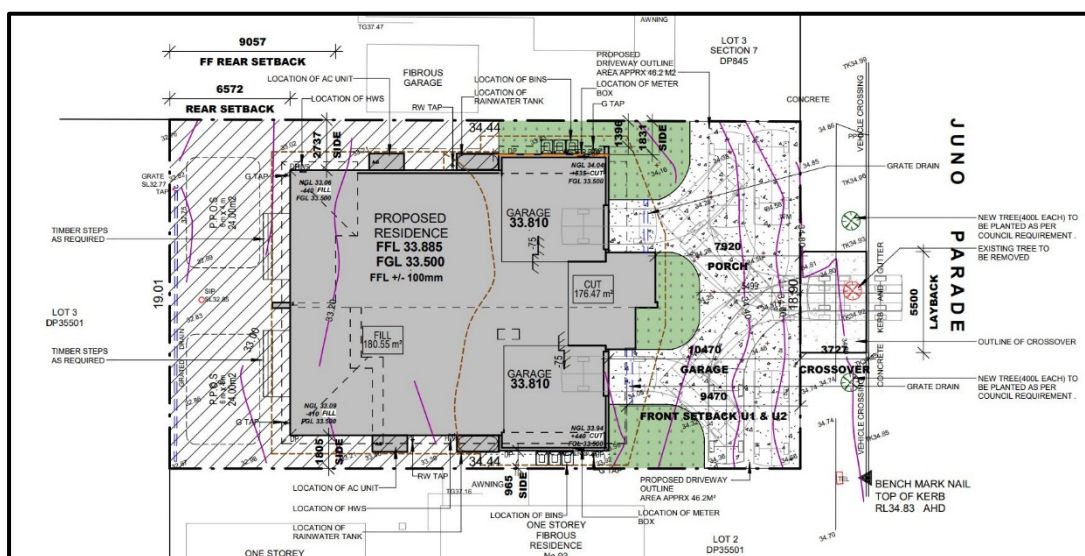


Figure 2: Site Plan



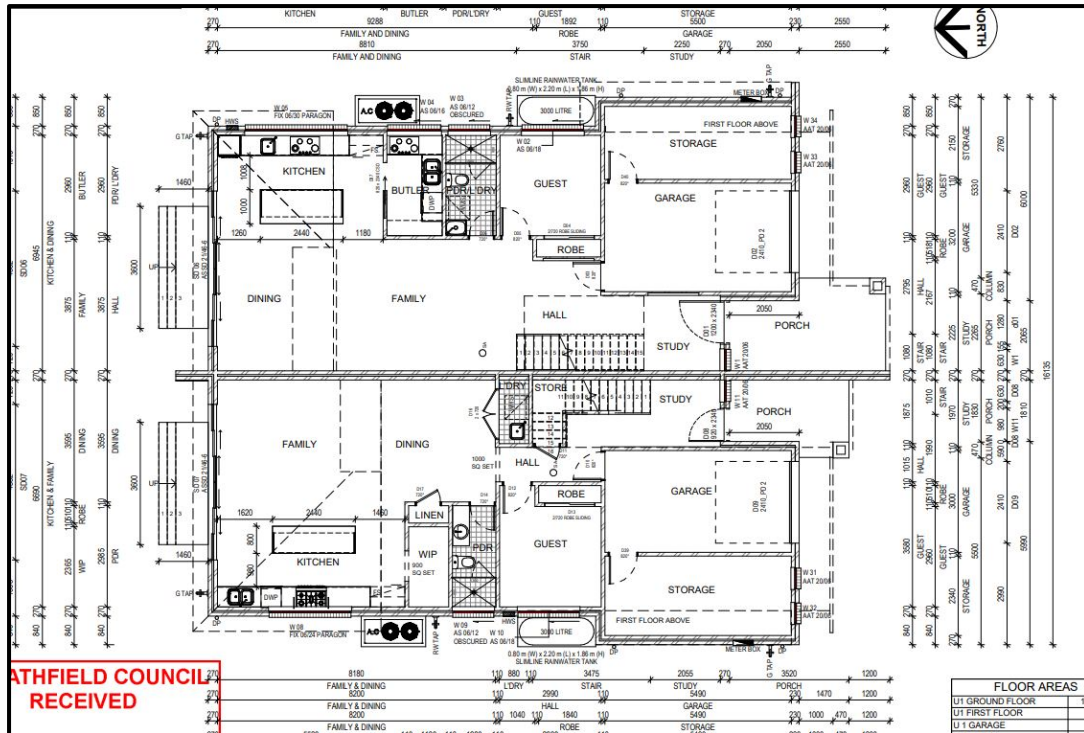


Figure 3: Ground Floor Plan

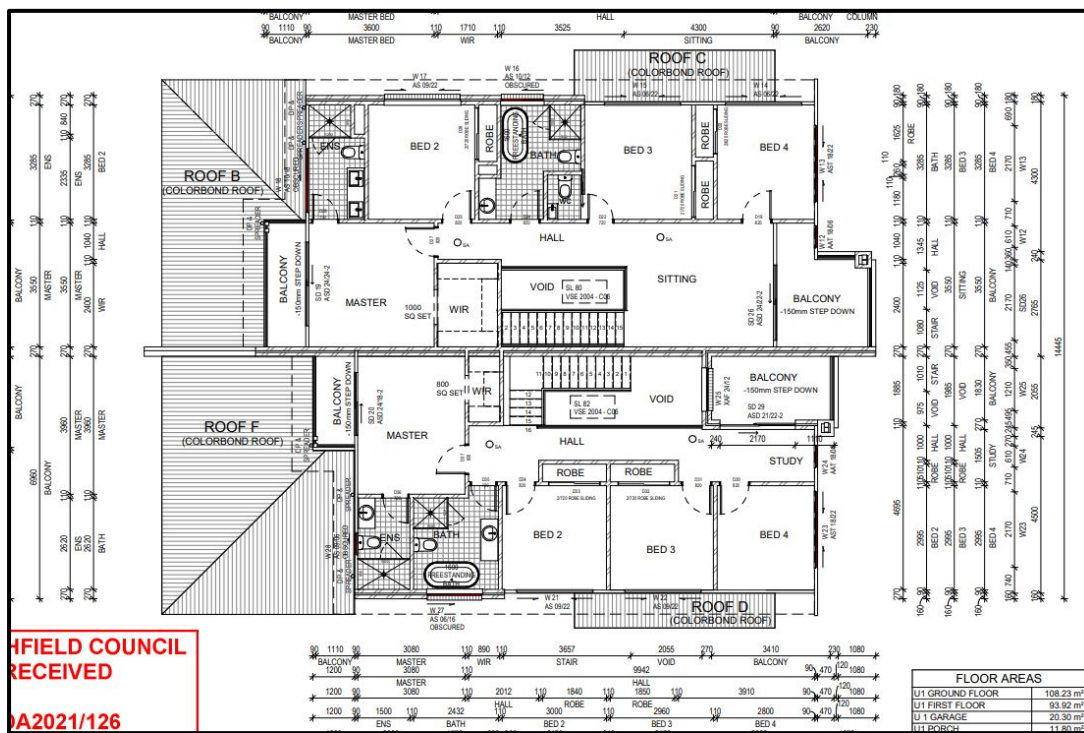


Figure 4: First Floor Plan

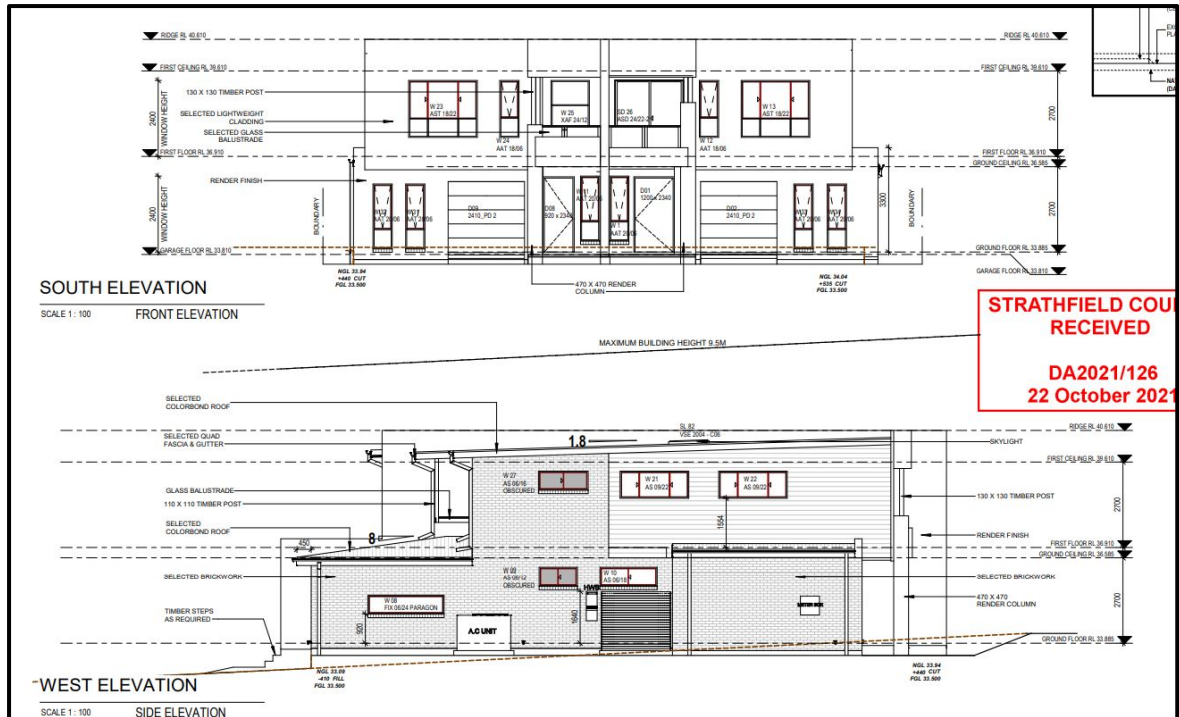


Figure 5: South and West Elevations

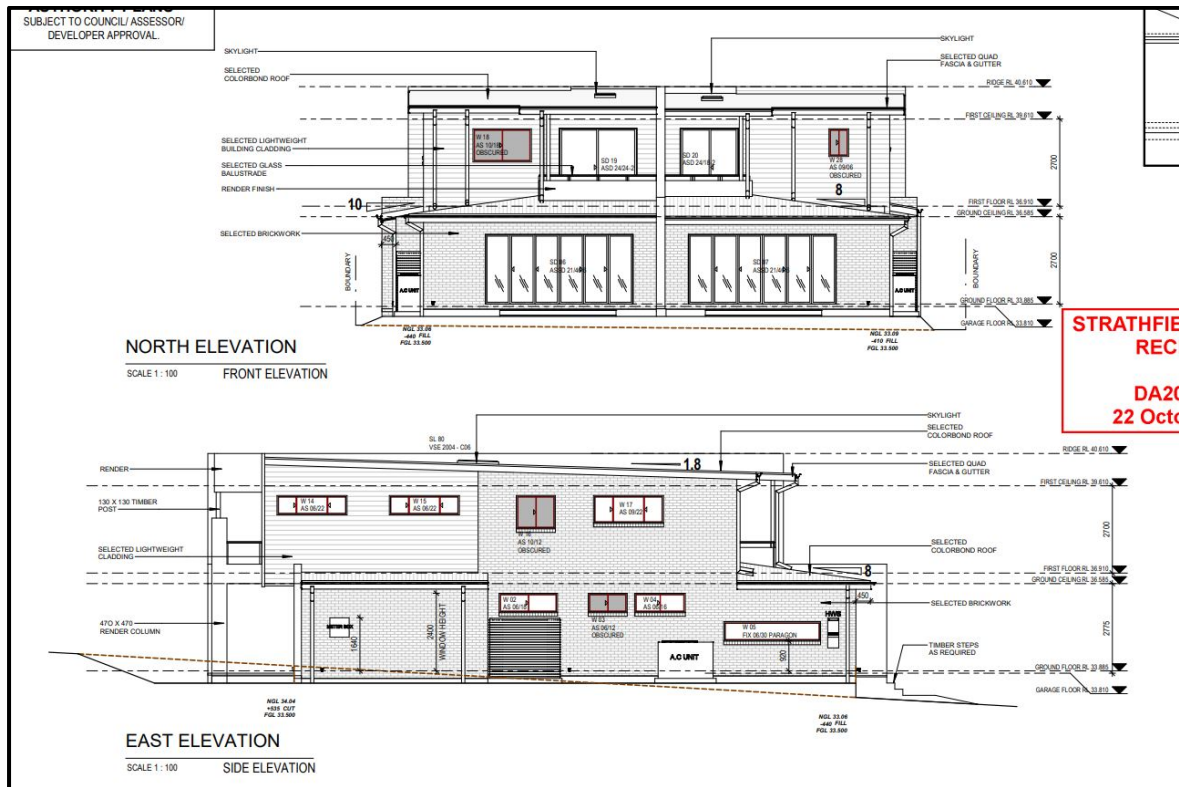
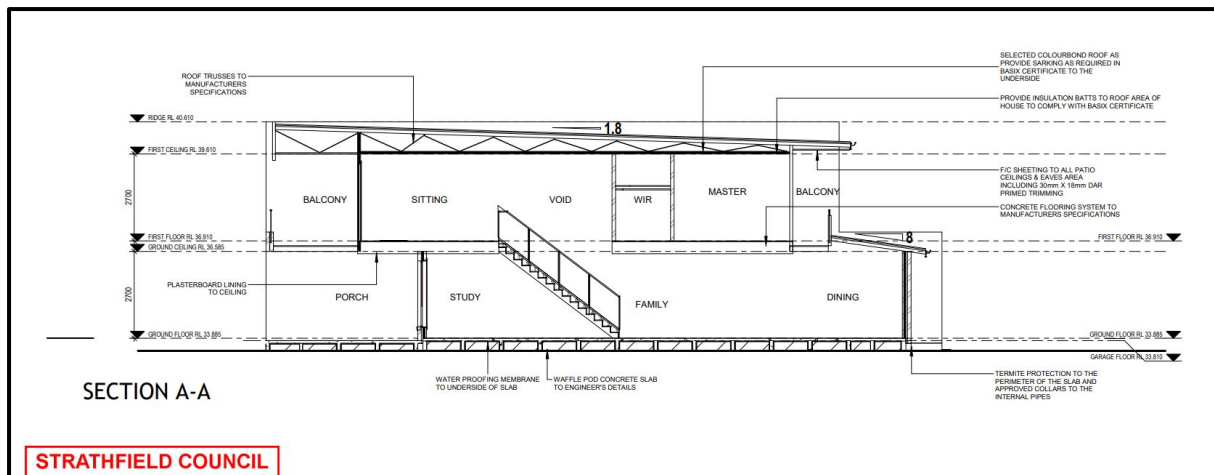


Figure 6: North and East Elevations



**Figure 7: Long Section**

### **The Site and Locality**

The subject site is legally described as Lot 1 in DP 35501 and commonly known as No. 91 Juno Parade, Greenacre. It is located on the northern side of Juno Parade, between Matthew Street and Sylvanus Street.

The site is a rectangular shaped parcel of land and is located on the northern side of Juno Parade. The site has south-north orientation, a width of 18.9m, a minimum depth of 34.44m and an overall site area of 652.7m<sup>2</sup>. The site has a 1.9m fall from the front (southern) boundary to the rear (northern) boundary.

The site is occupied by a single storey detached dwelling house, attached garage, shed and in-ground swimming pool (refer to Figure 8). The site is predominantly modified and is devoid of any significant vegetation and trees. The site benefits from having vehicular access via an existing driveway off Juno Parade.

The subject site straddles at the edge of the Strathfield LGA, and borders the Canterbury-Bankstown LGA. The locality surrounding the subject site is characterised by a busy classified road (Juno Parade) and detached dwelling houses of varying scale and architectural style (refer to Figures 9 and 10). Adjoining the side boundaries of the site are single storey, detached dwelling houses at No. 89 Juno Parade (east-adjointing neighbour) and No. 93 Juno Parade (west-adjointing neighbour) (refer to Figures 11 and 12).

Several attached dual occupancy developments featuring a mixture of roof forms (pitched and flat) and materiality (exposed brick, rendered masonry and cladding) also occur along the street including:

- No. 90 and 90A Juno Parade (refer to Figure 13);
- No. 102 and 102A Juno Parade (refer to Figure 14);
- No. 104 and 104A Juno Parade (refer to Figure 15);
- No 106A and 106B Juno Parade (refer to Figure 16); and
- No. 120 Juno Parade.

It is noted that an approved dual occupancy development is situated at No. 111 Juno Parade and is currently under construction.





**Figure 8:** Existing dwelling house at No. 91 Juno Parade



**Figure 9:** Streetscape – northern side of Juno Parade





**Figure 10:** Streetscape – northern side of Juno Parade and in front of subject site



**Figure 11:** Existing dwelling house at No. 89 Juno Parade





**Figure 12:** Existing dwelling house at No. 93 Juno Parade



**Figure 13:** Existing dual occupancy at No. 90 and 90A Juno Parade





**Figure 14:** Existing dual occupancy at No. 102 and 102A Juno Parade



**Figure 15:** Existing dual occupancy at No. 104 and 104A Juno Parade





**Figure 16:** Existing dual occupancy at No. 106A and 106B Juno Parade

### **Background**

<b>8 June 2021</b>	The subject application was lodged.
<b>15 June 2021</b>	The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 29 June 2021. No submissions were received during this period.
<b>12 July 2021</b>	A deferral letter was sent to the applicant raising the following issues: <ul style="list-style-type: none"> <li>• Transport for NSW (TfNSW) requirements;</li> <li>• Landscaped area and site coverage; and</li> <li>• Filling outside building footprint.</li> </ul>
<b>15 July 2021</b>	A site visit was undertaken by Council's assessment officer.
<b>23 August 2021</b>	TfNSW provided clarification and confirmation that they require a single driveway and forward entry and exit on all proposed parking for the development.
<b>2 September 2021</b>	Referral was sent to Council's Executive Manager – Trees as the re-design to include a single driveway will require removal of a street tree.
<b>22 September 2021</b>	Council's Executive Manager – Trees provided advice in relation to the street tree.

<b>28 September 2021</b>	The applicant provided additional information to address the issues raised in the letter and by TfNSW.
<b>7 October 2021</b>	Correspondence was sent to the applicant advising them of outstanding issues.
<b>28 October 2021</b>	The applicant provided additional information to address the outstanding issues.
<b>9 November 2021</b>	Additional correspondence was sent to the applicant advising them of outstanding issues.
<b>17 November 2021</b>	The applicant provided amended plans. This information was provided to TfNSW.
<b>23 November 2021</b>	TfNSW provided their response to Council.

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

#### **INTERNAL REFERRALS**

##### **Development Engineer Comments**

Council's Development Engineer provided the following advice:

*"I have reviewed the stormwater management plan prepared by MMR Engineering Services rev A drawing no. S1-S3 project no. MMR\_322 dated 14.05.2021 relating to the application.*

*I have made an assessment based on the topography of the site and the proposed stormwater system of the development. Subject site falls to the rear but presence of drainage easement at the rear has enabled the applicant to submit a compliant design.*

*Roof runoffs drain into above ground rainwater tanks by charged means via downpipes. Overflow from the tanks and driveway runoffs drain into drainage easement at the rear by gravity means via overflow pipe and grated trench drain. From engineering perspective, concept plan is feasible and there are no objections raised.*

*I support the application, subject to the imposition of conditions."*

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

##### **Environmental Health Officer Comments**

Council's Environmental Health Officer provided the following commentary with regard to noise issues associated with Juno Parade that may affect the design of the proposal:

*"The proposal is supported provided that a standard condition is imposed that requires an acoustic report be prepared to address noise impacts (associated with Juno Parade) and to guide the final design and materiality of the dual occupancy development. The inclusion of this condition will suffice in addressing any noise issues associated with Juno Parade."*



Accordingly, Council's Environmental Health Officer offered no objections to the proposal subject to the imposition of conditions.

### **Traffic Engineer Comments**

Council's Traffic Engineer provided the following commentary:

*"All aspects of the off-street parking has been assessed against the AS2890 series and considered satisfactory.*

*The recommendations from Transport for NSW are either resolved or able to be conditioned accordingly.*

*I support the application, subject to the imposition of conditions."*

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

### **Executive Manager – Trees Comments**

Council's Executive Manager – Trees provided the following commentary:

*"The street tree should remain; however if the design requires a singular central driveway to meet Transport for NSW requirements the tree removal can be supported subject to conditions of consent that require provision of two (2) new trees of mature size (400 litres) within the road reserve and two (2) new trees in front setback of mature size (400 litres) at 400 to offset the loss."*

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

## **EXTERNAL REFERRALS**

### **Transport for NSW Comments**

TfNSW provided no objections to the final design of the proposal, subject to the imposition of recommended conditions of consent

### **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 mapped Additional Permitted Uses (pursuant of Clause 2.5 and Schedule 1 of the SLEP 2012) – allowing for dual occupancy development to be permitted with consent. The proposal, being a dual occupancy, is a permissible form of development with Council's consent.

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	6.67m	Compliant.
<b>4.4</b> Floor Space Ratio	0.6:1 (391.62m <sup>2</sup> )	0.5:1 (332.3m <sup>2</sup> )	Compliant.

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

None of the provisions under Part 5 apply to the proposal.

### **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 does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be 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.

#### **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 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 Executive Manager – Trees who confirmed that given TfNSW requirements the proposed removal of the street tree is supported, subject to specific conditions imposed for offsetting the loss by providing new tree plantings onsite and within the road reserve.

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

## **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The subject application was referred to TfNSW as it involves development with frontage to a classified road (Juno Parade). Accordingly, Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is triggered. The objectives of this clause are:

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Concurrence was received from TfNSW – reflecting their support of the final scheme, subject to specific conditions imposed. As such, the proposal demonstrates alignment with the above objectives under Clause 101, subject to conditions imposed.

It is noted that Clause 102 does not apply as Juno Parade is not defined by TfNSW as a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.

An assessment of the proposal against Clause 101 under SEPP Infrastructure is summarised below.

Clause	Consideration	Proposed
101(1)	<i>The objectives of this clause are—</i>	
	<p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p>	<p>Compliant – as confirmed by TfNSW.</p> <p>Compliant.</p>
101(2)	<i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i>	
	<i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i>	Compliant.
	<i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i>	Compliant.
	<i>(i) the design of the vehicular access to the land, or</i>	Compliant.
	<i>(ii) the emission of smoke or dust from the development, or</i>	Compliant.
	<i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,</i>	Compliant.

Clause	Consideration	Proposed
<b>101(2)(c)</b>	<i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>	Noted: this clause applies to proposal. Council considers that the development has been sensitively located and designed with respect to the traffic noise and vehicular emissions associated with the adjacent classified road. Conditions will be imposed to ensure the construction of the dual occupancy will include incorporated measures to address noise from Juno Parade in accordance with an acoustic report.

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

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

**(iii) any development control plan,**

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

- Part B – Dual Occupancy Housing; and
- Part H – Waste Minimisation and Management.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Part B - Dual Occupancy Housing</b>			
<b>Site Requirements</b>			
<b>Allotment requirements:</b>	Minimum lots size for dual occupancy 560m <sup>2</sup>	Site area: 652.7m <sup>2</sup>	Compliant.
<b>Site coverage:</b>	65% or 424.26m <sup>2</sup>	65.8% 447m <sup>2</sup>	No – demonstrates merit.
<b>Setbacks:</b>			
Front:	9m	10.47 (ground floor) 9.47m (first floor)	Compliant. Compliant.
Side (east):			
Wall height less than 3m:	0.9m	1.8m	Compliant.
Wall height 3m or more:	1.5m	1.8m	Compliant.
Side (west):			
Wall height less than 3m:	0.9m	0.965	Compliant.



Wall height 3m or more:	1.5m	1.8m	Compliant.
Rear:			
Wall height less than 3m:	0.9m	6.57m (ground floor)	Compliant.
Wall height 3m or more:	1.5m	9m (first floor)	Compliant.
Building envelope	45 degree building envelope height plane off side and rear boundaries.	Proposal extends beyond the horizontal 45 degree building envelope.	No – demonstrates merit.
Length of walls	No section of wall on side or rear boundary setback should be longer than 10 metres or 40% of the length of the boundary, whichever is lesser.	Side (east): 19.95m Side (west): 18.87m Rear: 16.135m	No – demonstrates merit.
<b>Density, Bulk and Scale</b>			
<b>Floor Space Ratio:</b>	Maximum 0.5:1 (326.35m <sup>2</sup> )	0.5:1 (332.3m <sup>2</sup> )	No – CI 4.4C of SLEP 2012 prevails.
<b>Energy Efficiency and Water Conservation</b>			
All proposals for dual occupancy dwelling houses must achieve a minimum House Energy Rating of 3.5 stars	Yes	Yes	Compliant with BASIX requirements and will be Conditioned.
Appropriate shading devices for protection against summer heat must be included to living areas, bedrooms and all north facing windows of each dwelling.	Yes	Appropriately designed	Compliant.
To the extent that existing developments and site orientation allow, site layout and design shall ensure reasonable solar access to the site and the protection of solar access to neighbouring properties.	Yes	Acceptable design – living rooms and bedrooms face north, east and west. Orientation of site and development ensures three (3) hours of solar access to neighbouring	Compliant.

Dual occupancy developments are to be designed to maximise solar access to living areas and private open space.	Yes	properties' living areas and private open spaces.  Acceptable design – see above.	Compliant.
<b>Streetscape, Building Orientation and Materials</b>			
New development, particularly when viewed from the street or other public places is to be compatible with the predominant character and architectural detail of existing residential development in the street and in particular with any existing building to be retained on the site. New development shall also address the street frontage	Yes.	Acceptable design – demonstrates consistency and compatibility with the mixed architectural styles within Juno Parade including several dual occupancies and dwelling houses.	Compliant.
<b>Open Space and Landscaping</b>			
Landscaped open space	Minimum 40% of total site (261.08m <sup>2</sup> )	31.5% (205.4m <sup>2</sup> )	No – demonstrates merit.
Each dwelling shall be immediately adjacent to and have direct access to private open space	Yes	Acceptable design – both dwellings have direct access to private open space via family/dining rooms.	Compliant.
A landscape strip of 1 metre width is to be provided between the driveway and boundary fence	Yes	Acceptable design given TfNSW requirements.	No – demonstrates merit.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	5.5m	No – Required to be wider as per TfNSW requirements.

No. of Parking Spaces:	2 per dwelling	2 per dwelling	Yes
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## 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 dual occupancy development is suitable to the site's unique setting within Juno Parade; which forms the boundary between two (2) distinct local government areas, Strathfield and Canterbury-Bankstown. The street generally features a combination of dwelling houses and dual occupancies that have variable architectural style. Older housing stock is generally of a smaller size, with traditional pitched roofing, dark brick walls or fibro cladding and a simple façade with conservative entry porch. New styles along Juno Parade generally feature a flat roof and contemporary materials and finishes such as brick render. The proposal will introduce a modern building that reflects the current and trending residential architecture. The design of the final scheme ties-in with residential setting of the site and is in keeping with the character of the immediate locality.

### *Maximum site coverage*

The proposed development will have a site coverage of 447m<sup>2</sup> or 65.8% of the site. This represents a 22.74m<sup>2</sup> or 5.4% variation to the maximum site coverage requirement under Section 2.2, Part B of the SCDCP 2005. It is noted under Section 2.2 that *for the purpose of calculating site coverage, the following is to be included: house, garage, driveway, paved or concreted areas (including pool concourse), side setback areas between the boundary and house (paved or unpaved) 1500mm or less in width, pools, footpaths, BBQ areas, covered awnings, outbuildings, tennis courts and the like.*

The proposed variation demonstrates merit given that the gross floor area of the dual occupancy is fully compliant with the maximum FSR development standard under the SLEP 2012 and any remaining areas that are either built-up with hardscaped elements or comprise of landscaped, deep soil zones are considered appropriate and proportionate to the site area and dimensions. On balance, the overall scheme reflects the surrounding location, which is characterised by a highly modified residential environment that is transected by a classified and busy road (Juno Parade). The harsh setting is reflected by similar sized residential housing with reduced deep soil zones and limited tall vegetation in the front setback in order to facilitate appropriate and safe vehicular parking, and access and egress. The slight variation will result in a reasonable and acceptable design outcome featuring sufficient modulation and visual interest, and compliant setbacks to property boundaries, ensuring that the scheme is consistent and compatible with existing and approved development along Juno Parade and surrounding streets.



### *Building envelope*

The front portion of the proposed dual occupancy development slightly extends beyond the building envelope as illustrated in Figures 3 and 4 under Section 2.2, Part B of the SCDCP 2005. This encroachment is considered to have merit given that it is only attributed to the modern, square shaped design of the development; which varies from the pitched roof form demonstrated in those figures. The overall massing and built form proposed are not considered excessive and have been appropriately balanced with a number of design treatments and landscaping. On balance, the variation to the building envelope requirement is reasonable and supportable.

### *Maximum wall length*

The proposed rear and side walls of the new dual occupancy do not comply with the maximum length of walls requirement under Section 2.2, Part B of the SCDCP 2005. These variations are considered acceptable and supportable given that the dual occupancy design is well below the maximum building height and FSR provisions under the SLEP 2012, is sufficiently articulated and comprises compliant setbacks, and achieves the objectives of Section 2.2. The proposed development comprises a dual occupancy that is compatible with the respective streetscape and is able to retain a single dwelling character. The proposed dual occupancy will have acceptable impacts including those associated with overshadowing, privacy and visual amenity. Therefore, the variations to the maximum length of walls requirement under the DCP are acceptable in this regard.

### *Landscaped open space*

The landscaped open space of the proposed development is 205.4m<sup>2</sup> (31.5%) of the total site area. This represents a variation of 55.68m<sup>2</sup> or 21.3% to the minimum landscaped open space requirement under Section 2.7, Part B of the SCDCP 2005. This variation demonstrates merit given that it is primarily attributed to front setback, which is primarily comprised of hardscaped elements and hardstand areas that enable four (4) parking spaces and sufficient turning areas for each space to allow forward entry/exit of vehicles. It is further noted that comparably sized dual occupancy developments along Juno Parade and surrounding sites in Greenacre have been approved with similar deficiencies in landscaped area – including No. 111 Juno Parade (DA2020/91). A condition will be imposed to provide adequate canopy trees in the front setback and road reserve to both offset the loss of the street tree and provide an improved quality of landscaping presented to the public domain. The proposed open space features an adequately sized and dimensioned, grassed open space with perimeter vegetation along the rear boundary is provided for each dwelling. This ensures this space functions appropriately for future occupants. In light of the above considerations, the variation to the minimum landscaped open space requirement is considered a reasonable and supportable outcome.

### **Solar Access**

Given the south-north orientation of the site, solar access to the living room windows and private open spaces for each dwelling are achieved or maintained for a minimum period of three (3) hours between 9.00am-3:00pm at the winter solstice. The orientation of the site, in combination with the siting and built form of the proposal also ensures that solar access is achieved or maintained to the living room windows and private open spaces of any neighbouring or adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls in relation to solar access under Part B of the SCDCP 2005.

## **Privacy and Security**

The proposed development satisfies the relevant objectives and guidance under Section 2.8, Part B of the SCDCP 2005. 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. It is noted that the first floor of the new dual occupancy comprises bedrooms, bathrooms, study nooks and centralised hallways – which are considered low activity spaces. The front-facing balconies and front façade glazing provide sufficient street surveillance.

## **Access and Parking**

The proposed development satisfies the relevant objectives and guidance under Section 2.9, Part B of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. It is noted that the proposed vehicular access and parking arrangement are endorsed by TfNSW, subject to specific conditions imposed.

The vehicular access and parking does feature an expansive hardstand area to accommodate sufficient turning bays and parking spaces, as required in the DCP. Whilst the front setback is dominated by this hardstand area it is generally reflective of the harsh and highly modified and urbanised streetscape within Juno Parade and is consistent with the existing built-up front setbacks of development along this street including an approved dual occupancy at No. 111 Juno Parade (DA2020/91).

## **Site Facilities and Water Management**

The proposed development satisfies the relevant objectives and guidance under Section 2.10, Part B of the SCDCP 2005 and complies with Council's Stormwater Management Code. The proposed stormwater management system and proposed soil erosion management have been assessed by Council's Development Engineer, who confirmed that these are endorsed, subject to the imposition of consent conditions.

## **Excavation of Sites**

The proposed development is considered to satisfy the relevant objectives and guidance under 2.13, Part B of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

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

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

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

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

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

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

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

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

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

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

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days (15 to 29 June 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 DIRECT (SECTION 7.11) CONTRIBUTIONS PLAN**

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

Provision Roads and Traffic Management	\$0.00
Provision of Local Open Space	\$3,016.96
Provision of Major Open Space	\$13,709.85
Provision of Community Facilities	\$3,013.35
Administration	\$259.83
<b>TOTAL</b>	<b>\$20,000.00</b>



## 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. 2021/126 should be approved, subject to the imposition of conditions.



**Signed:**  
**Miguel Rivera**  
**Senior Planner**

**Date: 25 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:**  
**Jake Brown**  
**Planner**

**Date: 30 November 2021**

Following detailed assessment it is considered that Development Application No. 2021/126 should be approved, subject to the following consent conditions imposed.

## Reasons for Conditions

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Notes	A001	17/11/21	8	Tri-Matric / Assurance
Site Plan	A002	17/11/21	8	Tri-Matric / Assurance
Demolition Plan	A004	17/11/21	8	Tri-Matric / Assurance
Driveway Details	A004.1	17/11/21	8	Tri-Matric / Assurance
Site Management Plan	A005	17/11/21	8	Tri-Matric / Assurance
Door and Window Schedule	A007.2	17/11/21	8	Tri-Matric / Assurance
Ground Floor Plan	A008	17/11/21	8	Tri-Matric / Assurance
First Floor Plan	A009	17/11/21	8	Tri-Matric / Assurance
Roof Plan	A010	17/11/21	8	Tri-Matric / Assurance
Elevations	A011	17/11/21	8	Tri-Matric / Assurance
Elevations	A012	17/11/21	8	Tri-Matric / Assurance
Section A-A	A013	17/11/21	8	Tri-Matric / Assurance

Landscape Plan	A017	17/11/21	8	Tri-Matric / Assurance
Stormwater Drainage Concept Plan – Sediment Control	S1	14/05/21	A	MMR Services Engineering
Stormwater Drainage Concept Plan	S2	14/05/21	A	MMR Services Engineering
Rainwater Tank Details	S3	14/05/21	A	MMR Services Engineering
Waste Management Plan	-	25/05/21	-	MMR Services Engineering
BASIX Certificate	Cert No. 1201156M	07/05/21	-	Energy Advance

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

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



- (g) Erecting a structure or carrying out work

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

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

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

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

### **3. Vehicular Crossing - Minor Development**

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

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

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

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

### **4. Transport for NSW**

The following conditions are to be imposed:

- a) The design and construction of the kerb and gutter crossing on Juno Parade shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au)
- b) Detailed design plans of the proposed gutter crossings are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

- c) A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)
- e) A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- f) All vehicles are to enter and exit in a forward direction.
- g) All vehicles are to be wholly contained on site before being required to stop.
- h) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Juno Parade.
- i) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Juno Parade during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Transport for NSW, on telephone 8849 2076 or by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

## **5. Road Noise**

The site is affected by noise from Juno Parade. An Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted demonstrating that the development has been designed with measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

## **6. Sydney Water – Tap in™**

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

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **7. Fees to be Paid**

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

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

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine

whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 2,625.00
Security Damage Deposit	\$ 12,200.00
Administration Fee for Damage Deposit	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 0.00
Strathfield Section 94 Development Contributions – Local Open Space	\$ 3,016.96
Strathfield Section 94 Development Contributions – Major Open Space	\$ 13,709.85
Strathfield Section 94 Development Contributions – Community Facilities	\$ 3,013.35
Strathfield Section 94 Development Contributions - Administration	\$ 259.83

### General Fees

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

### Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.



### Indexation

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

### Timing of Payment

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

### Further Information

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

## **8. Required Design Changes**

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

Two (2) trees in road reserve	<p>The Landscape Plan must be amended to include two (2) new trees planted within the road reserve in Juno Parade, immediately adjoining the site. These trees must be of mature size (400 litres) and of a species that is capable of reaching a mature height of at least 10m and listed in Strathfield Council's Recommended Tree List.</p> <p>The trees must be at least 2m from any new driveway crossing or power pole.</p>
Two (2) trees in front setback	<p>The Landscape Plan must be amended to include two (2) new trees planted within the front setback of the dual occupancy. These trees must be of mature size (400 litres) and of a species that is capable of reaching a mature height of at least 10m and listed in Strathfield Council's Recommended Tree List.</p> <p>The trees must be at least 3m away from any structure/building.</p>

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

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the

condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

## **10. 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. 1201156M 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. Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

### **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. Driveway Construction Plan Details**

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

### **17. 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.



## 18. 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).

## 19. Landscape Plans

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

## 20. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
Brush box ( <i>Lophostemon confertus</i> )	1	Road reserve

### 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

The street tree that is permitted to be removed by this consent shall be replaced and compensated as per the design change conditions (Condition 8) of this consent that stipulate the provision of four (4) new replacement trees.

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

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

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

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

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

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

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

### **21. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### **22. Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

### **23. Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

## **24. Dial Before 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**

### **25. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **26. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

### **27. Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

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

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

### **29. 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).

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

### **30. 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.

### **31. 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 that a maintenance program has been established.

### **32. 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.

### **33. 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.

### **34. 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.

### **35. 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)**

### **36. 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.

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

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

### **38. Greywater System**

In order to conserve and re-use water, Council encourages any new dual occupancy development 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**

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

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

### **40. 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.

### **41. 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](#).

### **42. 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**

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

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

### **44. 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.

### **45. 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.

#### **46. 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](#).

#### **47. 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.

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### **ADVISORY NOTES**

#### **I. Review of Determination**

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

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

#### **II. Appeal Rights**

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

#### **III. Lapsing of Consent**

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

#### **IV. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## **V. Long Service Levy**

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

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA DA2021/126) 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.

## **VII. Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).



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

## IX. Electricity Supply

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

## X. Australia Post – Letter Box Size and Location

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