

## IDAP REPORT

	61 Oxford Road Strathfield
<b>Property:</b>	Lot 20 in DP 2338
	DA 2021/160
<b>Proposal:</b>	Demolition of all existing structures and trees on site to allow for construction of a two (2) storey dwelling with basement, pool, and a detached secondary dwelling.
<b>Applicant:</b>	P planning
<b>Owner:</b>	W & M Sleiman
<b>Date of lodgement:</b>	21 July 2021
<b>Notification period:</b>	30 July 2021 - 16 August 2021
<b>Submissions received:</b>	NIL
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$980,650.00
<b>Zoning:</b>	R2 – Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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Figure 1: Aerial view of subject site (outlined in yellow) and surrounding context.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of all existing structures and trees on site to allow for construction of a two (2) storey dwelling with basement, pool, and a detached secondary dwelling.

### **Site and Locality**

The site is identified as 61 Oxford Road Strathfield and has a legal description of Lot 20 in DP 2338. The site is a regular shaped parcel of land and is located on the northern side of Oxford Road.

The site has a width of 15.24m, a depth of 69.34m and an overall site area of 1,056.00m<sup>2</sup>.

The surrounding context comprises low-density residential development. The streetscape presents a variation of architectural styles including traditional and contemporary style built forms.

### **Strathfield Local Environmental Plan**

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

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 30 July 2021 - 16 August 2021. No submissions were received during this time.

### **Issues**

- Tree removal.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/160 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of all existing structures and trees on site to allow for construction of a two (2) storey dwelling with basement, pool, and a detached secondary dwelling. More specifically, the proposal includes;

#### **Demolition**

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

#### **Construction**

Construction of a new dwelling house and secondary dwelling comprising:

Basement level:

- Three (3) parking spaces and storage;
- Lift well; and
- Pool filter room

Ground floor level:

- Office;
- Cloak room;
- Bathroom;
- Guest bedroom;
- Playroom;
- Laundry; and
- Open living, dining and kitchen with pantry.

First floor level:

- Living room;
- 3 bedrooms (2 with ensuite);
- Master suite (bedroom, WIR and ensuite); and
- Store room

External works:

- Alfresco area;
- Pool and spa;
- Front fence; and
- Associated landscaping and stormwater works.

Secondary dwelling (granny flat):

- Two (2) bedrooms;
- Bathroom;
- Cupboard laundry; and
- Living/dining/kitchen space.

Note: a lift well services all three (3) floors of the principle dwelling.



Figure 2: 3D streetscape elevation plan of revised proposal



Figure 3: Site Plan of revised proposal

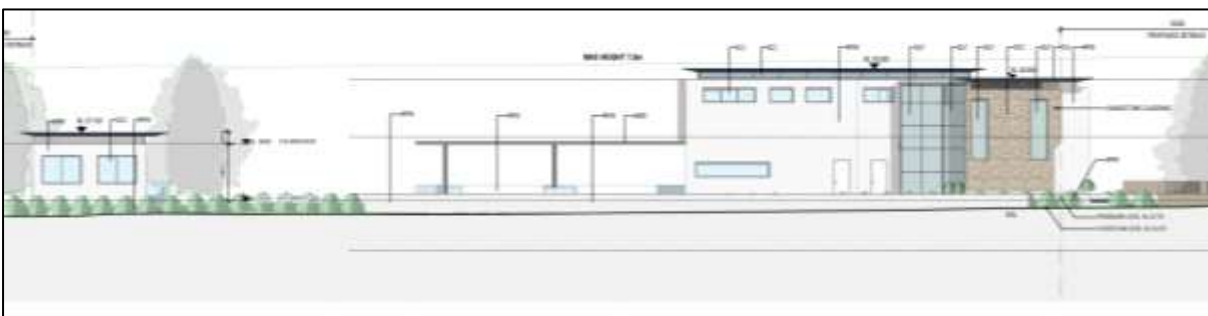


Figure 4: South-western side elevation of revised dwelling

### **The Site and Locality**

The site is identified as 61 Oxford Road Strathfield and has a legal description of Lot 20 in DP 2338. The site is a regular shaped parcel of land and is located on the northern side of Oxford Road.

The site has a width of 15.24m, a depth of 69.34m and an overall site area of 1,056.00m<sup>2</sup>. The site contains a gentle fall to the rear northern boundary.

The site is occupied by a single storey dwelling house and detached garage with white painted exterior walls and pitched tiled roof form. The dwelling is traditional in style and features several mature trees through the site.

The surrounding context comprises low-density residential development. The streetscape presents a variation of architectural styles including traditional and contemporary style built forms. All of which are provided with pitched tiled roof forms.



*Figure 5: Subject site at 61 Oxford Road, Strathfield*



*Figure 6: Rear yard of existing dwelling facing north.*



*Figure 7: Rear yard of subject site facing south.*



*Figure 8: Streetscape view of dwellings 65, 63 and 61 Oxford Road.*



*Figure 9: Streetscape view of dwellings at 66 and 68 Oxford Road (opposite subject site).*



Figure 10: Streetscape view of dwelling at 59 Oxford Rad.

## **Background**

21 July 2021	The subject application was lodged.
30 July 2021	The subject application was put on public notification for a period of 14 days. No submissions were received during this time.
- 16 August 2021	Council's assessing officer conducted a site inspection.
5 August 2021	A deferral (Stop The Clock "STC") letter was sent to the applicant raising the following issues with the proposal:
12 August 2021	<ul style="list-style-type: none"> <li>• Landscaping non-compliance;</li> <li>• Streetscape compatibility;</li> <li>• Solar access;</li> <li>• Visual privacy;</li> <li>• Driveway width;</li> <li>• Basement size;</li> <li>• Cut and fill; and</li> <li>• Secondary dwelling.</li> </ul>
1 September 2021	The applicant submitted additional information to Council to address the issues raised in the STC letter.
29 November 2021	<p>A second deferral letter was issued to the applicant requiring a new tree planting be provided in lieu of the removal of the significant tree on the site. A redesign of the proposal would thus be required.</p> <p>Applicant phoned Council's Assessment Officer objecting to the re-design requirement as the significant tree is dead and located in an inappropriate position on the site.</p>
1 December 2021	Council agreed to replacement tree planting being provided elsewhere on site via conditions of consent.

## **Referrals – Internal and External**

### **Heritage Comments**

Council's Heritage advisor raised no objections to the proposal.

## **Development Engineer Comments**

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

## **Tree Officer Comments**

1. *One (1) of the trees has been listed in Councils Significant Tree Register as being of remnant origin.*
2. *The applicant has submitted an Arborist report from About Trees dated the 15 of July 2021. The Arborist report identifies 14 trees. Tree No 2 and 3 are located at 59 Oxford Road.*
3. *The removal of Tree No's 1, & 4 – 14 are supported for removal. The retention of Tree No 2 and 3 is supported*
4. *The Landscape plan list three (3) tree species to be replanted, 4X Elaeocarpus reticulatus @ 300mm, 4X Backhousia citriodora @ 45L and 127X Acmena smithi Var Minor @ 300mm.*
5. *Given the amount of tree canopy that will be lost in the Strathfield LGA due to the proposed development, the following conditions have been applied;*
  - *The 4X Elaeocarpus reticulatus pot size be increased to 200L each tree.*
  - *The 4X Backhousia citriodora pot size be increased to 1000L each tree.*
  - *The replacement planting of a 200L Melaleuca decora in the rear yard.*
  - *A maintenance plan for the 9 trees will be submitted to Council from an AQF Level 5 Consulting Arborist including the methodology for how they will be maintained.*

Conditions of consent have been recommended to ensure the above replacement planting is provided.

## **Section 4.15 Assessment – EP&A Act 1979**

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

### **(1) *Matters for consideration – general***

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

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

## **Strathfield Local Environmental Plan**

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

## **Part 2 – Permitted or Prohibited Development**

### Clause 2.1 – Land Use Zones

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

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	7.7m	Yes
<b>4.4</b> Floor Space Ratio	0.50:1 (528.4m <sup>2</sup> )	0.46:1 (465.04m <sup>2</sup> )	Yes

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. The far north-eastern corner of the site adjoins the rear corner of residential property 168 Albert Road which is identified as Item I177 "Kareela"—Victorian Italianate house. The proposed built form is significantly setback from the item resulting in negligible impacts on the item and its surrounds. The proposal is therefore acceptable in this instance.

### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's 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 ramp and ancillary works. The extent of excavation for the proposed basement has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement.

The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts

on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

### **Essential Services**

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

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

### **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

As previously mentioned, the proposal was referred to Council's Tree Officer for comment. Specific conditions have been recommended to ensure the protection of the trees on the site and replacement tree planting that is suitable for the site.

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
<b>Building Envelope</b>			
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3m - 6.95m	No – refer to discussion below
Height to underside of eaves:	7.2m	7.2m	Yes
Parapet height:	0.8m	0.2m	Yes
Overall height for flat roof dwelling:	7.8m	7.7m	Yes
Basement height above NGL:	1.0m	1.0m	Yes
Number of Storeys/Levels:	2	2	Yes
<b>Setbacks:</b>			
Front:	9m	10.6m	Yes
Side:	1.2m (min)	NE: 1.8m	Yes
Side:	1.2m (min)	SW: 2m	Yes
Combined Side Setback:	3.048m (20%)	3.8m	Yes
Rear:	6m	23.3m	Yes
<b>Landscaping</b>			
Landscaping/Deep soil Provisions:	45% (475.56m <sup>2</sup> )	48.3% (510m <sup>2</sup> )	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.2m	Yes
Solid Component:	0.7m	0.6m	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Some adjoining property windows will not receive 3 hours solar access through the day.	No – refer to discussion.
<b>Vehicle Access and Parking</b>			

Driveway width at Boundary: Vehicular Crossing: Driveway setback – side:	3m 1 0.5m	3m 1 Nil	Yes Yes No – acceptable on merit as existing crossover is retained.
No. of Parking Spaces:	2	3 proposed	Yes – the additional space has been included as floor space and complies.
<b>Basement:</b> Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m 2.2m	1.0m 2.6m 2.2m (clearance height)	Yes Yes Yes
<b>Ancillary Development</b>			
<b>SECONDARY DWELLING</b> Floor Area: Height: Private open Space:	60m <sup>2</sup> 9.5m 12m <sup>2</sup> (min.3m)	56.4m <sup>2</sup> 4.55m 29.8m <sup>2</sup> (located rear of site)	Yes Yes Yes
Side Setback:	1.5m	NE: 1.8m SW: 2m	Yes Yes
Rear Setback:	3.0m	3.1m	Yes
<b>SWIMMING POOL</b> Side/Rear Setback	1.0m	1.4m (from NE side)	Yes

## Building Envelope

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

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

The proposed development presents a modern-style dwelling with flat roof form, rendered and stacked stone exterior finishes and large glazed window panelling. The streetscape, presents are variety of dwelling styles including both traditional and contemporary however, the overall height, bulk and scale is compatible with that of the streetscape. Further, the proposed development presents a high quality built form with high quality finishes to ensure it complements the prevailing development in the streetscape.

## Building Envelope (Floor to ceiling height)

The internal wall of the two (2) void spaces over the living room areas extend to 6.95m in height. This exceeds the maximum 3m floor to ceiling heights permitted under the SCDPCP 2005. The void spaces are acceptable as they are contained within the central portion of the building. The pop-up roof is raised marginally higher than the surrounding roof line. Highlight windows are proposed around the entire periphery of the pop up roof immediately over the central void spaces so to enable natural light to flow through the dwelling. Whilst the roof heights are greatest through the centre of the dwelling in line with the void spaces, the surrounding remaining roof heights are substantially lower to a maximum height of 7.2m only. This reduces the apparent height and bulk of the dwelling as viewed from the street whilst reducing the dwelling's dependence on artificial lighting (refer to Figures 11 and 12 below for roof design).

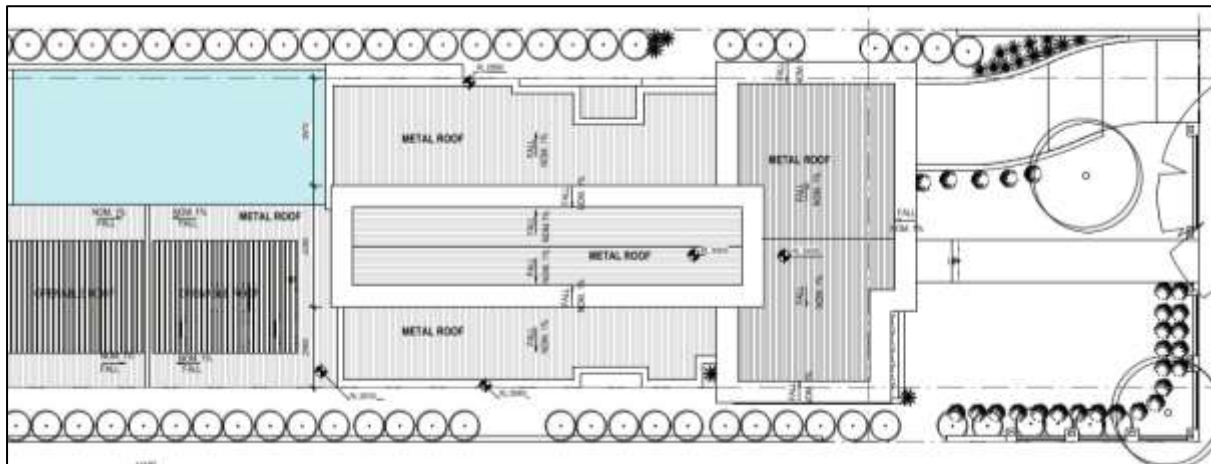


Figure 11: Roof plan of proposed development noting the variation in roof heights across the dwelling.



Figure 12: Elevation plan noting variation in roof heights through the dwelling.

## Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDPCP 2005. The development provides for substantial deep soil planting through the site. The landscaping proposed is suitable to the scale of the development and provides ample opportunities for

canopy tree plantings to be provided both at the front and the rear of the site (refer to Figure 13 below for proposed landscape plan).

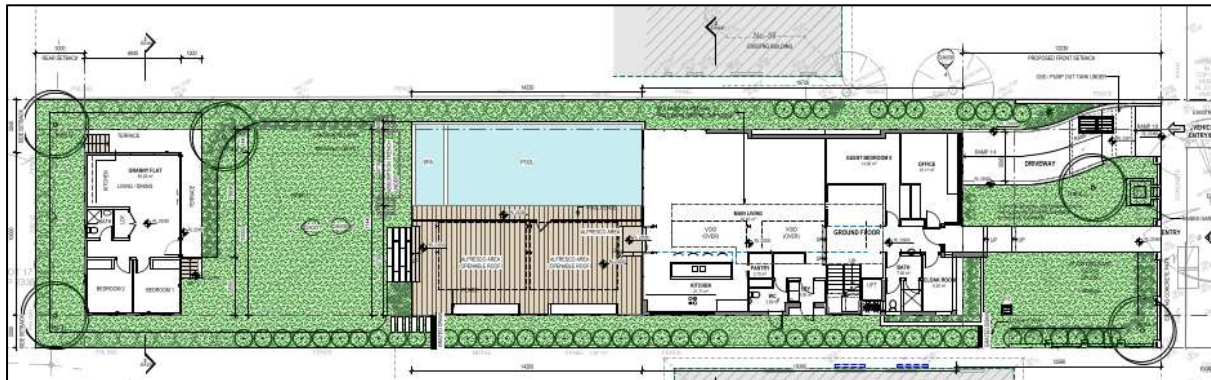


Figure 13: Proposed concept landscape plan

## Fencing

The proposed front fencing satisfies the relevant objectives and controls within SCDP 2005. The front fence design is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences (refer to Figure 14 below for reference).



Figure 14: proposed front fence elevation plan

## Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space cannot be achieved for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. A series of shadow diagrams were submitted to Council during the assessment process (refer to Figures 15, 16 and 17 below). The diagrams demonstrate the impact of overshadowing of the proposed development in comparison to the current overshadowing impacts.



Figure 15: Existing shadow plans of dwelling currently on subject site.



Figure 16: Proposed shadow plans as a result of the new proposal.

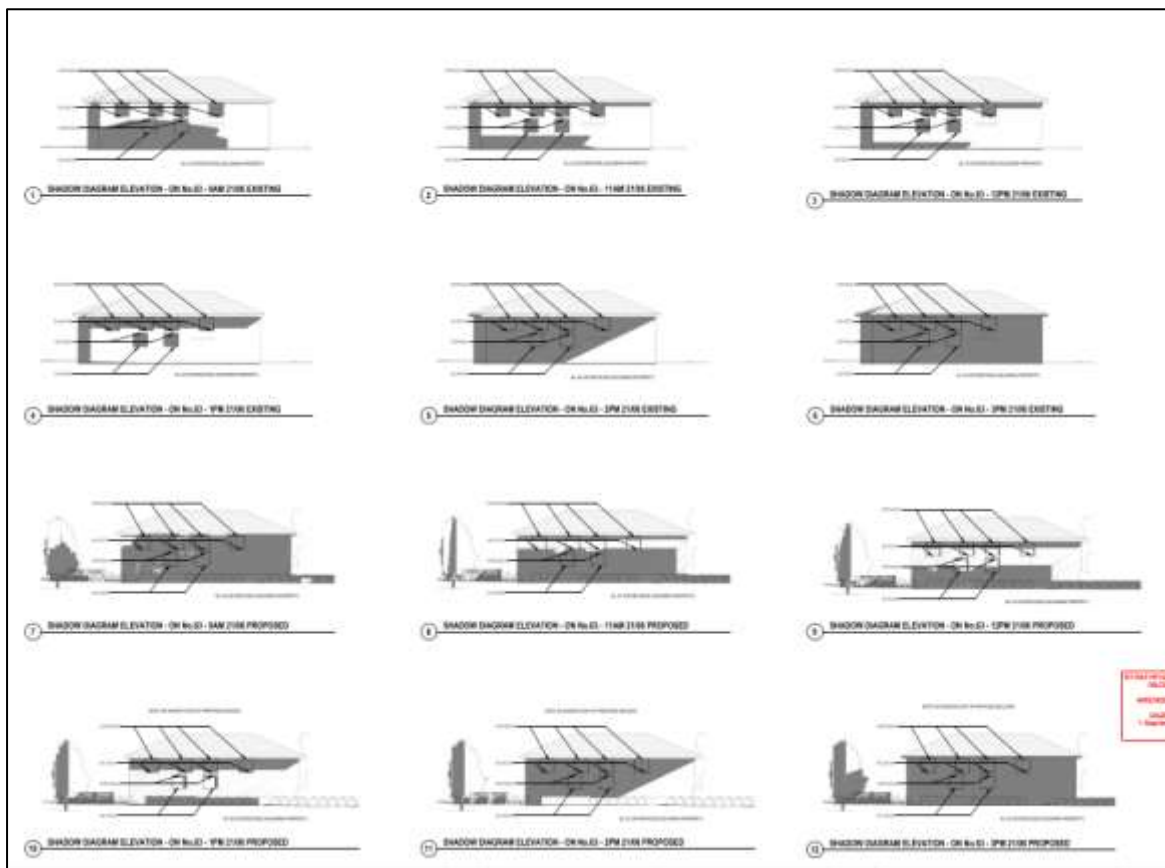


Figure 17: Shadow on elevation plans of adjoining dwelling at 63 Oxford Road, Strathfield.

Based on the shadow plans and diagrams submitted to Council, it is evident that the proposal will cast a shadow over the southern adjoining dwelling at 63 Oxford Road, Strathfield. The diagrams demonstrate that whilst not all windows will be capable of receiving a full 3 hours of direct solar access through the day, the shadow moves considerably to ensure some direct solar access is received.

Almost all windows located across the adjoining dwelling's northern elevation will receive some direct solar access through the day. The proposal will also ensure that the front and rear open space areas of the site will receive a minimum 3 hours direct solar access through the day.

The diagrams submitted as part of the application are also indicative of the worst impact on overshadowing as a result of the winter solstice. Solar access will be greater throughout the remainder of the year. It is satisfied that the proposal has considered and minimised overshadowing impacts to adjoining properties where possible and is acceptable in this regard.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where possible or are provided with frosted glazing so to minimise overlooking impacts into adjoining residents. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

A rear balcony adjoining the first floor living room is proposed. The balcony extends 1m in depth and 4.8m in width thus exceeding the maximum 2m width requirements. Notwithstanding, the balcony is suitably screened and is unlikely to result in adverse amenity impacts for adjoining residents.

### **Vehicular access, Parking and Basements**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides for suitable vehicular access and parking on the site. The basement is 750mm above NGL and provides a compliant 2.2m internal clearance height. The plans were amended during the assessment process to realign the basement footprint to fit within the ground floor building envelope. The basement and vehicular parking spaces are acceptable as proposed and enable cars to enter and exit the site in a forward motion.

### **Cut and fill**

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

### **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. The site responds to the flooding nature of the site and has provided an appropriate freeboard level to all habitable areas. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

## Access, Safety and Security

Amended plans were submitted during the assessment process to improve the level of passive surveillance provided to the street.

Pedestrian and vehicular access points through the site are separated to ensure safety. Overall, the proposed development satisfies the relevant objectives and controls of the SCDP 2005.

## ANCILLARY STRUCTURES

### Secondary Dwelling

The proposed secondary dwelling has been designed so that it does not exceed 60m<sup>2</sup> floor area, is adequately setback from side and rear boundaries, and provides suitable open space provisions for the occupants (refer to Figure 18 below). The dwelling is single storey however, due to the flood affectation of the site, has been raised to a height of 910mm above natural ground. The proposal has sought the sensible location and treatment of windows and openings however, given the raised height of the structure, the proposed terrace which wraps around the eastern and western elevations of the secondary dwelling will result in direct opportunities for overlooking into neighbouring properties.

Section 12.2.1 of Part A of the SCDP 2005 requires the primary private open space area to be directly accessible to the internal living areas of the dwelling. Ample private open space areas are provided around the northern, eastern and southern peripheries of the secondary dwelling to achieve reasonable amenity for future residents. Notwithstanding this, due to the substantially raised floor level of the dwelling, a condition of consent is required for the terrace to either be deleted or lowered to natural ground level with the exception of the stairs and stair landing upon the southern elevation of the building for access. This will reduce opportunities for overlooking into adjoining properties.

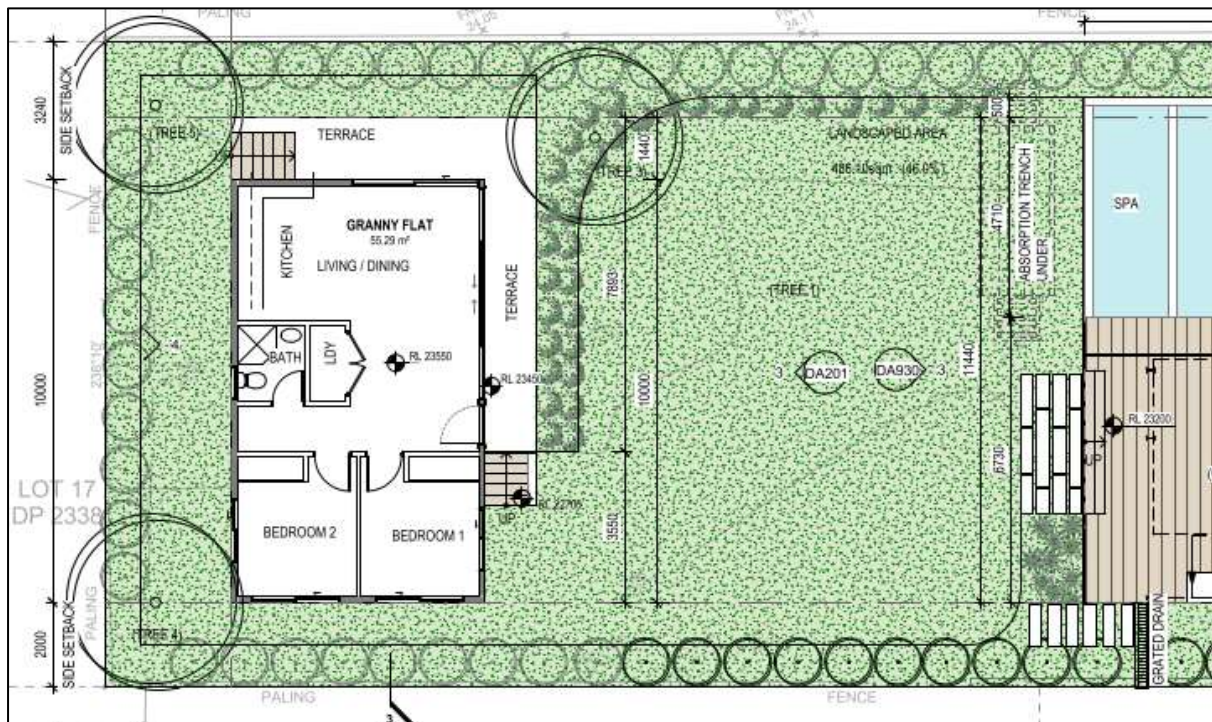


Figure 18: Proposed granny flat development

### Swimming Pools, Spas & Associated Enclosures

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

The pool pump equipment has been located within the basement so as not to adversely impact the amenity of adjoining residents. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measures 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 where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this time.

#### ***(e) the public interest.***

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

## Local Infrastructure Contributions

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

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

### STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

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

Provision Roads and traffic Management	\$820.50
Provision of Local Open Space	\$3,023.47
Provision of Major Open Space	\$8,821.93
Provision of Community Facilities	\$1,939.01
Administration	\$167.20
<b>TOTAL</b>	<b>\$14,772.10</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. 2021/160 should be approved subject to conditions.



**Signed:**

**L Gibson  
Senior Planner**

**Date: 6 December 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 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**Gary Choice  
Planner**



**Date: 6 December 2021**

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

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Ground Floor Plan	DA102	9 Jan 2021	B	Liskowski Architects
First Floor Plan	DA103	9 Jan 2021	B	Liskowski Architects
Roof Plan	DA104	9 Jan 2021	B	Liskowski Architects
North & South Elevation Plan	DA106	9 Jan 2021	B	Liskowski Architects
Long Elevations	DA202	9 Jan 2021	B	Liskowski Architects
Materials & Finishes Schedule	DA203	9 Jan 2021	B	Liskowski Architects
Sections	DA300	9 Jan 2021	B	Liskowski Architects
Ground Floor Landscape Plan	DA01	31 August 2021	A	Greenscape Landscape Architecture and Design
Basement Floor Plan	DA101	9 Jan 2021	B	Liskowski Architects

Site & Landscape Plan	DA100	9 Sept 2021	B	Liskowski Architects
Arborist Report	Ref.2223	15 July 2021		About Trees

## **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. Sydney Water – Tap in <sup>TM</sup>**

The approved plans must be submitted to a Sydney Water Tap in<sup>TM</sup> 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<sup>TM</sup> agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

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

### **5. Fees to be Paid**

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 3,432.00
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$820.50
Strathfield Section 94 Development Contributions – Local Open Space	\$3,023.47
Strathfield Section 94 Development Contributions – Major Open Space	\$8,821.93
Strathfield Section 94 Development Contributions – Community Facilities	\$1,939.01

Strathfield Section 94 Development Contributions - Administration	\$167.20
<b>TOTAL</b>	<b>\$14,772.10</b>

## 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 7.11 contribution has been levied on the subject development pursuant to the Strathfield Section 94 Direct 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](http://www.strathfield.nsw.gov.au).

## 6. Required Design Changes

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

Amendments made in on approved plans	All changes shall be updated and shown on the Construction Certificate plans.
Deletion of terrace	The terrace must be deleted or lowered to natural ground level height with the exception of the stairs and front entrance landing upon the southern elevation of the building for access.

## **7. 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.

## **8. Tree Bond**

A tree bond 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.

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.

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.

## **9. 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.

## **10. BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1211735M must be implemented on the plans lodged with the application for the Construction Certificate.

## **11. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

## 12. Stormwater System

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

## 13. On Site Detention

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

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

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

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

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

Full details shall accompany the application for the Construction Certificate.

## 14. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by ALPHA Engineering and Development rev B ref: A21107 dated 22 June 2021.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading

- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

#### **15. 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.

#### **16. 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.

#### **17. Compliance with Swimming Pool Act 1992**

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

## 18. 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.

## 19. Swimming Pools – Use and Maintenance

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

## 20. 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.

## 21. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree
-	Council Street tree	Council verge
2	<i>Plumeria rubra</i>	Neighbouring property to east
3	<i>Magnolia x soulangiana</i>	Neighbouring property to east

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

## General Tree Protection Measures

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

## 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.

## 22. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
1	<i>Nerium oleander</i>	1	Western side boundary
4	<i>Melaleuca decora</i>	1	Central portion of site
5	<i>Celtis australis</i>	1	Central portion of site
6	<i>Pittosporum undulatum</i>	1	Rear of site
7	<i>Celtis australis</i>	1	Rear of site

8	<i>Ficus rubiginosa</i>	1	Rear of site
9	<i>Grevillia robusta</i>	1	Rear of site
10	<i>Celtis australis</i>	1	Rear of site
11	<i>Pittosporum undulatum</i>	1	Rear of site
12	<i>Pittosporum undulatum</i>	1	Rear of site
13	<i>Pittosporum undulatum</i>	1	Rear of site
14	<i>Grevillia robusta</i>	1	Rear of site

## General Tree Removal Requirements

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

## Tree Replacement

All trees permitted to be removed by this consent shall be replaced as follows:

- The 4X *Elaeocarpus reticulatus* (pot size 200L each tree);
- The 4X *Backhousia citriodora* (pot size 1000L each tree); and
- 127X *Acmena smithi* Var *Minor* @ 300mm

A maintenance plan for all new tree plantings is to be prepared by an AQF Level 5 Consulting Arborist including the methodology for how they will be maintained. A copy is to be submitted to Council's Tree Department.

A yearly report on the maintenance plan to be submitted to Council for 5 years starting from when the trees are installed.

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)**

**23. 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).

**24. 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.

## **25. 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](#).

## **26. 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.

## **27. 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**

### **28. 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.

### **29. 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.

### **30. 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.

### **31. 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.

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

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

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

### **33. BASIX Compliance Certificate**

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

### **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).

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.

### **35. Minor Development**

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

### **36. Restriction to User and Positive Covenant for On-Site Detention Facility**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

**37. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**38. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

**39. Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

**40. 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.

**OPERATIONAL CONDITIONS (ON-GOING)**

#### **41. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

### **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

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

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

#### **43. 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.

#### **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. Notice of Commencement**

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

**46. Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

**47. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

**48. Clause 97A – BASIX Commitments**

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

**49. Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

**50. Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

**51. Clause 98B – Home Building Act 1989**

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

**52. Clause 98F – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition or building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

## **ADVISORY NOTES**

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

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

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

### **II. Appeal Rights**

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

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

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

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

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

## **V. Long Service Levy**

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

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

## **VI. Disability Discrimination Act**

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

## **VII. 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. Register your Swimming Pool**

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

## **IX. Noise**

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

## **X. 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.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (DA2021/160) 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.