

IDAP REPORT

Property:	73 Newton Road STRATHFIELD Lot 29 DP 12714 DA2021.162
Proposal:	Demolition of all structure on the site and construction of a proposed two storey dwelling over basement car park and proposed swimming pool and associated external landscape works
Applicant:	Design Link Australia
Owner:	N Said & N Said
Date of lodgement:	15 July 2021
Notification period:	21 July 2021 to 6 August 2021
Submissions received:	Nil
Assessment officer:	G I Choice
Estimated cost of works:	\$2,769,926.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL

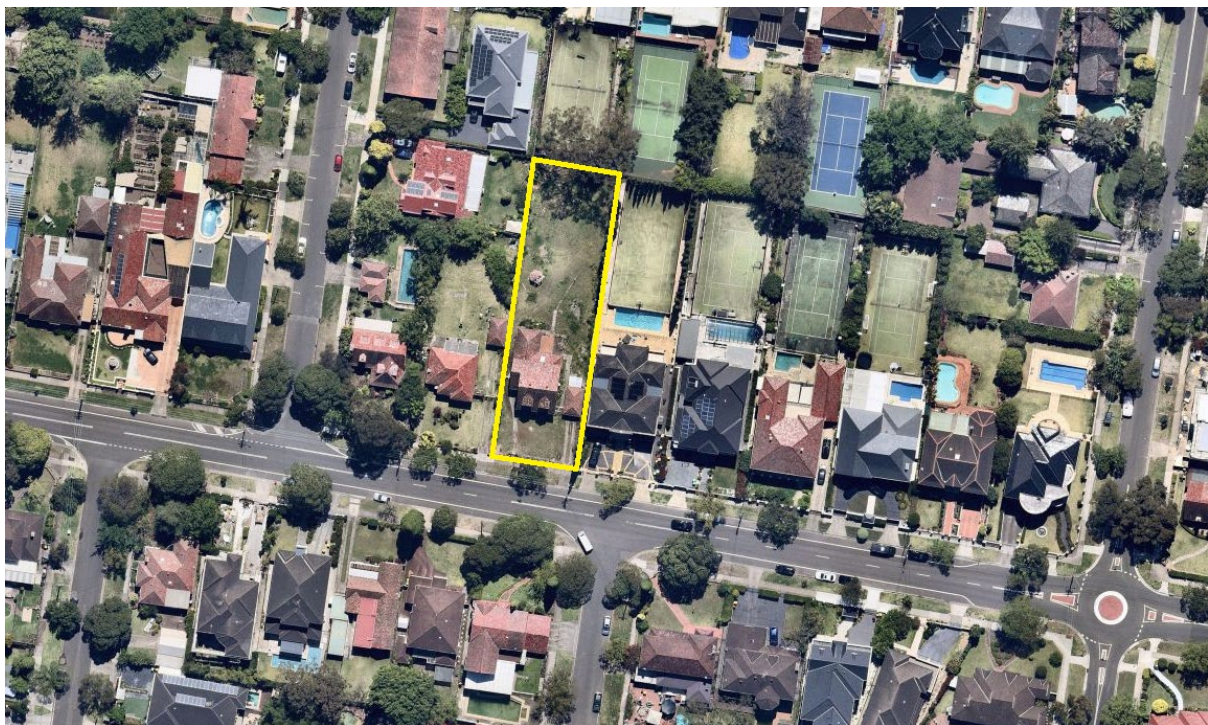


Figure 1: Subject site aerial photograph (highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of all structures on the site and construction of a proposed two-storey dwelling over basement car park and proposed swimming pool and associated external landscape works.

Site and Locality

The site is identified as 73 Newton Road STRATHFIELD and has a legal description of Lot: 29 DP: 12714. The site is a regular shaped parcel of land and is located on the north side of Newton Road between Barker Road to the north and Ada Avenue to the south.

The site has a width of 20.115m, a depth of 70.56m and an overall site area of 1416m².

The locality surrounding the subject site contains a mixture of a mix of single-storey and two-storey detached dwellings. Pitched/hipped roofs are a prevailing feature, however a number of modern flat roof dwellings are located within Newton Road.

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 21 July 2021 to 6 August 2021, where no submissions were received.

Issues

Basement entrance does not comply with SCDCP 2005 width of 3.5 metres and basement area extends beyond the ground level footprint above.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/162 is recommended for approval/refusal subject to suitable conditions of consent/attached reason of refusal.

REPORT IN FULL

Proposal

Council has received an application for the Demolition of all structure on the site and construction of a proposed two storey dwelling over basement car park and proposed swimming pool and associated external landscape works. More specifically, the proposal includes;

Basement level:

- Three (3) car parking spaces
- Two (2) store rooms
- Plant room
- Internal stair and lift access with waiting lobby

Ground floor level:

- Open plan kitchen/family/dining with butler's pantry
- Rumpus room
- Guest bedroom with en suite
- Formal lounge
- Separate laundry
- Powder room
- Office with separate powder room
- Internal lift access

First floor level:

- Master bedroom with en suite and rear balcony
- Four (4) additional bedrooms
- Separate en suites to B3 and B4
- Front balcony to B2
- Family lounge area
- Internal lift access

External works:

- Rear terrace
- Separate courtyard (east elevation)
- New swimming pool
- Associated landscaping

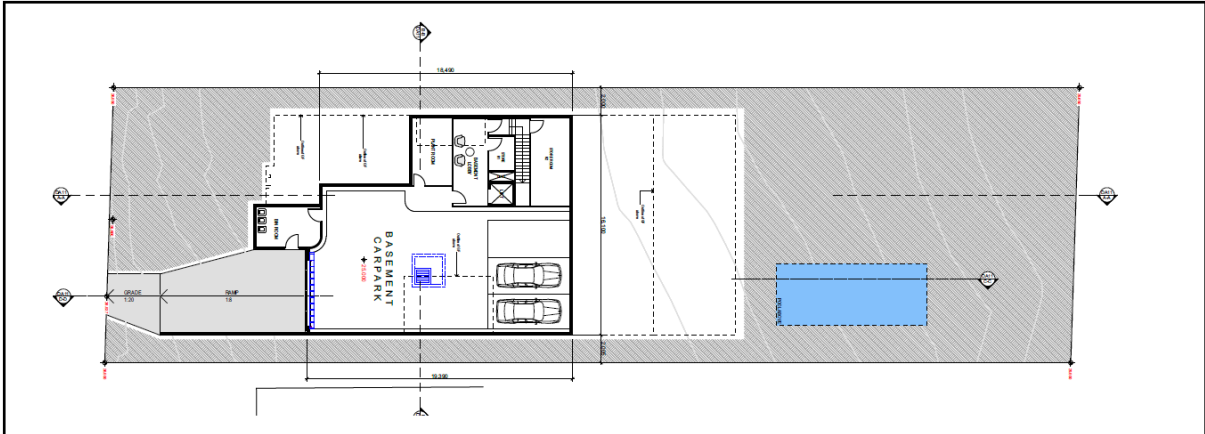


Figure 2: Proposed basement plan

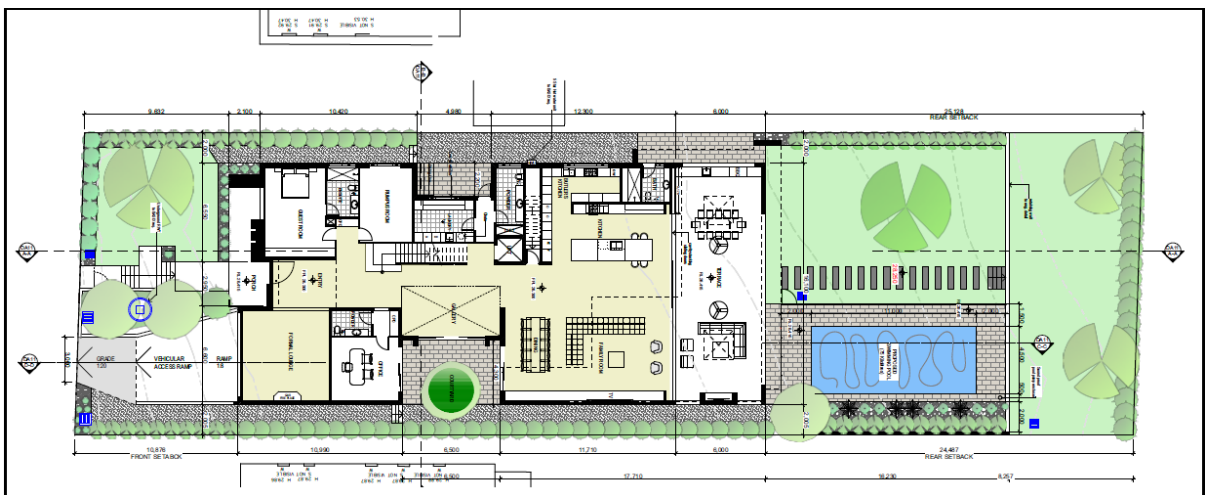


Figure 3: Proposed ground floor plan

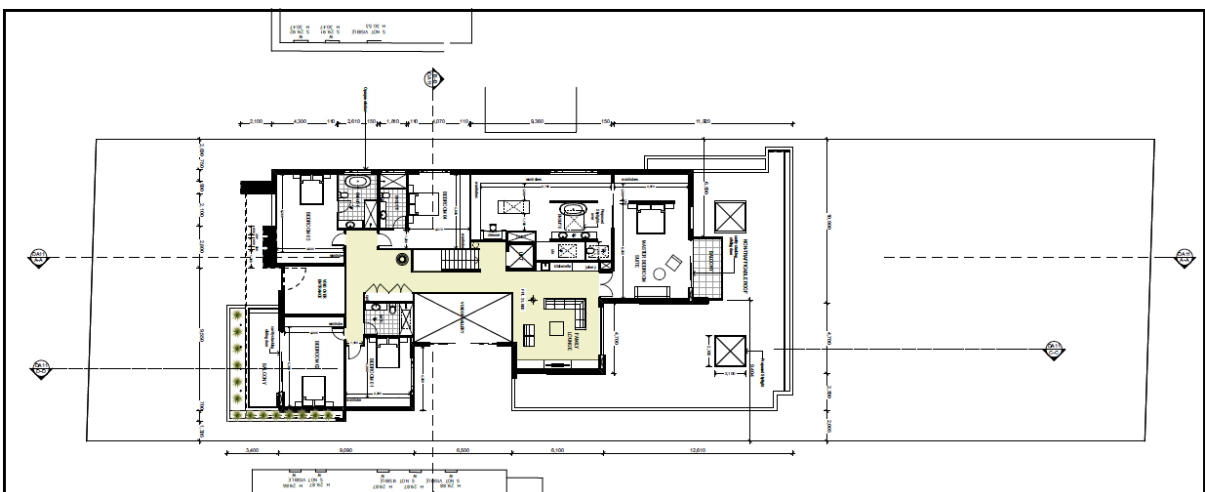


Figure 4: Proposed first floor plan

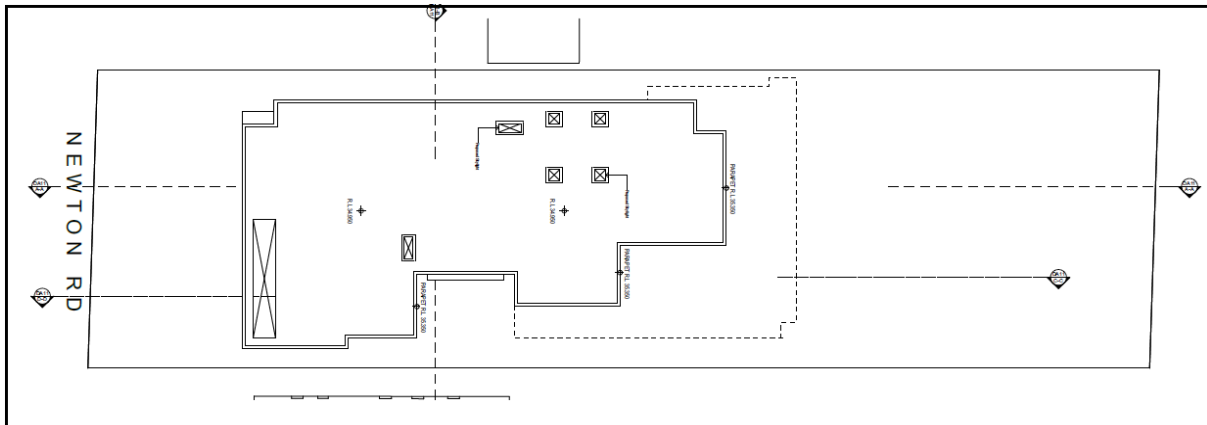


Figure 5: Proposed roof plan

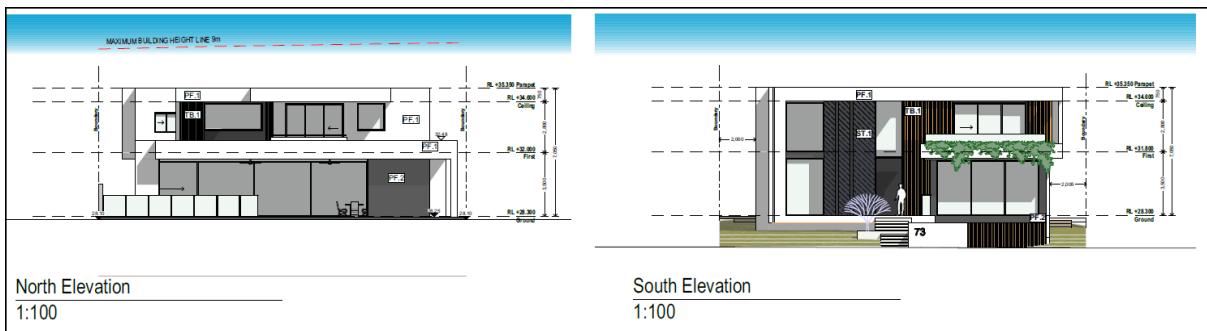


Figure 6: Proposed north & south elevations

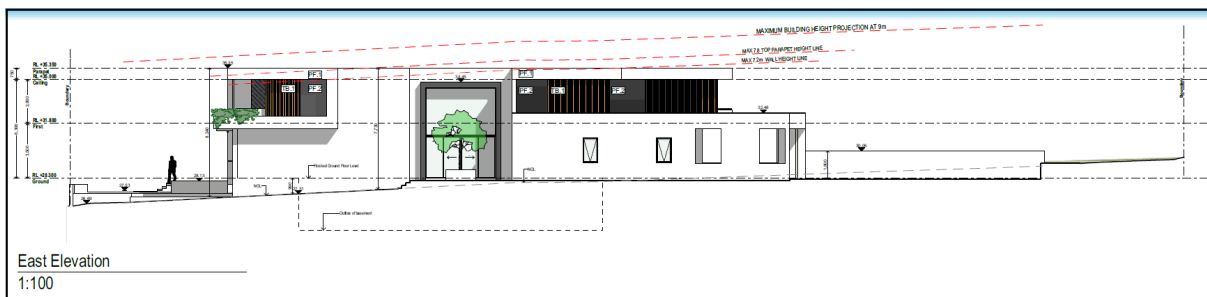


Figure 7: Proposed east elevation

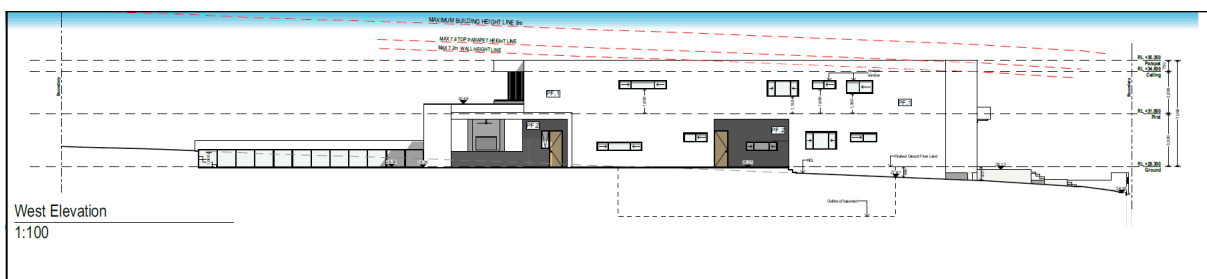


Figure 8: Proposed west elevation

The Site and Locality

The subject site is legally described as Lot: 29 DP: 12714 and commonly known as 73 Newton Road STRATHFIELD. It is located on the northern side of Newton Road, between its intersection with Marion Street and Myee Avenue.

The site is rectangular in shape and has a frontage and rear boundary of 20.115m (south – north); east and west side boundary lengths of 70.56m and an area of 1,416m².

The site slopes from south-east to north-west at a rate of 1-2° (3-4%).

The site is occupied by a split level brick dwelling with attic and dormer façade and a detached single brick detached. Vehicular access is provided to the site via an existing driveway from Newton Road on the east boundary.

The current streetscape is characterised by a mix of single-storey and two-story detached dwellings. Pitched/hipped roofs are a prevailing feature, however a number of modern flat roof dwellings are located within Newton Road. Frontages are characterised by low-set or open pier masonry fencing with metal palisades or screening screens.

The surrounding area is characterised by low-density residential development.



Figure 9: Subject site existing dwelling



Figure 10: 73 – 71 Newton Road STRATHFIELD (left to right)



Figure 11: 73 – 75 Newton Road STRATHFIELD (right to left)



Figure 12: Subject site existing rear yard and north elevation



Figure 13: Subject site rear yard (outlook to the north)



Figure 14: Subject site existing rear east boundary

Background

28 June 2021	DA 2021/125 for tree removal was approved under delegation.
15 July 2021	The subject DA was lodged via the NSW Planning Portal.
6 August 2021	Neighbour notification period complete.
8 August 2021	A photographic survey of the subject site was provided by the Applicant.
27 August 2021	An additional information request letter was issued by Council to the Applicant which identified the following issues:

i. Amended plans

Amended plans were requested to show the following

- Reduction of the basement plan area to be limited to and contained within the footprint of the dwelling at ground level; and reduce calculable GFA to comply with the 0.5:1 FSR limit for the site
- Reduction of proposed 8.9m building height to 7.8m maximum height to the top of parapet for flat roofed dwelling houses and reduction of 0.85m above the uppermost ceiling level.

- The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level shall not exceed 7.2m.
- Reduction of internal floor to ceiling height to be 3m for any residential level.
- Reduction of the basement protrusion to 1m or less above NGL.
- Increased landscaping to satisfy the minimum 45% of total site area to comply with SCDCP 2005 controls for sites larger than 1000m².
- Reduced height of the proposed eastern rear wall to 1.8m measured from NGL.
- Reduction of the 8m wide first floor Master Bedroom balcony to a maximum of four metres.
- Reduced vehicle entrance width to 3 metres, at the property boundary; and reduction of basement entrance and driveway ramp shall be reduced 3.5 metres.

9 September 2021 Additional information was submitted by the Applicant via the NSW Planning Portal including amended plans and a revised arborist report. There are several outstanding issues with the proposed development that shall be discussed elsewhere in this report.

NOTE: Due to NSW government Health Order following the COVID-19 outbreak in Greater Sydney, the Assessing Officer was unable to attend the site and subsequently relies on the site inspection photos taken by the Applicant and provided on 5 August 2021. The application has been assessed utilising this thorough suite of photographic evidence, Council's geographic information systems data and other available information relating to the existing site conditions.

Referrals – Internal

Tree Management

The proposal was referred to Council's Tree Management Coordinator who raised no objections to the dwelling development.

Stormwater

The proposal was referred to Council's Development Engineer who raised no objections to the dwelling development.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.2m	Yes
4.4C Exceptions to floor space ratio (Zone R2)	0.5:1 (708m ²)	Basement: 43m ² Ground: 377.19m ² First: 286.78m ² Total: 0.5:1 (706.97m²)	Yes Site area = 1,416m ²

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps, new swimming pool and ancillary works to level the rear yard pool area. 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 excavation for the basement bin room extends beyond the footprint of the ground floor above. A condition is imposed requiring the basement plan to be amended so that the entire basement area is limited to and contained within the footprint of the dwelling at ground level. Subject to this appropriate condition, the proposed works will be 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 is acceptable as assessed against the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

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

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	Ground Max: 3m.	Yes
Parapet height:	0.8m	0.75m	Yes
Overall height for flat roof dwelling:	7.8m	7.7m	Yes – see discussion
Basement height above NGL:	1.0m	0.99m	Yes

Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	9.63m	Yes
Side east:	1.2m (min)	2.005m	Yes
Side west:	1.2m (min)	2.0m	Yes
Combined Side Setback:	4 (20%)	4	Yes
Rear:	6m	Min. 24.49m	Yes
Landscaping			
Landscaping/Deep soil Provisions:	45% (637.2m ²)	41.1%	No – see discussion under <i>Landscaping and Open Space</i>
Fencing			
Height (overall/piers):	1.5m (maximum)	1.4m feature wall	Acceptable – see discussion under <i>Fencing</i>
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Adequate solar access is achieved	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2m	Yes
No. of Parking Spaces:	2	3	Yes
Basement:			
Basement protrusion:	Less than 1.0m	9m	Yes
Basement ramp/driveway	3.5m	6.1m	No – see discussion
Internal height:	2.2m	2.4m	Yes
Ancillary Development			
RETAINING WALLS			
Maximum height:	1.2m	1.2m	Yes
SWIMMING POOL			

Side/Rear Setback	1.0m	Min 2.005 (east side): Rear:	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

A number of flat roof and parapet featured facades can be seen along Newton Road, hence the proposed flat roof design and front façade are considered acceptable. The overall roof height is 7.7m with the exception of the parapet section which measure 8.22m. The building height complies with the maximum allowable SLEP height of 9.5m and - at a parapet level of RL 35.35 – will sit between the ridge heights of 71 Newton Road (RL 35.83) and 75 Oxford Road (RL 33.47) and maintain an acceptable transition between the adjoining dwellings.

The front façade provides sufficient modulation and articulation to minimise visual impacts to the existing streetscape, however, the proposed basement ramp entrance width at 6.1m is considered to be unacceptable as it will dominate the streetscape. A condition is imposed requiring a design change to reduce the basement entrance width to 3.5m

Landscaping and Open Space

The subject site and proposed dwelling development contains adequate areas for deep soil planting and can accommodate large canopy trees. An assessment of the original landscape plan calculates landscaped area as at 582m² or 41.1% of total site area which did not comply with the minimum SCDGP 2005 45% for sites larger than 1000m². Amended plans and calculations by the applicant propose a 45.2% total landscaped area, however an amended landscape plan has not been submitted. A condition is imposed requiring a minimum 45% (637.2m²) total landscaped area including permeable surfaces for the width of side setbacks between the dwelling and side boundaries (pebbles, loose paving or similar). An additional condition is imposed at least two (2) canopy trees to be planted in the rear yard and one (1) canopy tree planted in the front setback. Subject to this condition, the proposed development is considered satisfactory.

Fencing

The proposed front fencing comprises a 1.4m (h) x 3.2m (w) feature wall which will create a visual separation of driveway entrance and front footpath entry to the dwelling. The remainder of the primary frontage will be open with sufficient landscaping along the boundary. The proposal the solid wall section will exceed the maximum height of 0.7m above natural ground level for solid masonry front fencing. The feature is considered

acceptable, however, as the overall design achieves a frontage that is visually permeable and shall to provide an open appearance to enable casual surveillance. The non-compliance will not significantly detract from the existing streetscape and is compatible to the height and style of adjoining fences.

Solar Access

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

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. The proposed first floor Master bedroom balcony measures 1.9m deep by 4m wide. This non-compliance is considered acceptable as the balcony is set back substantially from side boundaries - 9.4m (east) and 6.5m (west) - and does not pose significant overlooking impacts to adjoining properties.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The proposed basement has been kept to less than 1m above natural ground level. A condition is imposed requiring a reduction of the basement footprint to fit wholly within the ground level footprint above. The basement parking area has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.4m. A condition is imposed requiring a design change to reduce the basement entrance width to 3.5m as discussed elsewhere in this report. Subject to these conditions, the basement parking

Cut and fill

A condition is imposed requiring a reduction of the basement footprint to fit wholly within the ground level footprint above, ensuring that cut and fill is kept to a minimum and existing ground levels will be maintained where appropriate to reduce site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

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

Access, Safety and Security

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

ANCILLARY STRUCTURES

Retaining Walls

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

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen panting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

PART H – Waste Management (SCDCP 2005)

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

PART O – Tree Management (SCDCP 2005)

The proposed development is accompanied by an Arboricultural Impact Report prepared by Monaco Designs (dated 9 September 2021). The report identifies seven (7) trees within the potential impact zone located within, and adjacent to the subject site as shown in the table below:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (metres)

1	<i>Lophostemon confertus</i> - Brushbox	Street tree 73 Newton Road	4.8 metres
2	<i>Cupressocyparis leylandii</i> - Leighton Green	On-site TO BE REMOVED	73 Newton Road
3	<i>Cupressus stricta</i> - Italian Cypress	71 Newton Road	3.0 metres
4	<i>Cupressus stricta</i> - Italian Cypress	71 Newton Road	3.0 metres
5	<i>Eucalyptus microcorys</i> - Tallowwood	DA 2021/125 approved removal	
6	<i>Angophora costata</i> - Sydney Red Gum	DA 2021/125 approved removal	Angophora costata Sydney red gum
7	<i>Corymbia</i> – Eucalyptus species	94 Barker Road	8.4 metres

It is noted that a separate consent (DA 2021/125) has been issued for the removal of trees 5 and 6 have and the subject application proposes the removal of a single *Cupressocyparis leylandii* - Leighton Green located within the subject site. Council's Tree Management Coordinator has assessed the application and it is considered that the proposed tree removal is acceptable and satisfactory measures can be implemented to protect all trees on adjoining properties and the public domain.

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

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

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

The proposed development 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 likely impacts of the development including excessive excavation and deficient landscaping have been addressed as discussed elsewhere in this report. Appropriate conditions are imposed for required design changes and minimum landscaping. Subject to these conditions, the proposal will not 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, subject to conditions of consent the proposed development can achieve 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 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. Council received no submissions.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Based on the estimated Cost of Works of \$2,769,926 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$27,699.26.
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/162 should be approved subject to the following conditions of consent.



G I Choice
Planner

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



Patrick Santos
Planner

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA03	8 September 2021	B	Design Link Australia
Demolition Plan & Erosion & Sediment Control	DA04	8 September 2021	B	Design Link Australia
Basement Layout	DA06	8 September 2021	B	Design Link Australia
Ground Floor Plan	DA07	8 September 2021	B	Design Link Australia
Roof Plan	DA008	8 September 2021	B	Design Link Australia
Building Elevations	DA09	8 September 2021	B	Design Link Australia
First Floor Plan	DA010	8 September 2021	B	Design Link Australia
Sections /Streetscape View	DA011	8 September 2021	B	Design Link Australia
Schedule of	DA014	8 September 2021	B	Design Link

External Material & Finishes				Australia
Basement Floor Stormwater Drainage Concept Plan	H637N – S1/5	17 May 2021	A	TAA Consulting Engineers
Site and Ground Floor Stormwater Drainage Concept Plan	H637N – S2/5	17 May 2021	A	TAA Consulting Engineers
First Floor Stormwater Drainage Concept Plan	H637N – S3/5	17 May 2021	A	TAA Consulting Engineers
Roof Stormwater Drainage Concept Plan	H637N – S4/5	17 May 2021	A	TAA Consulting Engineers
Sediment Control Plan and Details	H637N – S5/5	17 May 2021	A	TAA Consulting Engineers
Document	Reference No.	Date	Revision	Prepared by
Detail & Level Survey 1 of 2	190-DET	9 April 2021	-	CitiSurv Pty Ltd
Detail & Level Survey 2 of 2	190-DET	9 April 2021	-	CitiSurv Pty Ltd
Waste Management Plan – 73 Newton Road STRATHFIELD	-	-	-	-
Arboricultural Impact Report	5824	9 September 2021	-	Monaco Designs P/L
BASIX Certificate	1204841S	10 June 2021	-	Greenworld Architectural Drafting

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 35.350 to the top of the parapet and RL34.950 AHD to the flat roof top of the building.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

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

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

4. Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 9,694.00
Security Damage Deposit	\$ 18,000.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Tree Bond Administration Fee	\$ 130.00

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

Further Information

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

7. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Driveway/ basement entrance width	The vehicular access driveway width must be reduced from the proposed 6.1 metres to 3.5 metres to achieve a maximum allowed width. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
Basement Plan	<p>The Basement Plan shall be amended so that the entire basement area is limited to and contained within the footprint of the dwelling at ground level. The amended basement plan shall be submitted to the Principle Certifying Authority for approval prior to the issue of any Construction Certificate.</p> <p>Note: External patios, courtyards, alfresco areas etc. are excluded from the dwelling footprint.</p>

8. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$18,000.00.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

9. Tree Bond

A tree bond of \$10,150.00 and an administration fee of \$130.00 (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.

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.1204841S 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. Pre-Construction Dilapidation Report – Private Land

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

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

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

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

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

13. Stormwater System

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

14. Pump-Out System Design for Stormwater Disposal

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

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

15. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions

and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

16. 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.

17. Low Reflectivity Roof

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

18. Compliance with Swimming Pool Act 1992

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

19. Swimming Pools – Use and Maintenance

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

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

20. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

21. Landscape Plan

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape

designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Minimum deep soil area of 637.2m² with at least 50% of this area behind the front building line.
- (b) Location of existing and proposed structures, services and existing trees;
- (c) Details of earthworks including mounding and retaining walls and planter boxes;
- (d) At least two (2) new canopy trees in the rear yard - to have a minimum mature height of 10m planted within a minimum 50 litre container;
- (e) At least one (1) new canopy trees in the front setback yard - to have a minimum mature height of 10m planted within a minimum 50 litre container;
- (f) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (g) Details of planting procedure and maintenance;
- (h) Landscape specification;
- (i) Details of drainage and watering systems;
- (j) Details of garden edging and turf; and
- (k) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

22. Tree Removal/Pruning Prohibited

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

23. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled **Arboricultural Impact Report** prepared by Monaco Designs P/L dated 9 September 2021 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the table below.

Tree No	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree 73 Newton Road	4.8 metres
3	Cupressus stricta- row of trees on neighbouring property	71 Newton Road	3.0 metres
4	Cupressus stricta- row of trees on neighbouring property	71 Newton Road	3.0 metres
7	Corymbia species	94 Barker road	8.4 metres

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

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

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

24. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree 73 Newton Road	4.8 metres
3	Cupressus stricta- row of trees on neighbouring property		3.0 metres
4	Cupressus stricta- row of trees on neighbouring property		3.0 metres
7	Corymbia species		8.4 metres

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

General Tree Protection Measures

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

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

Excavation works near tree to be retained

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

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

25. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Cupressocyparis leylandii "Leighton Green"	1	73 Newton Road

General Tree Removal Requirements

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

Tree Replacement

All trees permitted to be removed by this consent shall be replaced with two (2) canopy trees in the rear yard of a species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

26. 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.

27. 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.

28. 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](#).

29. 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.

30. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

31. Site Sign – Soil & Erosion Control Measures

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

32. Hours of Construction for Demolition and Building Work

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

Where the development involves the use of jack hammers/rock breakers and the like, or other

heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

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

33. 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.

34. Cost of Work to be Borne by the Applicant

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

35. 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.

36. 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.

37. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

38. 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.

39. 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.

40. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to neighbouring assets as identified in the pre-construction dilapidation report (see **Condition 12** of this consent) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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

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

41. 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.

42. 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.

43. 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.

44. 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.

45. Acoustic Compliance – General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the [NSW Environment Protection Authority's "NSW industrial Noise Policy"](#).

Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.

OPERATIONAL CONDITIONS (ON-GOING)

46. Swimming Pools – Resuscitation Notice

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

47. Private Swimming Pools & Spas – Pump Noise

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

48. 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

49. Requirement for a Construction Certificate

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

50. 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.

51. 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.

52. 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.

53. 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

54. Clause 97A – BASIX Commitments

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

55. 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.

56. 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.

57. Clause 98B – Home Building Act 1989

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

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

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

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

To apply for approval under Section 138 of the [Roads Act 1993](http://www.legislation.nsw.gov.au/Acts/1993/roads):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (DA 2021/162) and reference this condition number (Advisory Note 5)
- (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.

6. 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).

7. 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

8. Electricity Supply

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