

IDAP REPORT

Property:	13 Elwin Street STRATHFIELD Lot: 1 DP: 338374 DA2021/26
Proposal:	Demolition of all existing and associated structures and construction of a new two (2) storey dwelling with a detached outbuilding, basement car parking and an in-ground pool with associated paving and landscaping.
Applicant:	N Lycenko
Owner:	Y Shi
Date of lodgement:	18 February 2021
Notification period:	5 – 19 March 2021
Submissions received:	Nil
Assessment officer:	E Black / J Gillies
Estimated cost of works:	\$883,797.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1 – Locality Plan

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of all existing and associated structures and construction of a new two (2) storey dwelling with a detached outbuilding, basement car parking and an in-ground swimming pool with associated paving and landscaping.

Site and Locality

The site is identified as 13 Elwin Street, Strathfield and has a legal description of Lot: 1 DP: 338374. The site is an irregular shaped parcel of land and is located on the northern side of Elwin Street.

The site has a frontage width of 18.466m, a rear boundary of 13.305m and depth of 39.351m to the eastern boundary and 32.074m to the western boundary and an overall site area of 539m².

The locality surrounding the subject site comprises a mix of single and two storey residential dwellings of varying style, with the exception of the Redmyre Road Conservation area which adjoins the site to the north.

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 (CPP) from 5 – 19 March 2021, where no submissions were received.

Issues

- Street tree impacts from relocated driveway.
- Heritage conservation area interface.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/26 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 and associated structures and construction of a two (2) storey dwelling with a detached outbuilding, basement car parking and an in-ground swimming pool with associated paving and landscaping.

More specifically, the proposal includes;

Basement level:

- Two parking bays and associated manoeuvring space, storage and equipment rooms, lift and stairs to the ground floor above.

Ground floor level:

- Front balcony, guest bedroom with walk in robe, lounge room, Laundry and toilet, open plan kitchen/dining/family room, pantry, lift and stair to first floor above.

First floor level:

- Three bedrooms each with an ensuite and a master bedroom with a walk in robe and ensuite, front and rear balconies, gallery, lift and stairs to ground floor below.

External works:

- New driveway (relocated from western boundary to eastern boundary), pool and alfresco area with store and toilet located near the rear boundary, and landscaping works.

The Site and Locality

The subject site is legally described as Lot: 1 DP: 338374 and commonly known as 13 Elwin Street Strathfield. It is located off the northern side of Elwin Street near the junction with Chalmers Road.

The site is irregular in shape and has an angled frontage with a 18.466m width, a rear boundary of 13.305m and depth of 39.351m to the eastern boundary and 32.074m to the western boundary and an overall site area of 539m².

The site slopes from its rear towards Elwin Street and has a cross-fall of approximately 1m.

The site is occupied by a single storey red brick dwelling, with in-ground swimming pool in the rear yard and a garage style structure that appeared in use as a secondary dwelling in the north-western corner of the site. Vehicular access is provided along the western boundary and leads to an attached carport that extends to the rear secondary dwelling. The site does not currently feature any soft landscaping, with

The current streetscape is characterised by a mix of single and two storey residential dwellings of varying style with a mix of at grade and basement parking. Landscaped front setbacks, street trees and footpaths are a consistent feature of the streetscape.

The Redmyre Road Conservation area adjoins the site to the north. This conservation area features a variety of well-maintained early 20th century dwellings including Victorian, federation and bungalow architecture. The subject site backs onto 108 Redmyre Road which

forms part of the conservation area. The site also sides onto 4 Chalmers Road which is identified as local heritage item I118 (Inter-war Californian Bungalow).



Figure 2 – Site's frontage to Elwin Street



Figure 3 – Existing vehicle access to the site



Figure 4 – Existing carport adjacent to western boundary



Figure 5 – carport structure connecting main dwelling and secondary dwelling/garage



Figure 6 – Rear yard with secondary dwelling on left



Figure 7 – View south from the rear boundary



Figure 8 – Local Heritage Item I118 at 4 Chalmers Rd



Figure 9 – Dwellings adjacent to the site at 11 and 9 Elwin Road



Figure 10 – Dwellings opposite the site at 24, 22 and 18-20 Elwin Road

Background

18 February 2021	The Application was lodged with Strathfield Council
5 March 2021	The Application was notified for 14 days in accordance with Strathfield Council CPP.
6 April 2021	<p>Council issued a Request for Further Information (RFI) raising the following matters to be addressed by the Applicant:</p> <ul style="list-style-type: none"> ○ Tree concerns requiring preparation of an Arborist Report and revisions to the Stormwater Management Plan, and ○ Submission of a revised Statement of Environmental Effects (SEE) addressing the Redmyre Road Conservation Area and Local Heritage Item I118 (Inter-war Californian Bungalow) which both adjoin the site.
10 November 2021	The Applicant submitted additional information, providing Council with an Arboricultural Impact Assessment, Heritage Impact Assessment and amended Stormwater Management Plans.
24 November 2021	The Application was re-allocated from E Black (Heritage Planner) to J Gillies (Senior Planner).

Referrals – Internal and External

Tree Comments

Council's Tree Management Officer reviewed the Application and provided the following comments:

The applicant is to submit a tree management and protection plan for the street tree (as part of an Arboricultural Impact Assessment).

The stormwater plan is not supported as it will adversely impact on the street tree as will the proposed driveway positioning. The applicant is to amend the design to relocate the pipes at least 4 metres from the street tree and use the existing driveway crossing and layback.

The replacement tree in the front yard is not viable and is to be relocated from under the canopy of the street tree to in the lawn area of the rain water tank. The rain water tank is to be deleted or relocated to provide appropriate deep root planting soil volumes.

The street tree is to be protected with a bond.

The Applicant provided Council with an Arboricultural Impact Assessment and revised Stormwater Management Plan was also provided, however no changes were made to the Architectural Drawings (to amend the design to utilise the existing driveway crossover) or Landscape Drawings (to relocate the replacement front setback canopy tree).

Council's Tree Management Officer provided the following final comments, having the reviewed the Arboricultural Impact Assessment:

The following changes are required:

- *The proposed driveway is to be a minimum 2.8- 3.0 metres off the base of the tree as not to encroach the Structural Root Zone of the Street tree(T 4), and*
- *Landscape plans, another canopy tree incorporated into the front landscape area.*

Council's Tree Management Officer provided recommended conditions of consent, which did not include the proposed changes. However, these changes can be conditioned and have been incorporated into the consent as required design changes.

Heritage Comments

Council's Heritage Advisor provided the following comments on the Application:

The plans show a dwelling with a stepped back footprint in line with the width of the block. From the public domain the house will present fairly modestly with a steep driveway. The houses striking features will be its planter boxes.

A heritage report was not submitted with the plans. However given it is connected to the rear of the properties and is not located in a dominate position of the street (such as a street corner), a report in this case is not necessary.

Recommendations:

The proposed dwellings siting is unlikely to be detrimental to the heritage items it adjoins. The property is to the rear of both dwellings. The heritage item 118 - Interwar – War Californian bungalow at 4 Chalmers Road occupies a corner site where much of the item can be seen along Elwin road. The (proposed) footprint will be in a better position than the current footprint. The lift shaft should be located away from the frontage so should not dominate the site. The colour scheme ties in with the heritage.

Glass Baulstrades should be replaced with federation/art deco type balustrades, to tie in better with the adjoining dwelling.

The black planter boxes and granite faced wall above the garage could better fit in with the heritage item by curving the walls to repeat the porch style and the planter boxes. In addition the black will dominate this design and lighter lighter colour would better blend into the colour scheme of the adjoining heritage item. The tinted glass could also be replaced with normal glass.

Council's Heritage Advisor's comments have been noted and considered in the assessment of the Application, as has the Heritage Impact Assessment (HIA) provided by the Applicant as additional information (assumed provided in response to the request to update the SEE to refer to the Redmyre Road Conservation Area).

The Applicant's HIA presents a number of reasons as to why the proposed dwelling is acceptable in terms of heritage impacts. Some valid points are made and are generally consistent with Council's Heritage Advisors comments, such as the greater setback and improved footprint. The HIA also makes reference to a number of other existing modern dwellings in the streetscape which is a relevant consideration.

On balance, changing the balcony balustrades and curving the planter boxes to achieve an art deco appearance is not considered essential to the proposed dwellings response to the heritage features surrounding the site and these design changes have not been recommended as conditions of consent. It is apparent from Council's Heritage Advisor's comments the dwelling is generally acceptable.

Stormwater Management Comments

Council's Development Control Engineer reviewed the Application and made the following comments:

The concept plan is feasible and there are no objections to its approval subject to conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

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	8.21m	Complies
4.4 Floor Space Ratio	0.625:1 (337m ²)	324m ² 0.60:1	Complies

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is located in the vicinity of a heritage conservation area (adjoining the Redmyre Road Conservation Area at the northern boundary) and a Heritage Item (adjoining Local Heritage Item I118 (Inter-war Californian Bungalow) at 4 Chalmers Road west of the site).

The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory and a HIA was submitted to Council which presents a sound justification for the proposed developments suitability for the site in the context of the surrounding heritage qualities and existing modern development in the Elwin Street streetscape.

It is considered that the proposed works satisfactorily address the provisions of this Clause.

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation is generally limited to the footprint of the ground floor above and access to and from the basement. The south western corner of the basement extends into the planter area on the ground floor, however this is acceptable considering the shape of the building above and the shape of the site which allows the basement to be setback 2.25m from the side boundary in this location.

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.

Dilapidation reports will be required prior to works commencing and following excavation to verify the excavation process does not impact on the surrounding dwellings, including those which are heritage listed and in heritage conservation 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.

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.

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:			
Heights:			
Floor to ceiling heights:	3.0m	3.0m	Yes
Parapet height:	0.8m	0.43m	Yes
Overall height for flat roof dwelling:	7.8m	8.2m	No, refer discussion
Basement height above NGL:	1.0m	0.815m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	8.25m	No, refer discussion
Side:	1.2m (min)	1.5m	Yes
Side:	1.2m (min)	1.2m	Yes
Combined Side Setback:	3.69m (20%)	2.7m	No, refer discussion
Rear:	6m	6.5m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	(539m ² x 38.5% =207.5m)	217.2m ²	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	N/A	N/A
Solid Component:	0.7m	N/A	N/A
Secondary Frontage:	1.8m	1.8m	Yes

Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	>3hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	0.5m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	0.815m	Yes
Basement ramp/driveway	3.5m	3.6m	No
Internal height:	2.2m	2.5m	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	5.7m ²	Yes
Height:	3.5m	3.5m	Yes
Side/Rear setback:	0.5m	0.5m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	1.25m	Yes

Building Envelope

The highest point of the proposed dwelling is 8.2, which exceeds the 7.8m height limit for flat roof dwellings under SCDGP 2005. The 0.4m variation is accepted on merit for the following reasons:

- The exceedance is isolated to the lift overrun area, which is setback in the centre of the dwelling, reducing the impacts on the streetscape.
- The dwelling is otherwise compliant, with a roof line ranging between 7.25m and 6.95m.

The proposal incorporates a non-compliant front setback (8.25m). This is acceptable on merit for the following reasons:

- The non-compliance comprises the balconies of the ground and first floor only, with the building façade line complying with the 9m setback requirement. This reflects a common allowance for an articulation zone within the front setback.
- The front setback of the existing dwelling is substantially less than the 9m requirement (less than 6m).
- The street elevation complies with height controls for flat roof dwellings and side setback requirements reducing the overall presence of the dwelling.

The proposal incorporates a non-compliant combined side setback (2.7m, being approximately 1m short of the 3.69m requirement). This is acceptable on merit for the following reasons:

- The irregular shape of the site results in a large front boundary, with the site fanning outwards toward Elwin Street and increasing the requirement for the combined side setback which has to be achieved behind the 9 front setback,
- Each side setback incorporates a modulated elevation, with portions incorporating 1.77m and 2.195m side setbacks in some locations.

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

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

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005.

The landscape area calculations have not included the planter located within the front setback, which is not entirely deep soil due to the basement location. Notwithstanding, the proposal complies.

The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

The Applicant had been advised in the deferral letter that the proposed canopy tree in the front setback should be setback further from the front boundary to avoid the existing street tree located in front of the site. A revised landscape plan was not received and accordingly conditions of consent will require the setting back of the canopy tree, as well as a canopy tree within the rear setback that is located at least 3m from all boundaries.

Fencing

The proposed side fencing satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

No front fencing is proposed under this Application.

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 SCDCP 2005.

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

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m.

The proposed driveway and driveway crossover currently enter into a 2.8m clearance required for the existing street tree located in front of the site (2.8m as measured from the base of the tree). The encroachment is minor (approximately 0.3m), however a condition of consent will require the driveway to straighten out and achieve the 2.8m clearance whilst also maintain the 0.5m side setback requirement for the driveway.

The basement ramp incorporates a 0.1m variation to the 3.5m width standard which is accepted on merit considering the bend in the driveway resulting from street tree clearance requirements and the shape of the site.

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 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

Outbuildings

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

Swimming Pools, Spas & Associated Enclosures

The proposed development generally 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 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 is located less than 1m from the pool edge and no fence is shown between the pool edge and the eastern side setback. Accordingly, a condition of consent has been included requiring design changes to achieve these requirements as well as compliance with the relevant Australia Standards and relevant requirements under the swimming pools act.

PART H – Waste Management (SCDCP 2005)

A waste management plan was not submitted with the Application. Conditions of consent will require preparation of a waste management plan, that complies with Part H of Strathfield CDCP 2005, prior to issue of a construction certificate.

PART P – Heritage (SCDCP 2005)

The Redmyre Road Conservation area adjoins the site to the north. This conservation area features a variety of well-maintained early 20th century dwellings including Victorian, federation and bungalow architecture. The subject site also backs onto 108 Redmyre Road which forms part of the conservation area. The site also sides onto 4 Chalmers Road which is identified as local heritage item I118 (Inter-war Californian Bungalow).

The proposal is subject to the standards under Part P relating to development in the vicinity of heritage items. Council's Heritage Advisor undertook a review of the proposal and outlined that the dwelling would not detrimentally impact on the heritage significance of the heritage properties surrounding the site. The requirements under Part P have been incorporated into the Heritage comments provided and addressed under the 'Internal Referrals' section of this report. Noting these comments and the discussion that follows, the proposal is considered consistent with the requirements of Part P.

(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.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$883,797.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$8,837.97
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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. 26/2021 should be approved, subject to conditions of consent.

Signed:

**J Gillies
Senior Planner**

Date: 7 January 2022



I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:
Louise Gibson

Date: 11 January 2022

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	A01	27.07.20	A	N. Lycenko Architect
Basement Floor Plan	A1000	27.07.20	A	N. Lycenko Architect
Ground Floor Plan	A1001	27.07.20	A	N. Lycenko Architect
First Floor Plan	A1002	27.07.20	A	N. Lycenko Architect
Roof Plan	A1003	27.07.20	A	N. Lycenko Architect
Elevations 01	A2000	27.07.20	A	N. Lycenko Architect
Elevations 02	A2001	27.07.20	A	N. Lycenko Architect

Section / Outbuilding Elevs	A3000	27.07.20	A	N. Lycenko Architect
Soil & Site Management Plan	A10	27.07.20	A	N. Lycenko Architect
Demolition Plan	Demolition	27.07.20	A	N. Lycenko Architect
External Finishes and Colours	-	-	-	N. Lycenko Architect
Landscape Plan	20-4267 L01	18.09.20	-	Zenith Landscape Designs
Landscape Plan	20-4267 L02	18.09.20	-	Zenith Landscape Designs
BASIX Certificate	1139682S_02	12.02.21	-	mjh Design Pty Ltd
Stormwater Management & Sediment Control Plan	ES13 Sheet 1 of 4	25.04.21	C	Hydro and Civil Engineers
Stormwater Management & Sediment Control Plan	ES13 Sheet 2 of 4	25.04.21	C	Hydro and Civil Engineers
Stormwater Management & Sediment Control Plan	ES13 Sheet 3 of 4	25.04.21	C	Hydro and Civil Engineers
Stormwater Management & Sediment Control Plan	ES13 Sheet 4 of 4	25.04.21	C	Hydro and Civil Engineers
Arboricultural Impact Assessment	AIA – SHI 05/21	04.05.21	-	NSW Trees – Arboricultural Consultants

(2) Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 39.85 to the top of the parapet and 40.65 to the top of the lift overrun.

The outbuilding must not be higher than 3.5m above existing natural ground level.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(3) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

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

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

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

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

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

(4) **Vehicular Crossing - Minor Development**

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(5) **Sydney Water – Tap in™**

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(6) **Fees to be Paid**

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$3,093.28
Security Damage Deposit	\$12,200.00
Tree Bond	\$10,150.00
Administration Fee for Damage Deposit	\$130.00
Tree Bond Administration Fee	\$130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$8,837.97

General Fees

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

Development Contributions

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

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:

Front setback canopy tree location	The canopy tree for the front setback must be moved to a location with a distance of at least 3m from the canopy of the existing street tree and any other proposed structure.
Rear setback canopy tree location	The canopy tree for the rear setback must be moved to a location with a distance of at least 3m from any boundary or structure.
Driveway and driveway crossover alignment	The proposed driveway is to be shifted closer to the boundary to achieve a minimum 2.8 - 3.0 metres clearance off the base of the street tree located in front of the site. The driveway is to maintain a 0.5m side setback.
Swimming Pool Fence	The swimming pool fence gate is to open outwards (away from the pool), must enclose the pool on all sides (including from the eastern side setback), must be setback a minimum of 1m from the pool coping and must comply with all other relevant Australian Standards and requirements under the Swimming Pools Act 1992.

(8) Damage Deposit – Minor Works

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

- 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
- 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
- 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 (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) Site Management Plan

Minor Development

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

(11) BASIX Commitments

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

All measures and commitments as detailed in the BASIX Certificate No. 1139682s_02 must be implemented on the plans lodged with the application for the Construction Certificate.

(12) Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)

- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

(13) 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.
- (b) 4 Chalmers Road, Strathfield (Lot: B DP: 315047)
- (c) 2 Chalmers Road, Strathfield (Lot: A DP: 315047)
- (d) 108 Redmyre Road, Strathfield (Lot: 1 DP: 1080181),
- (e) 11 Elwin Street, Strathfield (Lot: 2 DP: 338374)

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.

(14) 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.

(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) Waste Manage Plan (WMP)

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

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

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

(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) Geotechnical Report

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (f) Dilapidation Reports on the adjoining properties including, but not limited to 4 Chalmers Road, Strathfield (Lot: B DP: 315047), 2 Chalmers Road, Strathfield (Lot: A DP: 315047), 108 Redmyre Road, Strathfield (Lot: 1 DP: 1080181), 11 Elwin Street, Strathfield (Lot: 2 DP: 338374) prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (b) On-site guidance by a vibration specialist during the early part of excavation.
- (c) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (d) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

(20) 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.

(21) 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).

(22) Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

(23) Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans, except as modified by this consent. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

(24) 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.

(25) Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled *Arborist Impact Assessment* prepared by *NSW trees* on 4 May 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	Mangifera indica	11 Elwin Road	2.6 metres
2	Mangifera indica	11 Elwin Road	2.6 metres
3	Cupressus tolorpsa	2 Chalmers Road	5.7 metres
4	Sapium sebiferum	13 Elwin Road	5.5 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.

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.

DURING CONSTRUCTION

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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.

(35) Swimming Pools – Filling with Water

The pool/spa shall not be 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

(36) 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.

(37) 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.

(38) 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 the following adjoining premises:

- (g) 4 Chalmers Road, Strathfield (Lot: B DP: 315047)
- (h) 2 Chalmers Road, Strathfield (Lot: A DP: 315047)
- (i) 108 Redmyre Road, Strathfield (Lot: 1 DP: 1080181),
- (j) 11 Elwin Street, Strathfield (Lot: 2 DP: 338374).

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.

(39) 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.

(40) 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.

(41) Works as Executed and Certification of Stormwater Works

Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

(42) Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

(43) 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)

(44) Maintenance of Landscaping

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

(45) 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.

(46) 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

(47) Requirement for a Construction Certificate

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

(48) 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.

(49) 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.

(50) 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.

(51) 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

(52) Clause 97A – BASIX Commitments

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

(53) 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.

(54) 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.

(55) 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. 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.

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

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2021/26) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

7. Site Safety Fencing

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

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

8. Register your Swimming Pool

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

9. Solid Fuel Heaters

A copy of the 'Selecting, installing and operating domestic solid fuel heaters' can be found at: <http://www.environment.nsw.gov.au/resources/woodsmoke/woodguide.pdf>

10. Sydney Water section 73 certificates

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

11. 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.

12. Australia Post – Letter Box Size and Location

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