

IDAP REPORT

Property:	14 Myee Avenue Strathfield DA2021/303
Proposal:	Demolition of existing structures and construction of a two storey dwelling with basement, in-ground swimming pool and landscaping.
Applicant:	G Al Ali
Owner:	D Azzi
Date of lodgement:	6 December 2021
Notification period:	13 December 2021 to 17 January 2022
Submissions received:	Nil
Assessment officer:	L Gibson
Estimated cost of works:	\$988,900.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a two-storey dwelling with basement, in-ground swimming pool and landscaping.

Site and Locality

The site is identified as 14 Myee Avenue, Strathfield and has a legal description of Lot 9 in DP15955. The site is a regular-shaped parcel of land and is located north of Ada Avenue and south of Newtown Road.

The site is a rectangular-shaped allotment providing a frontage width of 15.24m, an average depth of 50.29m and a total site area of 771.4m².

The current streetscape is undergoing a state of transition from that of single-storey brick cottages with pitched tiled roof forms, to contemporary-style dwellings. The streetscape therefore portrays a variety of old and new housing stock.

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 13 December 2021 to 17 January 2022, where no submissions were received.

Issues

- Basement size;
- Streetscape compatibility;
- Overshadowing; and
- Bulk and scale.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/303 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures and construction of a two storey dwelling with basement, in-ground swimming pool and landscaping. More specifically, the proposal includes;

Demolition:

- Existing dwelling with attached carport and detached shed.

Basement level

- 2 parking spaces;
- Storage room;
- Serviced room; and
- Internal lift well and stairwell.

Ground floor level

- Living room;
- Study with ensuite;
- Bathroom; and
- Open plan dining, living room and kitchen with butler's pantry.

First floor level:

- 3 bedrooms with ensuite; and
- Master bedroom with ensuite and WIR

External works:

- Courtyard;
- BBQ area and alfresco;
- Bathroom;
- In ground swimming pool;
- Front boundary fence; and
- Associated landscaping and stormwater drainage works.

A 3D render, floor plans, elevation plans and section plans are provided in Figures 2-7 below.



Figure 2: Perspective drawing of proposed development

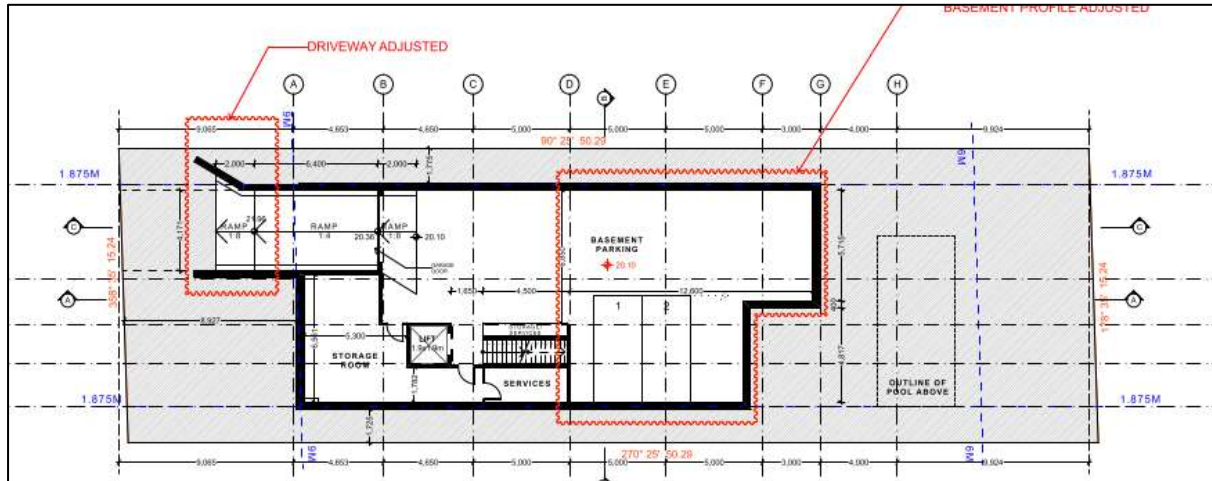


Figure 3: Basement Plan

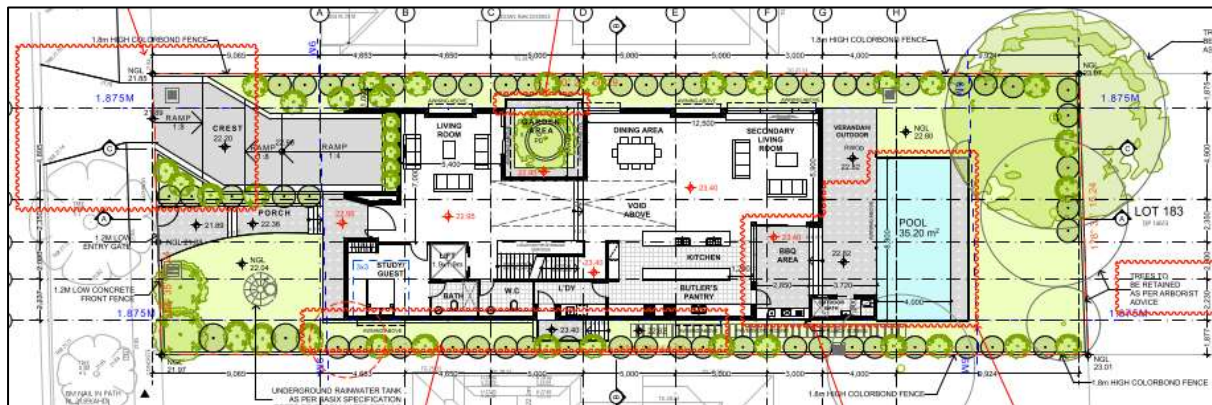


Figure 4: Ground floor plan

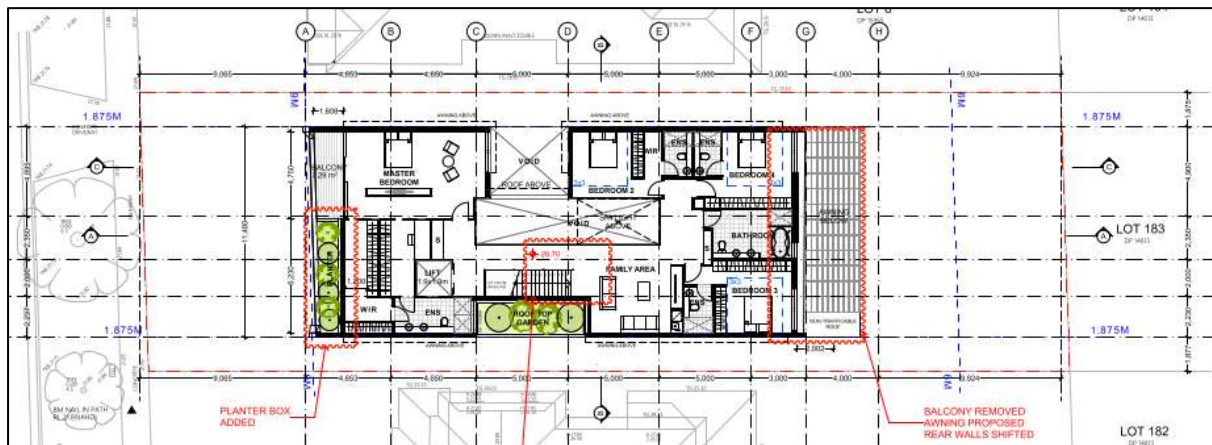


Figure 5: First Floor Plan

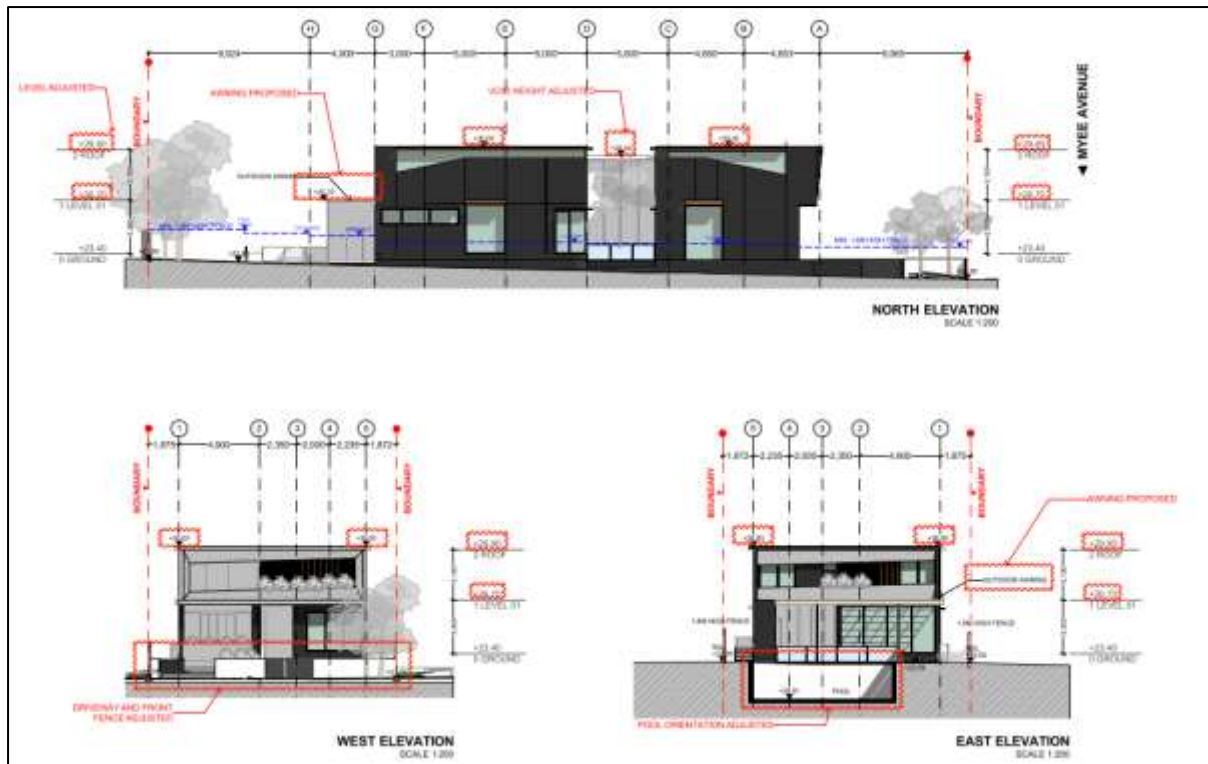


Figure 6: Elevation Plans



Figure 7: Section Plan

The Site and Locality

The site is identified as 14 Myee Avenue Strathfield and has a legal description of Lot 9 in DP15955. The site is a regular shaped parcel of land and is located north of Ada Avenue and south of Newtown Road.

The site is a rectangular-shaped allotment providing a frontage width of 15.24m, an average depth of 50.29m and a total site area of 771.4m².

The site slopes east to west by 910mm toward the front property boundary.

The site is occupied by a single storey dwelling with attached tandem carport along the site's northern side boundary (refer to Figures 8 and 9 below). Vehicular access is provided to the site via an existing driveway from Myee Avenue. A detached outbuilding is located in the rear of the site.

The current streetscape is undergoing a state of transition from that of single storey brick cottages with pitched tiled roof forms, to contemporary-style dwellings. The streetscape therefore portrays a variety of old and new housing stock (refer to Figures 10 – 14 below).



Figure 8: Existing dwelling on subject site.



Figure 9: Existing rear yard of the dwelling on subject site.



Figure 10: Existing development immediately north of the subject site at 10 and 12 Myee (Left to Right).



Figure 11: Existing dwelling immediately south of the site at 16 Myee Avenue.



Figure 12: Examples of more recent development in the street at 7 Myee and 9 Myee Avenue



Figure 13: Examples of more recent development in the street.



Figure 14: Contemporary-style dwelling at 4 Myee Avenue.

Background

6 December 2021

Subject application lodged with Council.

13 December 2021 to
17 January 2022

Application placed on public notification.
No submissions received during this time.

14 December 2021

Site inspection undertaken by assessing officer.

Deferral Letter sent to Applicant raising concern for the following:

- Floor Space;
- Excessive basement size;
- Building Height;
- Streetscape Compatibility;
- External Colours and Finishes;
- Landscaping;
- Solar Access;
- Driveway;
- Visual Privacy; and
- Fence.

28 January 2022

Amended plans submitted to Council to address Council concerns.

Referrals – Internal and External

Trees

The application was referred to Council's Tree Officer for comment. Concern was raised with the close proximity of the driveway and swimming pool structures to existing trees including the Council street tree (refer to original plans in Figures 15 and 16 below). These matters were also raised in the submitted consultant's Arborist Report.

Amended plans were prepared and submitted during the assessment process demonstrating the retention of the existing driveway layback, relocation of the swimming pool and some deletion of associated paving in the rear yard (refer to Figures 17 and 18 below). Whilst this is generally acceptable, concern is raised for the revised driveway design. The revised proposal has sought to retain the existing driveway layback an angled driveway between the front property boundary and basement entrance is now required. This results in an irregular driveway design that is not uniform with existing driveways in the street and reduces visibility for pedestrians and vehicles.

a nil setback to the northern boundary as well as an angled driveway which fails to directly align with the basement entrance. A driveway entrance that more closely aligns with the basement entrance is a more suitable and safer option as it allows for a more direct line of sight to be provided for vehicles.

Council's Tree Officer has advised that the existing driveway be retained or, at minimum, that the crossover is located a minimum 2.6m off the base of the tree. Given the irregular configuration of the revised driveway, a condition of consent is recommended for the existing driveway crossover to be repositioned 800mm south of its current location so that it achieves a minimum 2.6m from the street tree. This will enable a more uniform driveway layout to be achieved which better aligns with the basement entrance and a safer path of travel for vehicles whilst also maintaining an acceptable distance from the street tree.

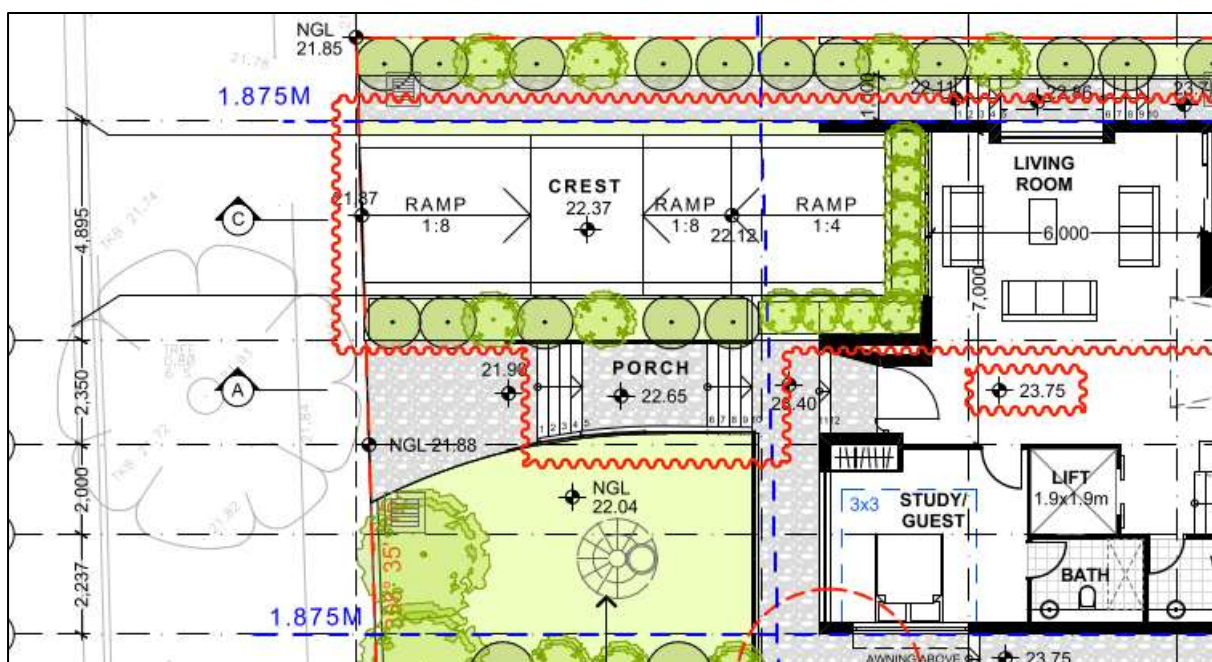


Figure 15: Original ground floor plan showing proposed driveway design and its proximity to street tree.

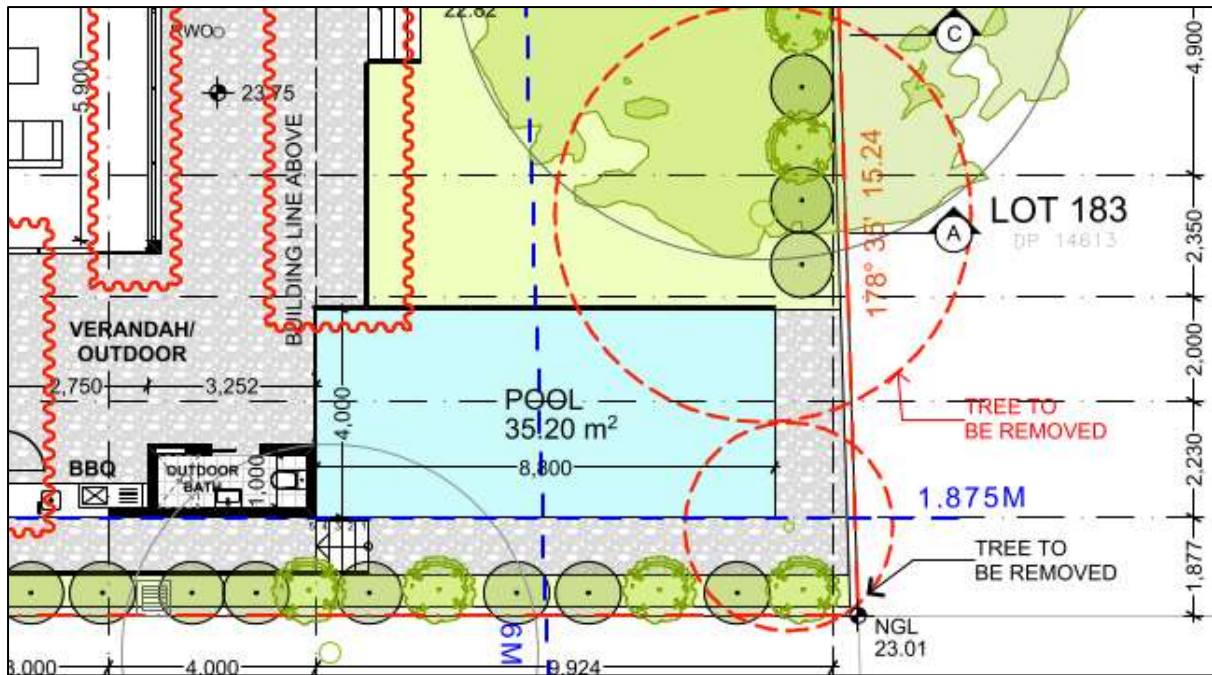


Figure 16: Original ground floor plan showing proposed swimming pool, surrounding paving areas and proximity to trees.

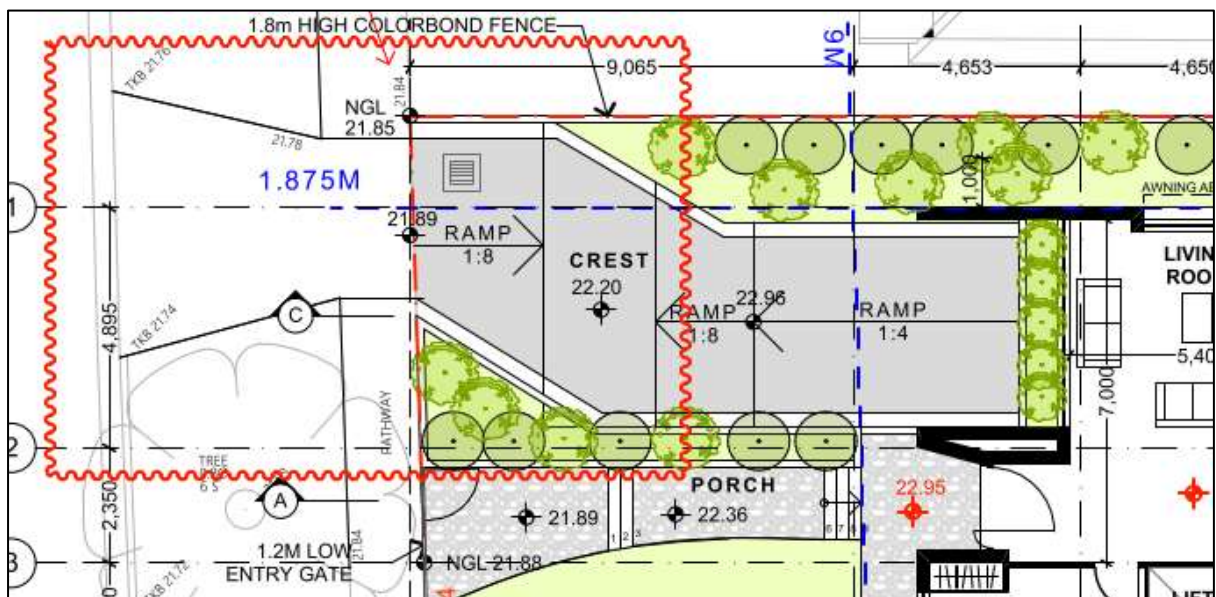


Figure 17: Amended ground floor plan showing amended driveway location/design and increased separation from street tree.

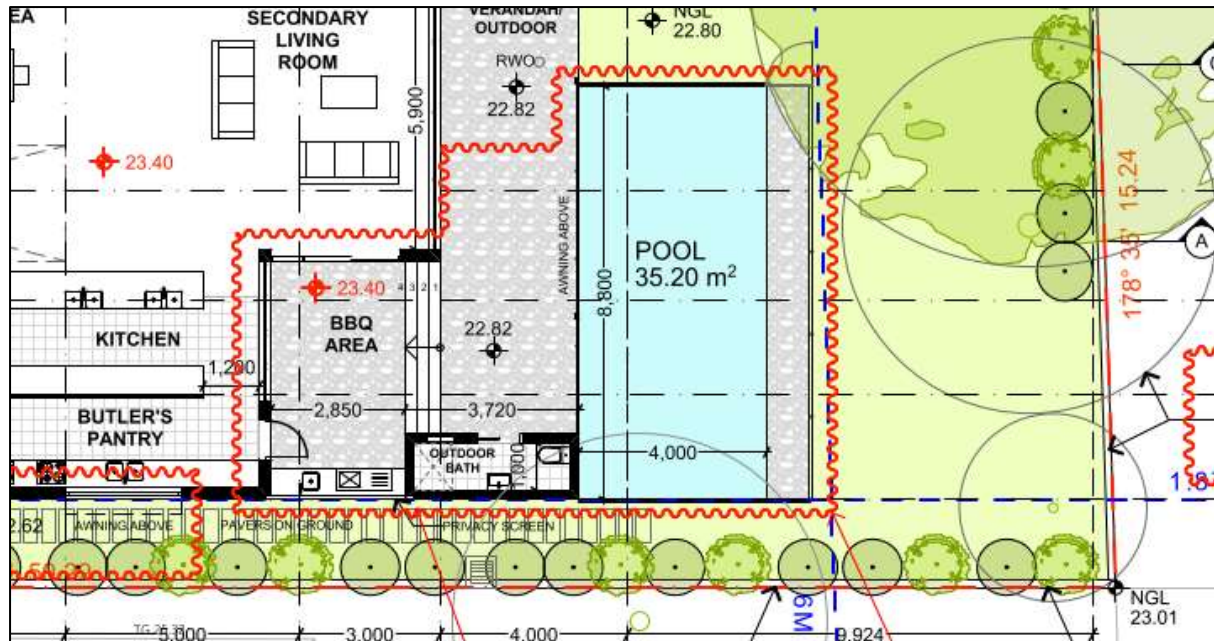


Figure 18: Amended ground floor plan showing relocation and reconfiguration of swimming pool and surrounding paving areas.

Stormwater

The application was referred to Council's Stormwater Engineer who raised no concern with the proposal subject to compliance with the revised submitted Flood Report and compliance with standard stormwater / drainage conditions.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

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	7.89m	Yes
4.4 Floor Space Ratio	Max 0.575:1 439.93m ²	0.56:1 (432.2m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Flood Planning

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

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation has generally been limited to the footprint of the ground floor above with exception to the area immediately below the northern courtyard. This basement section beneath the courtyard is acceptable as it's required to enable cars to enter and exit the basement in a forward direction.

It is noted that the storage room within the basement also extends outside the building envelope. A condition of consent is recommended to ensure that the northern wall of the basement be relocated so that it achieves a minimum 10m setback from the front property boundary so to align with the ground floor building footprint of the dwelling.

The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

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

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Officer who raised concern for the close proximity of the development to existing trees on site including the proximity of the new driveway to the street tree. The proposal has been amended showing relocation of the swimming pool so that it immediately adjoins the rear alfresco area and maintains a suitable distance from existing trees in the east and south-eastern corner of the site. As previously mentioned, a condition of consent is recommended to reposition the driveway so that it more closely aligns with the basement entrance whilst maintaining an acceptable 2.6m distance from the street tree.

Council's Tree Officer has imposed standard conditions of consent to ensure the ongoing retention and 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	6.25m	No – refer discussion below.
Height to underside of eaves:	7.2m	7.43m	
Parapet height:	0.8m	0.2m	
Overall height for flat roof dwelling:	7.8m	7.89m	No – refer below.
Basement height above NGL:	1.0m	789mm	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	10.17m	Yes
Side:	1.2m (min)	Min 1.9m (south)	Yes
Side:	1.2m (min)	Min 1.7m (north)	Yes
Combined Side Setback:	3.048m (20%)	3.6m combined	Yes
Rear:	6m	11.3m	Yes
Landscaping			
Landscaping/Deep soil Provisions:	43% (329m ²)	38.8% (296.7m ²)	No – refer to discussion.
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1.27m solid fence with batten front pedestrian gate component.	No – refer to discussion.
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The site is provided with an east-west orientation resulting in loss of overshadowing to	No – refer to discussion.

		the southern adjoining property	
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.26m	No – refer to discussion 1
Vehicular Crossing:	1	1	
Driveway setback – side:	0.5m	Nil	No – refer below
No. of Parking Spaces:	2	2	2
Basement:			
Basement protrusion:	Less than 1.0m	789mm	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	Min 2.25m	Yes
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	1.85m	Yes

Architectural Design and Streetscape Presentation

As previously mentioned, the site is in a state of transition with the emergence of more newly constructed contemporary-style development in the streetscape (refer back to Figures 12, 13 and 14 for reference). The submitted schedule of finishes is comprised of charcoal grey fibre cement panelling, polished concrete, timber screening and aluminium framing. The proposed schedule of colours and finishes is considered suitable for the streetscape given its transitioning nature. Overall, the scale, massing and character is compatible with existing and anticipated future development in the streetscape.

Floor to Ceiling Heights / Void Spaces

The proposal has been revised during the assessment process to achieve a reduced building height overall (refer to Figures 19 - 22 below) that better aligns with existing adjoining development. The proposal now results in a floor to ceiling height of 3.45m to the front ground floor portion of the dwelling, a 3m building height to the rear ground floor level and 3.1m to the first floor of the dwelling. The central void spaces result in a floor to ceiling height of 6.25m. These floor levels exceed the maximum permitted 3m floor to ceiling heights permitted by the SCDP 2005.

The void space is contained to the hallway in the centre of the site and does not result in any considerable increase in the prevailing bulk and scale of the development as viewed from the street. Whilst the front ground floor portion of the dwelling proposes a 3.45m floor to ceiling height, this exceedance is contained to the front ground floor portion of the dwelling only and is required so to avoid a split level from being provided along the first floor plate.

Notwithstanding the above, a condition of consent is recommended to reduce the floor to ceiling heights of the first floor (excluding void space) from 3.1m to 3m so that the entire building comply with the 7.8m building height for the site.

Overall, the proposal generally meets the architectural features and design requirements under SCDP 2005. The photomontages below demonstrate some design changes which have been made to reduce the apparent bulk and height of the development.

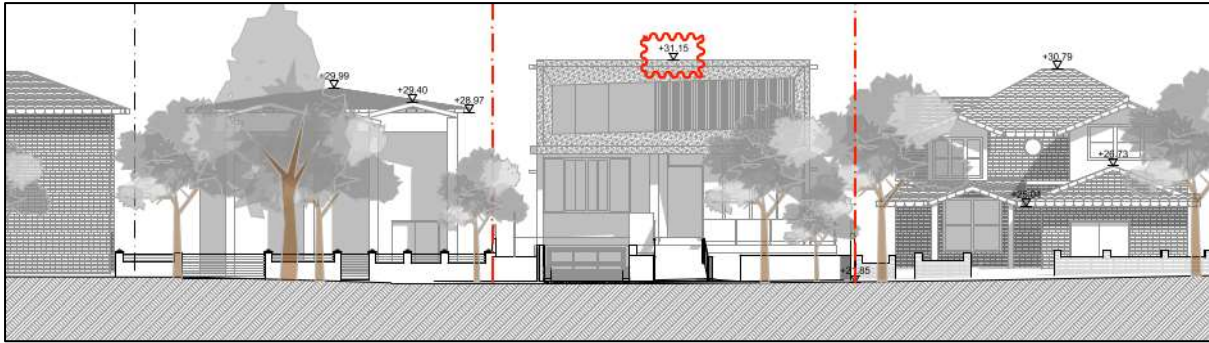


Figure 19: Original Streetscape Elevation Plan

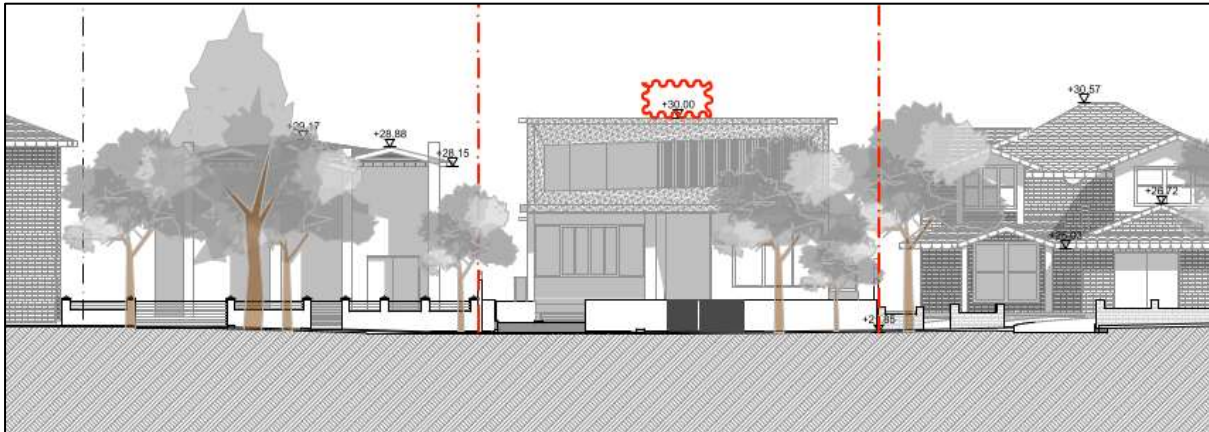


Figure 20: Revised Streetscape Elevation Plan noting reduced height of building.



Figure 21: Original Section Plan. Note raised height of finished floor level above natural ground and overall building heights including excessive floor to ceiling heights.



Figure 22: Revised Section plan showing a compliant basement height, compliant floor to ceiling heights and overall reduced building height.

Landscaping

The proposed development results in 38.8% (296.7m²) deep soil zone which presents a 32.3m² departure from the minimum 43% (329m²) required by Part A of the SDCDP 2005. The proposal is for a new dwelling that, aside from its flood affectation is a relatively unconstrained allotment. Compliance with the minimum landscape controls is therefore expected. The proposal provides opportunity to increase deep soil zone through reduction in paved areas across the front setback, namely the pedestrian entrance and area immediately adjoining the study/guest bedroom (refer back to Figure 4 ground floor plan). Replacement of these hardstand surfaces with landscaping should enable the development to achieve a compliant deep soil zone for the site. This will assist to soften the appearance of the built upon structures and improve opportunities for landscaping to be provided that is more suitable to the scale of the development.

A condition of consent requiring a revised landscape plan to be prepared including demonstration of deletion/reduction of paved area in the front setback has been recommended.

Fence height

The proposal seeks a solid rendered front fence to a maximum height of 1.27m with vertical slat component installed at the driveway and pedestrian gate entrances. Section 5.2.4 of Part A of the SDCDP requires front fencing forward of the front building line not to exceed 1.5m with solid components not to exceed 0.7m above NGL with the exception of brick piers. A condition of consent is therefore recommended requiring the fence height to be reduced to 1m above NGL so that it continue to achieve passive surveillance to the street.

It is further noted on the plans that the side property boundary fence is to be 1.8m. Whilst side and rear boundary fencing is permitted to a height of 1.8m behind the front building line, a maximum fence height of 1.5m forward of the front building line is required as per Part A of the SDCDP 2005. Accordingly, a condition of consent is recommended to ensure the side boundary fencing forward of the building line does not exceed 1.5m in height.



Figure 23: Proposed front fence

Vehicular access, Parking and Basements

The proposed development generally satisfies the relevant objectives and controls of the SDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement extends 789mm above natural ground and is within the footprint of the ground floor above with exception to the area immediately below the courtyard area to the ground floor and the storage area. The area of the basement immediately beneath the courtyard is acceptable in order to enable cars to enter and exit the basement in a forward direction. As previously mentioned, a condition of consent is recommended to ensure a setback of 10m between the front property boundary and northern wall of the basement be provided so to align with the ground floor building envelope of the dwelling.

Driveway

The proposed driveway measures at 3.26m in width at the property boundary which exceeds the maximum 3m width permitted under Part A of the SDCP 2005. A condition of consent is therefore recommended to ensure the new driveway attain a maximum width of 3m at the property boundary. This will assist in reducing hardstand areas in the front setback and providing further opportunity for additional landscaping.

Solar Access

The site is provided with an east-west orientation resulting in an unavoidable degree of overshadowing to the southern adjoining dwelling and surrounding open spaces. A series of revised shadow diagrams accompanied the amended design plans to demonstrate the overshadowing impacts to the southern adjoining dwelling (refer to Figures 24 and 25 below).

The proposed amendments have resulted in a slight improvement to solar access provided to the southern adjoining property particularly to the rear property from 12pm onwards. The modelling indicates that the adjoining dwelling will receive direct sunlight to the rear yard and rear eastern rooms. From 12pm onwards, the front western rooms and front yard will receive direct solar access. It is also acknowledged that these diagrams are indicative of a worst case scenario (winter solstice) and that solar access will improve in other times of the year. Overall, the proposed development enables ample solar access to be provided to the southern adjoining dwelling through the day.

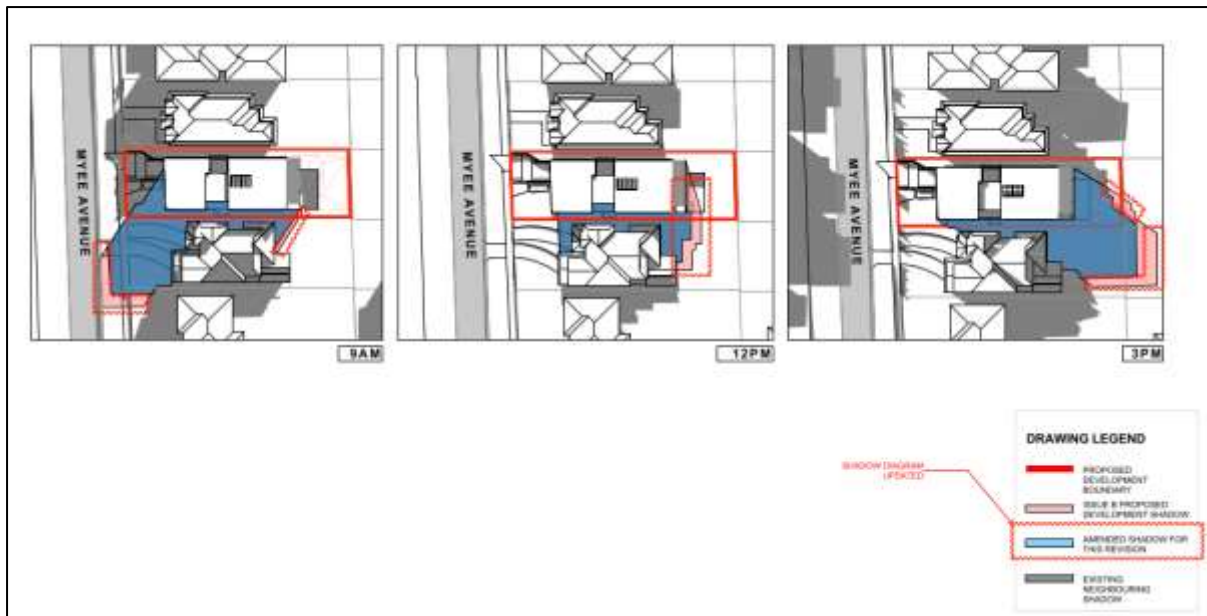


Figure 24: Shadow diagrams including impact of amended design



Figure 25: Shadow on elevation modelling

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. 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.

Cut and fill

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

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. 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

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. A condition of consent is recommended for the pool pump equipment to be located in a sound proof enclosure. 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.

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

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

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

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to

have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

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

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

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

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD 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 \$988,900.00 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	\$9,889.00
--------------------------------	------------

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. 2021/303 should be approved subject to conditions.



Signed:

**L Gibson
Senior Planner**

Date: 4 February 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:

**P Santos
Planner**

Date: 7 February 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
Demolition Plan	A-1102	19 Jan 2022	C	Ghazi Al Ali Architect
Basement Plan	A-1201	19 Jan 2022	C	Ghazi Al Ali Architect
Ground Floor Plan	A-1202	19 Jan 2022	C	Ghazi Al Ali Architect
Level 01 Plan	A-1203	19 Jan 2022	C	Ghazi Al Ali Architect
Roof Plan	A-1204	19 Jan 2022	C	Ghazi Al Ali Architect
Elevations 01	A-1301	19 Jan 2022	C	Ghazi Al Ali Architect
Elevations 02	A-1302	19 Jan 2022	C	Ghazi Al Ali Architect
Elevations – Fence 01	A-1303	19 Jan 2022	A	Ghazi Al Ali Architect
Elevations – Fence 02	A-1304	19 Jan 2022	A	Ghazi Al Ali Architect

Section AA	A-1401	19 Jan 2022	C	Ghazi Al Ali Architect
Sections 02	A-1402	19 Jan 2022	C	Ghazi Al Ali Architect
Material Schedule	A-2201	19 Jan 2022	B	Ghazi Al Ali Architect
Stormwater Plans	SW21263	29 November 2021	C	CEC Capital Engineering Consultants
Arboricultural Impact Assessment		9 November 2021		NSW Trees – Sam Allouche
Flood Addendum	20210449-L01	30 January 2022		SGC
Flood Impact Assessment Report	SW21263-B	2 December 2021		Capital Engineering Consultants
BASIX	Cert number. 1248408S	Issued 12 November 2021		

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";

- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

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

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

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

3 **Vehicular Crossing - Minor Development**

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4 **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

5 **Fees to be Paid**

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

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	\$ 3,461.00
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development	\$ 9,889.00

Contributions Plan 2017	
-------------------------	--

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.

6 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.
Basement Setback	Amended plans and details are required to show the setback provided between the front property boundary and basement wall has been increased to 10m so that it aligns with the ground floor building footprint.
Floor to Ceiling heights	The floor to ceiling heights of the first floor level (exclusive of the central void space) is to be reduced to a height of 3m.

Landscaping in front setback	An additional 30m ² deep soil zone is to be provided in the front setback of the property between the front property boundary and front building line through reduction and/or deletion of hard paved surfaces.
Front Fence Height	The front boundary fence shall be reduced in height so that it attain a height no greater than 1m above NGL.
Side boundary fence	The side boundary fence forward of the front building line should be reduced to a maximum height of 1.5m.
Driveway width	The vehicular access driveway width must be reduced from the proposed 3.2 metres to 3 metres to achieve a maximum allowed width of 3m. 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.
Driveway Location	The new driveway crossover is to be setback 2.6m from the base of the street tree (inclusive of layback).
Swimming pool equipment	The swimming pool equipment must be located either within the basement of the site or located within a relatively soundproof enclosure so that it does not result in adverse amenity impacts to adjoining neighbours.

7 **Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

8 **Tree Bond**

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

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

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

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

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

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

9 **Site Management Plan**

Minor Development

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

10 **BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1248408S must be implemented on the plans lodged with the application for the Construction Certificate.

11 **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas

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

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

12 **Stormwater System**

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

13 **Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by *Capital Engineering Consultants project no. SW21263-B dated 02.12.2021 and S&G Consultants ref: 20210449-L01 dated 30 January 2022.*

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Overland flow path construction
- (d) Protection of the basement from inundation of surface waters

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

14 Stormwater Drainage Plan Details

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

Outlet pipe

Site frontage less than 20m wide hence as per the stormwater code only one outlet pipe is allowed. Amended plans with one outlet pipe shall be submitted to Council for approval prior to issue of a Construction Certificate.

17 Compliance with Swimming Pool Act 1992

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

18 **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.

19 **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) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf;
- (h) Any additional landscaping as required by conditions of consent; and
- (i) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

20 Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
2	<i>Triadica sebifera</i>	Council verge	4.08m
4	<i>Lophostemon confertus</i>	Rear of property	8.4m
5	<i>Lophostemon confertus</i>	Rear of property	6.6m
7	<i>Fraxinus griffithii</i>	Rear of property	6m

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

General Tree Protection Measures

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

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

21 Demolition & Asbestos

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

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

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

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

22 Demolition Notification Requirements

The following notification requirements apply to this consent:

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

23 Demolition Work Involving Asbestos Removal

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

24 Dial Before You Dig

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

25 Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

DURING CONSTRUCTION

26 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.

27 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.

28 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

29 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.

30 Completion of Landscape Works

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

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

31 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.

32 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.

33 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.

34 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)

35 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

36 Requirement for a Construction Certificate

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

37 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.

38 **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.

39 **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.

40 **Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

41 **Notice to be Given Prior to Critical Stage Inspections**

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

42 **Occupation Certificate**

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

PRESCRIBED CONDITIONS

43 **Clause 97A – BASIX Commitments**

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

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

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

45 **Clause 98A – Erection of Signs**

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

46 **Clause 98B – Home Building Act 1989**

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

ADVISORY NOTES

i. Review of Determination

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

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

ii. Appeal Rights

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

iii. Lapsing of Consent

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

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

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

v. Long Service Levy

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

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

vi. Disability Discrimination Act

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

vii. 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. (DA20221/303) 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.

viii. 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).

ix. 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

x. 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.

xi. 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)