

IDAP REPORT

Property:	196 Albert Road STRATHFIELD Lot 16 in DP 2338 DA 2021/193
Proposal:	Construction of an outbuilding comprising a studio with bathroom and a veranda.
Applicant:	L Boroczky
Owner:	LJ and GA Boroczky
Date of lodgement:	3 August 2021
Notification period:	10 August 2021 to 24 August 2021
Submissions received:	Nil
Assessment officer:	L Fanayan
Estimated cost of works:	\$80,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	Approval



Figure 1: Locality Plan showing subject site (outlined in red) and surrounding properties

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the construction of an outbuilding comprising a studio with bathroom and a veranda.

Site and Locality

The site is identified as 196 Albert Road, Strathfield and has a legal description of Lot 16 in DP 2338. The site is a regular shaped parcel of land and is located on the southern side of Albert Road.

The site has a width of 15.24m, a depth of 69.34m and an overall site area of 1056m².

The locality surrounding the subject site contains a mixture of low density residential dwellings. Architectural styles are predominantly double storey with pitched roofing and brick and/or rendered façades. Some flat roofed, modern style examples exist along the street, some with basements.

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 10 August 2021 to 24 August 2021, where no submissions were received.

Issues

- Heritage considerations applicable on the site; and
- Potential to convert the outbuilding and be used as a separate domicile.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/193 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the construction of an outbuilding comprising a studio with bathroom and a veranda.

More specifically, the proposed development is comprised of a single-storey studio with a bathroom, with a total gross floor area of 26.9m².

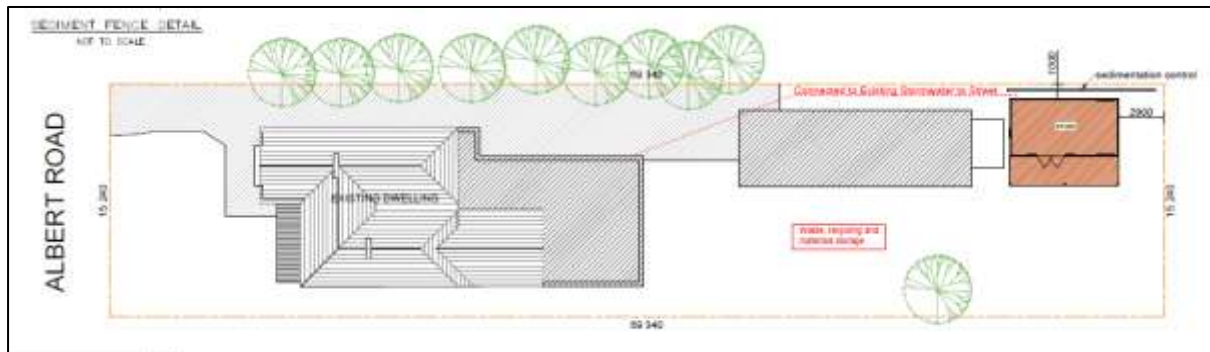


Figure 2: Site plan

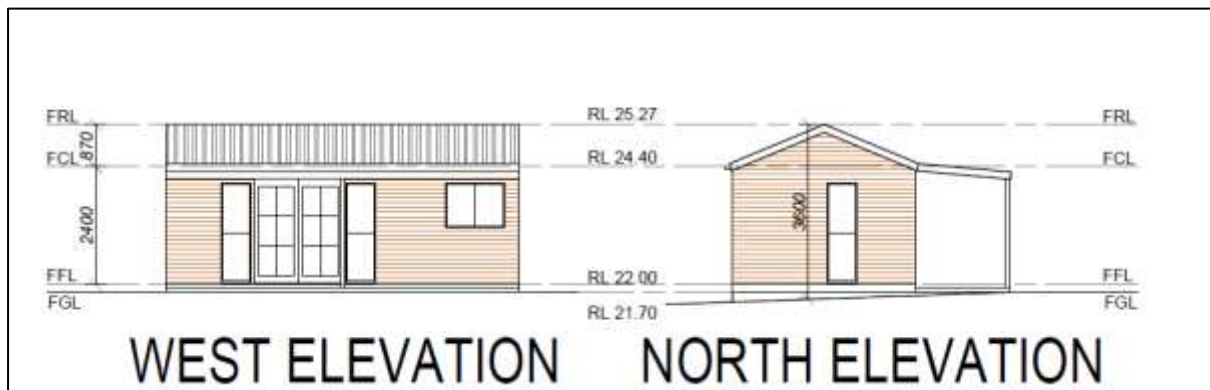


Figure 3: West and north elevation

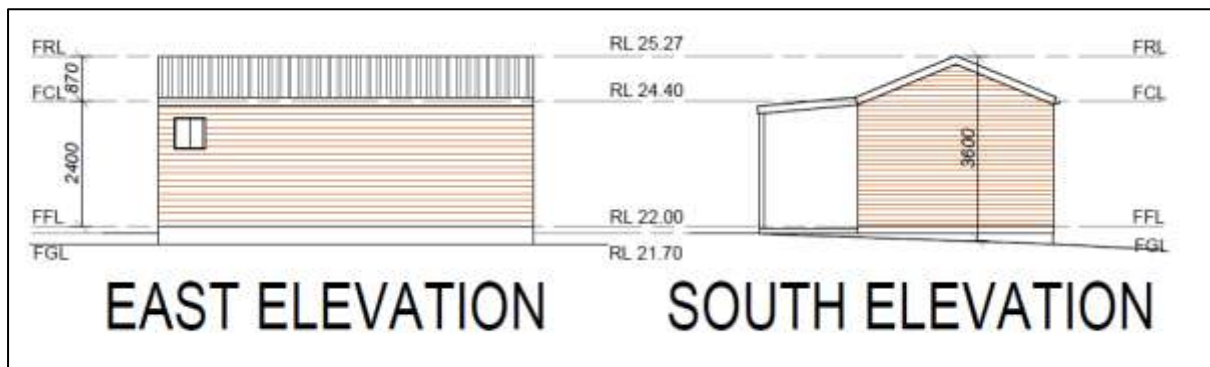


Figure 4: East and south elevations

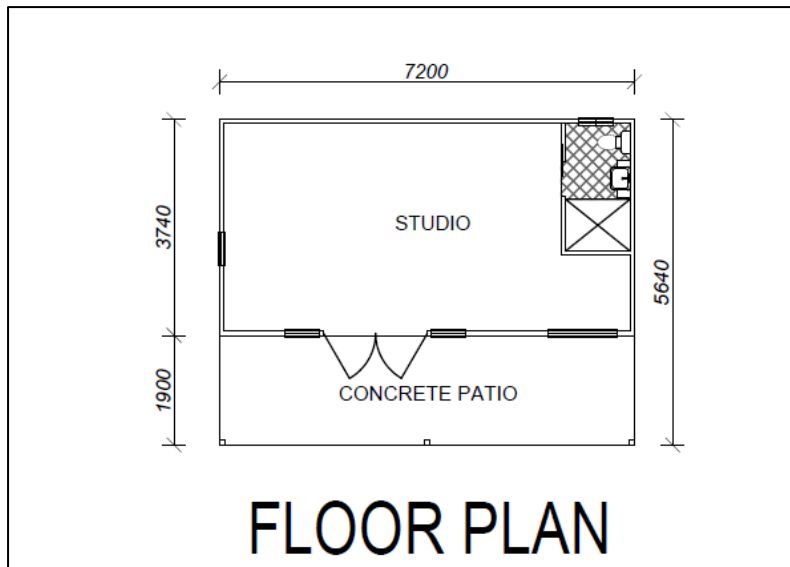


Figure 5: Floor plan

The Site and Locality

The subject site is legally described as Lot 16 in DP 2338 and commonly known as 196 Albert Road Strathfield. It is located off the southern side of Albert Road between Allenby Crescent and Heyde Avenue.

The site is rectangular in shape and has a frontage of 15.24m to the north, rear boundary of 15.24m to the south, east and west side boundary lengths of 69.34m and an area of 1056m².

The site gently slopes from north-east to south-west and has a cross-fall of 1m across the subject site.

The site is occupied by a single story residential dwelling. Vehicular access is provided to the site via an existing driveway to an existing garage located in the rear yard.

The dwelling on the site is identified as a heritage item (I77) for its good example of a Victorian Italianate home that retains details such as chimneys, cast iron and stucco detailing. The property is adjacent to another heritage item (I76) at 194 Albert Road and a heritage conservation area across the road.

The current streetscape is tree lined with mature street trees and the surrounding area is characterised by a mixture of low density residential dwellings. Architectural styles are predominantly double storey with pitched roofing and brick and/or rendered façades. Some flat roofed, modern style examples exist along the street, some with basements.



Figure 6: View of 196 Albert Road down the north-eastern boundary towards studio location



Figure 7: View of side boundary of neighbouring property at 194 Albert Road



Figure 8: View of side boundary of neighbouring property at 198 Albert Road



Figure 9: Streetscape of Albert Road outside 196 Albert Road

Background

3 August 2021

The subject application was lodged.

10 August 2021

The application was notified as per Council's Community Participation Plan, with the final date for public submissions being 24 August 2021. No submissions were submitted during this period.

- 7 September 2021** A request for further information letter was sent to the applicant raising the following issues:
- Invalid BASIX
 - Trees
 - Site photos
- 24 November 2021** Further additional information was requested from the applicant – landscaping and dwelling area calculations.
- 19 January 2021** The applicant provided additional information to address the issues raised in the letter.

Referrals – Internal and External

Stormwater Management

Council's Stormwater Management Officer provided the following advice:

Detached outbuilding roof runoff drains into existing site drainage system. From engineering perspective, concept plan is feasible.

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

Heritage Conservation

Council's Heritage Officer provided the following advice:

The location of the studio will not be seen from the street and is therefore unlikely to impact on the heritage significance of the item.

Accordingly, Council's Heritage Officer offered no objections and no conditions are required.

Tree Management

Council's Tree Management Officer provided the following advice:

Proposal is to retain two (2) *Callistomen viminalis* in the rear yard on the side and rear boundary. The removal of one (1) *Plumeria acutifolia* (Frangi Panni) subject to replacement planting of one (1) tree species selected from Council's Recommended Tree List with a minimum mature height of 10 metres, is supported.

Accordingly, Council's Tree Management Officer offered no objections to the proposal subject to the imposition of 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	3.27m	Compliant
4.4 Floor Space Ratio	0.5:1 (528m ²)	0.199:1 (209.9m ²)	Compliant

It is understood the proposed development is well below the maximum allowable Floor Space Ratio (FSR). A proposed plan was provided outlining landscape area. Existing building area was provided however not shown visually. The FSR was confirmed by going to site and clarifying what buildings contribute to the Gross Floor Area (GFA). Photos were taken and measurements were made on the provided to-scale landscape plan. It was calculated that 184.5m² contribute to existing GFA. The proposed studio adds 25.4m² for a total of 209.9m² and a GFA of 199:1, therefore there are no concerns regarding floor space ratio for this proposal.



Figure 10: Rear of dwelling at 196 Albert Road showing alfresco area and enclosed sunroom



Figure 11: Side view of alfresco area

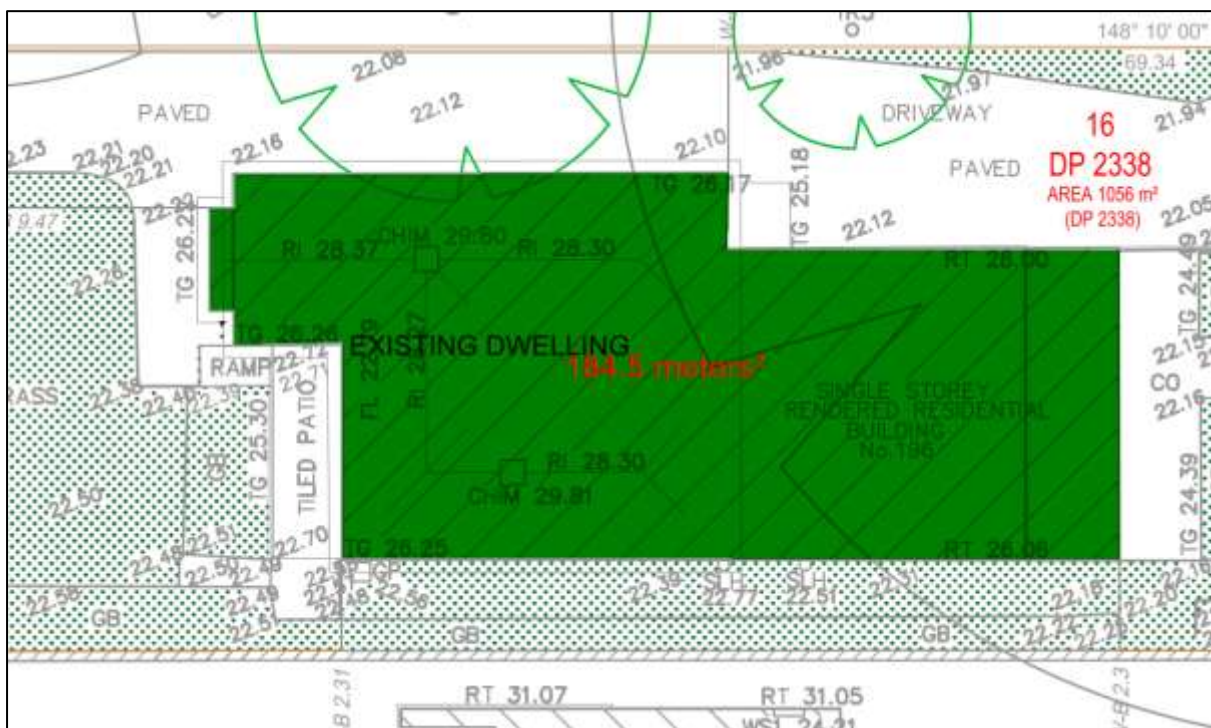


Figure 12: Existing areas included in FSR calculation

At the rear of the property there is a veranda/alfresco area not included as GFA, and an enclosed sunroom which has been included as GFA. The other structures the site are carport, detach garage and sheds which are not included as GFA.

Proposed plans confirm development has a complying FSR with the inclusion of the new studio. There are no negative bulk and scale impacts to the streetscape or to neighbours as the proposed studio is located in the rear yard and single storey only. The north-eastern side boundary is also heavily vegetated which assists in obscuring the view from the street to the rear of the property.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal has been identified as a Heritage Item I-77 under Schedule 5 of SLEP 2012 and a Heritage Impact Statement has been submitted with the application. The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory and no conditions of consent are required.

Flood Planning

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

In accordance with Council's Engineer referral development shall be designed to conform to the recommendations and conclusions of the submitted flood certificate prepared by NEMCO Design ref: Engineering Certificate 21262 FC-01-Flood dated 18.05.2021. This recommends a RL of 22.60m AHD for the studio, and 22.50m AHD for patio. The plans show a RL for the studio as 22.0m AHD. Updated plans are to be provided prior to submitting Construction Certificate showing a RL of 22.60m AHD for the studio, and 22.50m AHD for patio. This has implications for building height as discussed below.

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.

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 (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 two (2) *Callistomen viminialis* on the site.

Further, no objection was raised to the removal of one (1) *Plumeria acutifolia* (Frangi Panni) subject to replacement planting of one (1) tree species selected from Council's Recommended Tree List with a minimum mature height of 10 metres. Relevant consent conditions will be imposed.

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Landscaping			
Landscaping/Deepsoil Provisions:	45% 475.2m ²	49.05% 518m ²	Compliant
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	26.928m ²	Compliant
Height:	3.5m	4.13m	No - see comments below
Side setback:	0.5m	1m	Compliant
Rear setback:	0.5m	2.9m	Compliant

Building Envelope

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

- Building scale, height and floor space ratio.

Building Height

The proposed plans do not reflect the recommendation in the application's Flood Certificate. The overall height is actually going to be 4.13m when built from RL 22.60m AHD. Amended plans are to be provided prior to construction certificate as a condition of consent.

The proposed height is 0.63m above the development control. There are no windows that encourage over looking into 194 Albert Road on the eastern elevation. The total 4.13m height is to the top of the pitched roof which is setback a further 1.9m from the side boundary. Although the height is above the height control for outbuildings, on balance it is considered appropriate as there is no adverse privacy impacts, the side boundary is well vegetated and screens the development form the neighbouring property.

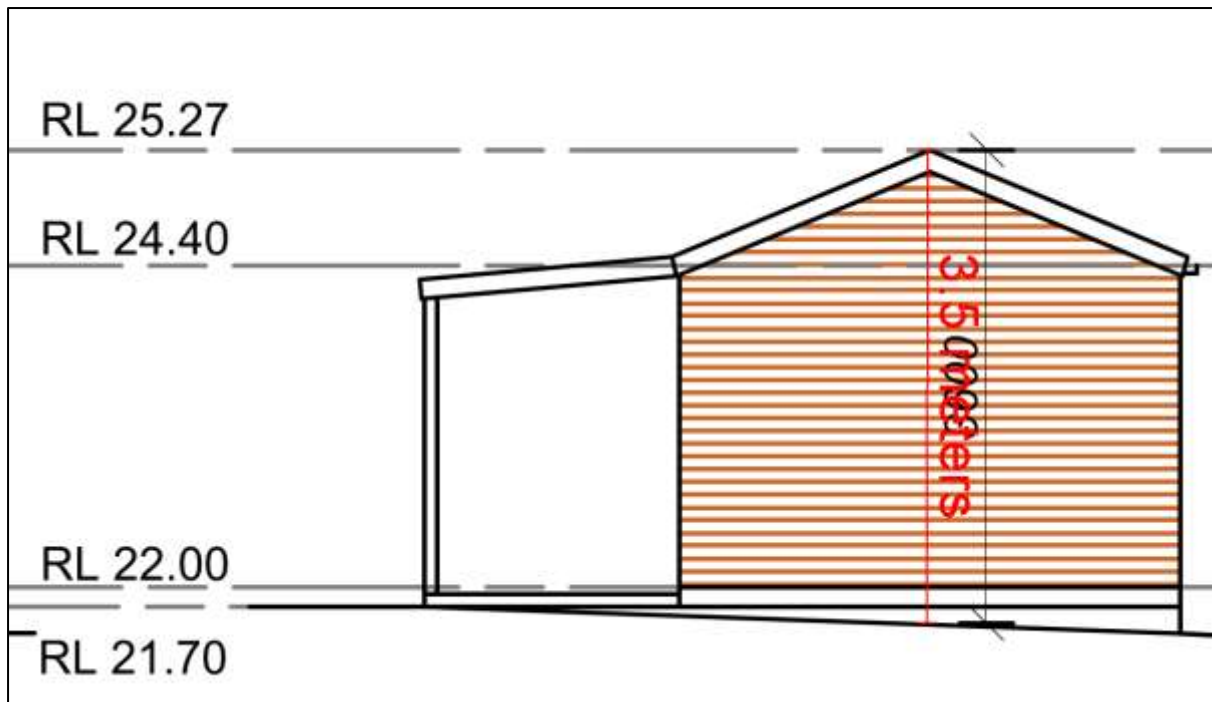


Figure 13: Elevation showing proposed RLs that need to be amended

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The development retains adequate areas for landscaping no further landscaping works are proposed.

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. There are no windows proposed to overlook neighbouring properties and the proposed studio is sufficiently setback 1m from the side boundary. This side boundary setback is greater than the minimum requirement of 0.5m and is deemed an appropriate outcome.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDP 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 sediment control fence has been nominated on the site plan to prevent or minimise soil disturbances during construction.

ANCILLARY STRUCTURES

Outbuildings

The proposed development satisfies the relevant objectives and controls the SCDCP 2005 complying with the setbacks and floor space controls. The proposed height is 0.63m above the development control however this non-compliance is deemed less than minor and does not impact on the neighbouring property. On balance the overall design is considered appropriate.

A studio of this type could be easily converted into a separate dwelling, therefore an ongoing condition will be imposed to ensure the studio will not be used as a separate domicile.

PART H – Waste Management (SCDCP 2005)

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

PART P – Heritage (SCDCP 2005)

In accordance with Part P of Strathfield CDCP 2005, the proposal retains and protect the heritage value of the subject site, 196 Albert Road – Kareela (Built 1895). As identified by Council's Heritage Planner, the studio is located to the rear of the property behind existing structures and the location of the studio will not be seen from the street and is therefore unlikely to impact on the heritage significance of the item. It is considered that this proposed development 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 not 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 period.

(e) *the public interest.*

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

Local Infrastructure Contributions

Section 7.13 of the 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 not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as total development cost is less than \$100,000.00.

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. 193/2021 should be approved subject to conditions.

Signed: 
L Fanayan
Planner

Date: 11 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 not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.



Signed:
P Santos
Planner

Date: 14 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
Site Plan	CD-259/19 Sheet No 1 of 3	20/02/20	A	Connect Drafting
Floor Plan/ Elevations/ Section/ Finishes	CD-259/19 Sheet No 2 of 3	20/02/20	A	Connect Drafting

Landscaping Plan	CD259/19 Sheet 1 of 1	20/12/2 1	A	Connect Drafting
Flood Certificate	Engineering Certificate 21262 / FC- 01-Flood	18/05/2 021	-	Nemco Design Pty Ltd
BASIX	A390862_03	19/01/2 022	-	Connect Drafting
Waste Management Plan	196 Albert Road, Strathfield, NSW, 2135	-	-	Leslie Boroczky

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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3 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

4 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).

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	\$ 280.00
Security Damage Deposit	\$ 2,700.00
Tree Bond	\$ 3,050.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00

General Fees

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

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.

5 Required Design Changes

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

Studio Finished Floor Level Height	In accordance with submitted flood certificate prepare by NEMCO Design ref: Engineering Certificate 21262 FC-01-Flood dated 18.05.2021, the finished floor level (FFL) must be increased to RL 22.50m AHD for patio and RL 22.60m AHD for the studio.
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6 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: \$2,700.00.

- (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.

7 Tree Bond

A tree bond of \$3,050.00 (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.

8 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.

9 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. A390862_03 must be implemented on the plans lodged with the application for the Construction Certificate.

10 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.

11 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.

12 Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by NEMCO Design ref: Engineering Certificate 21262 FC-01-Flood dated 18.05.2021.

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

- (a) Minimum floor levels
- (b) Overland flow path construction

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.

13 Drainage System – Maintenance of Existing System

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

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

14 Tree Protection and Retention

The following trees shall be retained and protected:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Callistomen viminalis	196 Albert Road (Side boundary rear yard)	4.2 metres
2	Callistomen viminalis	196 Albert Road (Rear boundary)	2.0 metres

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.

Excavation works near tree to be retained

- (g) 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.
- (h) 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.
- (i) 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.

15 Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	No of trees	Location
3	Plumeria acutifolia (Frangi Panni)	1	196 Albert Road

General Tree Removal Requirements

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

Tree Replacement

All trees permitted to be removed by this consent shall be replaced with 1 tree species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

16 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

17 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.

18 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.

19 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

20 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.

21 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.

22 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) 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;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

OPERATIONAL CONDITIONS (ON-GOING)

23 Use of Structure

The studio is not to be used for the purpose of a separate domicile or for any commercial or industrial purpose.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

24 Requirement for a Construction Certificate

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

25 **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.

26 **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.

27 **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](#).

28 **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.

29 **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

30 Clause 97A – BASIX Commitments

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

31 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.

32 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.

33 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. 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.

VI. 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.

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](#):

Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.

In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/193) and reference this condition number (e.g. Condition 23)

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. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlgq.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

X. Electricity Supply

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

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)