

## IDAP REPORT

<b>Property:</b>	30 Vernon Street Strathfield Lot 1 in DP 117955 DA 2021/309
<b>Proposal:</b>	Partial demolition of existing structures, construction of an outbuilding, pool and shed
<b>Applicant:</b>	S Herro
<b>Owner:</b>	S Herro
<b>Date of lodgement:</b>	25 November 2021
<b>Notification period:</b>	1 December 2021 to 14 December 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	G Choice
<b>Estimated cost of works:</b>	\$67,900.00
<b>Zoning:</b>	R2 - Low Density Residential - SLEP 2012
<b>Heritage:</b>	The site is located within the C16 - Vernon Street Conservation Area - under SLEP 2012
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



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

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the partial demolition of existing structures, construction of an outbuilding, pool and shed.

### **Site and Locality**

The subject site is legally described as Lot 1 in DP 117955 and commonly known as 30 Vernon Street, Strathfield. It is located on the east side of Vernon Street, south of Redmyre Road between Brunswick Avenue to the north-west and Alviston Street to the south-west.

The site is rectangular in shape and has a total site area of 1133.8m<sup>2</sup>.

Existing development on the site comprises a single-storey brick dwelling, detached garage with carport and detached secondary dwelling. The rear yard of the site hosts a number of structures including two (2) pergolas and three (3) sheds, as well as a partly constructed metal platform and concrete slab associated with the proposed development.

The site is located within the C16 - Vernon Street Conservation Area (SLEP 2012) which is characterised by dwellings of a traditional asymmetrical façade, pitched roofing, bay windows, open pergolas above front entries.

### **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 1 December 2021 to 14 December 2021, where no submissions were received.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/309 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

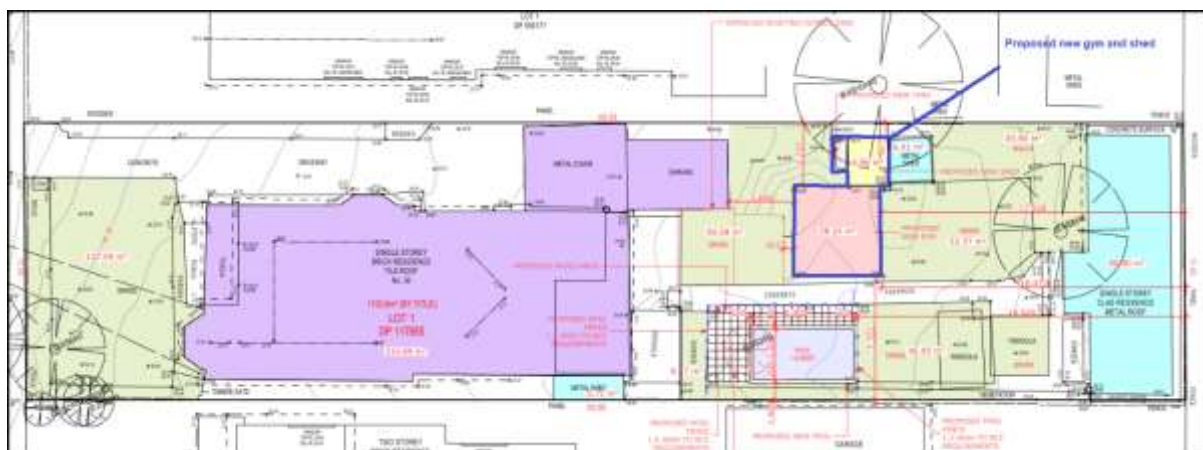
Council has received an application for the partial demolition of existing structures, construction of an outbuilding, pool, shed and carport. Specifically, the proposal includes:

Demolition:

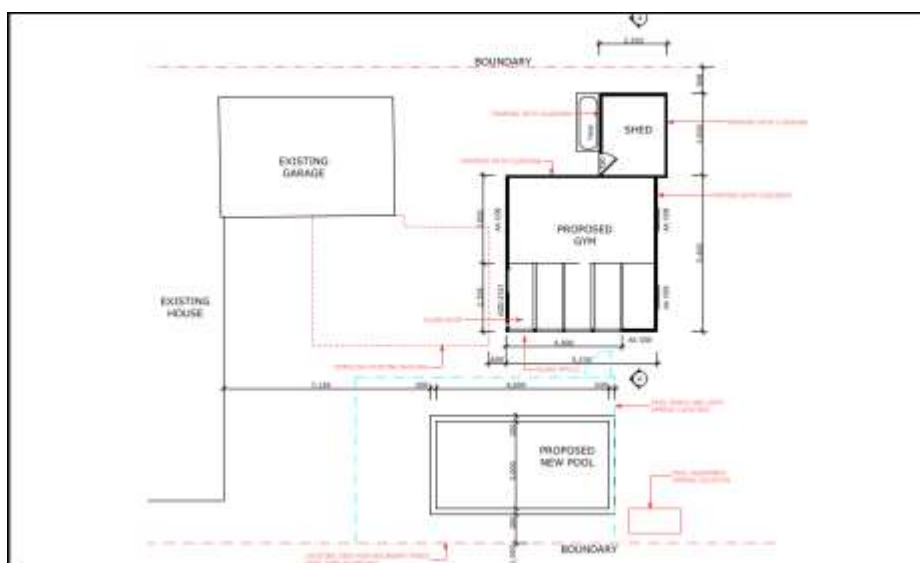
- Demolish the existing semi-detached outbuilding/shed

External works:

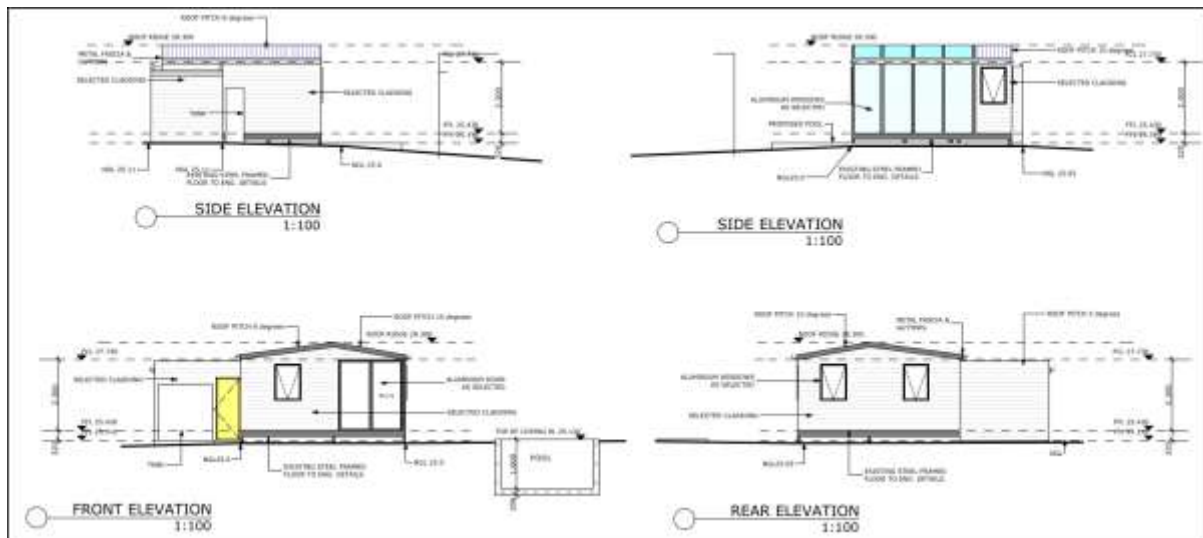
- Construction of a new detached gym and shed
- New in-ground swimming pool
- Associated landscaping.



**Figure 2:** Proposed area plan (new shed and gym highlighted in blue)



**Figure 3:** Proposed ground floor plan



**Figure 4:** Proposed elevations (clockwise from top left: north; south; east west)

### The Site and Locality

The subject site is legally described as Lot 1 in DP 117955 and commonly known as 30 Vernon Street, Strathfield. It is located on the east side of Vernon Street, south of Redmyre Road between Brunswick Avenue to the north-west and Alviston Street to the south-west.

The site is rectangular in shape and has a front and rear boundary widths of 16.46m (west/east); side boundary lengths of 68.88m (north/south); and a total site area of 1133.8m<sup>2</sup>.

The site slopes from rear to front (east-west) and has a cross-fall of 2-3°.

Existing development on the site comprises a single-storey brick dwelling, detached garage with carport and detached secondary dwelling. The rear yard of the site hosts a number of structures including two (2) pergolas and three (3) sheds, as well as a partly constructed metal platform and concrete slab associated with the proposed development.

The site is located within the C16 - Vernon Street Conservation Area (SLEP 2012) set in a low-density, suburban residential area generally characterised by tree-lined streets and single detached dwellings of varying design and scale. St Peter and Paul Russian Orthodox Church is situated at 160m north of the site. Most of the residences along Vernon Street have a traditional asymmetrical façade, pitched roofing, bay windows, open pergolas above front entries, and a combination of pale render (white/cream/off-white/beige/grey) and exposed red brick. Some of these dwellings appear modest from the street; however, their site coverage and scale are elongated and occupy a significant portion of their respective sites.





**Figure 5:** Subject site existing dwelling



**Figure 6:** Existing rear yard and dwelling east elevation with outbuilding TBD



**Figure 7:** Subject site rear yard and existing secondary dwelling



**Figure 8:** Subject site existing platform and outbuilding to be demolished

### **Background**

25 November 2021	The subject Development Application was lodged.
14 December 2021	Neighbour notification period complete (1/12/21 – 14/12/2021)
24 December 2021	Site inspection completed by the Assessment Officer.
17 January 2022	Council issued a letter request for further information (RFI) letter was issued by Council

**i. Unauthorised works**

The Applicant was notified that Building Information Certificate will be required for any unauthorized works associated with the proposed development including the existing slab and metal deck.

**ii. Floor space ratio**

Council noted a discrepancy within the Statement of Environmental Effects which proposes a GFA of 384.62m<sup>2</sup> and FSR of 0.6:1. The proposed gym is a habitable room and must be included in calculable gross floor area for the site. Floor plans of the existing principal dwelling and secondary dwelling were required to determine the total GFA and FSR for the site.

**iii. Proposed carport**

The proposed carport was not supported for the following reasons:

- i. The carport did not provide adequate manoeuvring for vehicles via the existing garage to and from the carport;
- ii. The existing area on the plans labelled 'Metal Cover' can be utilized as a carport for at least one vehicle. As the site already satisfies the parking requirements as per SCDCP 2005 controls, the need for a second carport was unsubstantiated; and
- iii. The site is already deficient in landscaped area and additional hardstand area was not supported.

**iv. Landscaping**

A preliminary assessment of the proposed landscape plan calculated total landscaped area as 339.8m<sup>2</sup> (29.9%) which presented a significant shortfall from the minimum 510.2 m<sup>2</sup> (45%) as required by SCDCP 2005 controls. Additional landscaping was to be provided.

**v. Additional and/or Amended Plans**

- i. Elevations and sections are required to show pool depth and pool fencing on both west and south elevations.
- ii. The proposed rainwater tank was to be a minimum of 450mm from the side boundary. If this could be achieved, the tank was to be relocated.
- iii. The proposed gym windows were to be of fixed obscure glazing along the southern elevation to maintain the visual privacy of future occupants and neighbours.



11 February 2022 Final amended plans and revised SEE were submitted by the Applicant via the NSW Planning Portal. Changes to the plans included deletion of the proposed second carport, relocation of the proposed rainwater tank and the provision of additional landscaping.

~~Detailed floor plans of the existing principal and secondary dwelling were not provided, hence the entire footprint of the each dwelling is included in GFA calculations.~~

## **Referrals – Internal and External**

### **Stormwater**

The subject proposal was referred to Council's Development Engineer whom determined that, from an engineering perspective, the stormwater drainage concept plan is feasible and raised no objections.

## **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
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<b>4.3 Height of Buildings</b>	Maximum 9.5m	Existing dwelling: 6.2m  Proposed gym: 3.4m	Yes
<b>4.4 Floor Space Ratio</b>	Site area 1133.8m <sup>2</sup>  Max FSR 0.5:1 or 566.9m <sup>2</sup>	0.32:1 or 355.94	Yes

#### **Note on FSR**

The amended proposal features the deletion of the proposed second carport, relocation of the proposed rainwater tank, the provision of additional landscaping and a fully compliant floor space ratio (FSR), which has been calculated to include the entire foot print of both the primary and secondary dwelling, in lieu of detailed floor plans.

The primary dwelling was calculate to contribute 246.9m<sup>2</sup> towards GFA and the secondary dwelling was calculated to contribute 80.8m<sup>2</sup> towards GFA. On balance this method was deemed appropriate as it is understood the proposed development is well below the maximum allowable FSR.

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The site is located within the C16 - Vernon Street Conservation Area (SLEP 2012). The proposed development is for alterations and additions to the rear of the site comprising an outbuilding/gym, new shed and in-ground swimming pool. The new structures will sit below the roof height of the existing principal dwelling and will be hidden from street view.

The proposed works are considered to be satisfactory and will not detract from the existing heritage character of the Heritage Conservation Area (HCA). It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

#### **Flood Planning**

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

### **Part 6 – Additional Local Provisions**

#### **Acid Sulfate Soils**

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

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

### **Earthworks**

The proposal involves significant excavation works for the provision of a new in-ground swimming pool. 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.

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 proposed development includes the removal of one (1) *Mangifera indica* (Mango) to make way for the new swimming pool. The subject tree is an exempt species and the proposal will not result in the removal or loss of any other significant trees or vegetation subject to the provision of this SEPP.

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

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

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

**(iii) any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	(1133.8 x 45%) or 510.2m <sup>2</sup>	388.5m <sup>2</sup> (34.3%)	No – see discussion
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Solar access achieved	Yes
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b>			
Area:	40m <sup>2</sup>	28.2m <sup>2</sup>	Yes
Height:	3.5m	3.4m	Yes
Side/Rear setback:	0.5m	Side (north): 3.7m Side (south): 7.3m Rear: 17.9m <sup>2</sup>	Yes Yes Yes
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	Min. side: 1m Rear 19.5m	Yes Yes

## **Discussion (DCP non-compliance)**

An assessment of existing development on the subject site calculates existing landscaped area at 362m<sup>2</sup>. An assessment of the proposed landscape plan calculates landscaped area as 388.5m<sup>2</sup>. This represents an additional landscaped area of approximately 26m<sup>2</sup> and is considered acceptable on balance.

## **Building Envelope**

The proposed development satisfies the objectives and controls within the development control plan relevant to building scale, height and floor space ratio.

## **Landscaping and Open Space**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The development is considered to enhance the existing landscaped area, additional areas for deep soil planting have been provided and the site already accommodates a large canopy tree in the rear yard which will be retained and protected.

## **Solar Access**

The proposal will not result in significant overshadowing of neighbouring properties. Sufficient solar access is maintained to the private open space of the subject site. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

## **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows of the new gym/outbuilding shall be obscured glazing so as not to negatively impact on adjoining properties.

## **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDP 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.

## **ANCILLARY STRUCTURES**

### Outbuildings

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

### Swimming Pools, Spas & Associated Enclosures



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

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

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

#### **PART P – Heritage (SCDCP 2005)**

The proposed works are considered to be satisfactory and will not detract from the existing heritage character of the HCA. It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

**(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 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. Council received no submissions 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).

Based on the Cost of Works of \$ 67,900.00 development contributions are not applicable to the subject application.

**Conclusion**

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

Following detailed assessment it is considered that Development Application No. 2021/309 should be approved subject to the following conditions of consent.

**Signed:**  
**G I Choice**  
**Planner**

**Date: 7 March 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:**  
**Luke Fanayan**  
**Planner**

**Date: 8 March 2022**

## Conditions

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_1002	3	26 January 2022	E	Superdraft
Ground Floor Plan_1002	4	26 January 2022	E	Superdraft
Eleavtions_1002	5	26 January 2022	E	Superdraft
Demolish Plan_1002	6	26 January 2022	E	Superdraft

Area Plan_1002	7	26 January 2022	E	Superdraft
Landscape Plan_1002	8	26 January 2022	E	Superdraft
Sections and BASIX notes_1002	9	26 January 2022	E	Superdraft
Erosion and Sediment Control Plan_1002	10	26 January 2022	E	Superdraft
Stormwater Layout Plan Title Page, Notes & Details Sheet_1004-DA	SW001	25 October 2021	A	MJW
Stormwater Layout Plan Title Page, Notes & Details Sheet_1004-DA	SW010	25 October 2021	A	MJW
Document	Reference No.	Date	Revision	Prepared by
Survey Plan	310669_A	27 August 2021	-	Innovative Surveying Associates
Waste Management Plan	-	10 November 2021	-	-
BASIX Certificate	A432186	23 September 2021	-	Green Start Ratings

## 2. Building Height

The height of the gym (outbuilding measured from Australian Height Datum (AHD)) must not exceed Reduced Level (RL) 28.3 AHD to the roof ridge of the building.

## 3. Building Information Certificate for Unauthorised Works

A Building Information Certificate application is required to be lodged to Council to regularise any unauthorised work prior to the issue of a Construction Certificate.

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

## 4. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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



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

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

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

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

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

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **5. Sydney Water – Tap in™**

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. Fees to be Paid

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 237.00
Security Damage Deposit	\$ 2700.00
Administration Fee for Damage Deposit	\$ 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.

### 7. Damage Deposit – Minor Works

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

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$2700.00
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

## **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.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

## **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.A432186 must be implemented on the plans lodged with the application for the Construction Certificate.

## **10. Low Reflectivity Roof**

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

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

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway

- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

## **12. Pre-Construction Dilapidation Report – Private Land**

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

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

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

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

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

## **13. Stormwater System**

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

## **14. 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.



## **15. 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.

## **16. 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;
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.
- (f) the pool pump and filter equipment shall be enclosed in a sound proof enclosure and the pool coping shall be designed to suit the existing ground level of the site; and
- (g) the swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

## **17. Landscape Plan**

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Minimum deep soil area of 388.5m<sup>2</sup> with at least 50% of this area behind the front building line.
- (b) Location of existing and proposed structures, services and existing trees;
- (c) Details of earthworks including mounding and retaining walls and planter boxes;
- (d) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.

- (e) Details of planting procedure and maintenance;
- (f) Landscape specification; and
- (g) Details of drainage and watering systems.

## **18. Tree Removal/Pruning Prohibited**

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

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

## **19. Demolition & Asbestos**

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

## **20. 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.

## **21. 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.

## **22. Utility Arrangements**

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

## **DURING CONSTRUCTION**

## **23. Cost of Work to be Borne by the Applicant**

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

## **24. 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.

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

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

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

### **26. 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.

### **27. BASIX Compliance Certificate**

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

### **28. Post Construction Dilapidation Report – Private Land**

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the structures as identified in the pre-construction dilapidation report as per Condition 12 of this consent.

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

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

### **29. 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.

### **30. 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)**

### **31. Swimming Pools – Resuscitation Notice**

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

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

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

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

### **33. 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.

### **34. 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.

### **35. 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.

### **36. 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**

### **37. Clause 69 – 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.

### **38. Clause 70 – 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.

### **39. Clause 71 – 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](http://www.legislation.nsw.gov.au)

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (DA 2021/309 and reference this condition number Advisory Note 4)
- (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.

## **VI. Site Safety Fencing**

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

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

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

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

## **VIII. Electricity Supply**

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