

## IDAP REPORT – SECTION 4.55(1A) MODIFICATION

<b>Property:</b>	92 Abbotsford Road, Homebush Lot 1 DP 166684 DA2021/136/2
<b>Proposal:</b>	Section 4.55(1A) Modification Application internal alterations, changes to the windows schedule including an additional window on the western elevation and the removal of four trees.
<b>Applicant:</b>	Urban Link Pty Ltd c/o George Jreije
<b>Owner:</b>	V Elias
<b>Date of lodgement:</b>	17 December 2021
<b>Notification period:</b>	24 December 2021 to 24 January 2022
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$616,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	<b>Heritage Conservation Area</b> – “C2” Abbotsford Road Conservation Area <b>Adjacent to a Heritage Item</b> – “I15” Ettalong House
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

## **EXECUTIVE SUMMARY**

### **Proposal**

Approval is being sought for the modification of development consent DA2021/136 for the internal alterations, changes to the windows schedule including an additional window on the western elevation and the removal of four trees.

The approved development in the original DA was for the alterations and additions to an existing dwelling within a heritage conservation area.

### **Site and Locality**

The subject site is legally described as Lot 1 DP 166684 and commonly known as 92 Abbotsford Road, Homebush. It is located on the southern side of Abbotsford Road, between its intersection with Meredith Street and Bridge Road.

The site is rectangular in shape and has a frontage width of 15.95m and an average depth of 91.44m, with a total area of 1,458m<sup>2</sup>.

The subject property is currently under construction with works related to the original DA ongoing.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is ancillary to a permissible form of development with Council's consent. The proposal as amended satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development as amended 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 24 December 2021 to 24 January 2022, where no submissions were received during this period.

### **Issues**

- Tree removal.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, development application 2021/136/2 is recommended for approval subject to suitable conditions of consent as modified.

## REPORT IN FULL

### Proposal

Council received a S4.55(1A) modification application to modify development consent DA 2021/136 (original DA) seeking consent for internal alterations, changes to the windows schedule including an additional window on the western elevation and the removal of four trees.

More specifically, the proposal includes:

#### Lower Ground Floor

- Additional window to the pantry, and
- Change in sizes of the windows to the living area and the alfresco.

#### Upper Ground Floor

- Interchanged location of the approved laundry and bathroom with the bathroom increasing in size.

#### First Floor

- Change in the internal layout of all the ensuites,
- Ensuite in master bedroom increased in size, and
- Linen cupboard to reduce in size to accommodate additional storage room.

External works:

- Removal of four trees, two in the front and two in the rear yard.

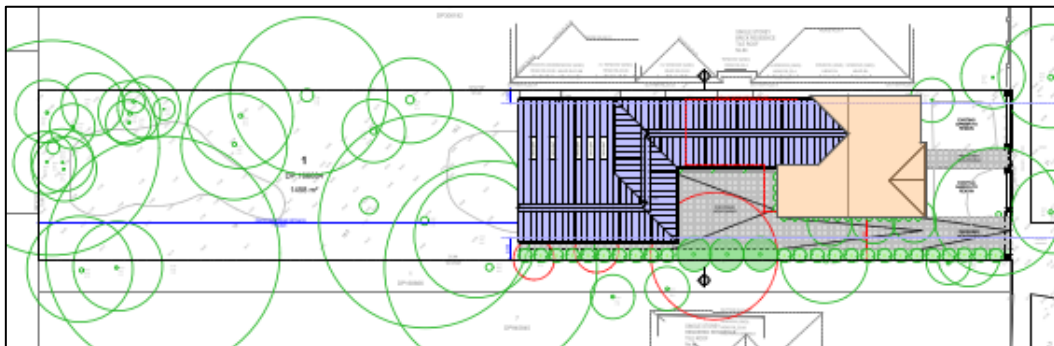


Figure 2. Extract of the approved site plan in the original DA.

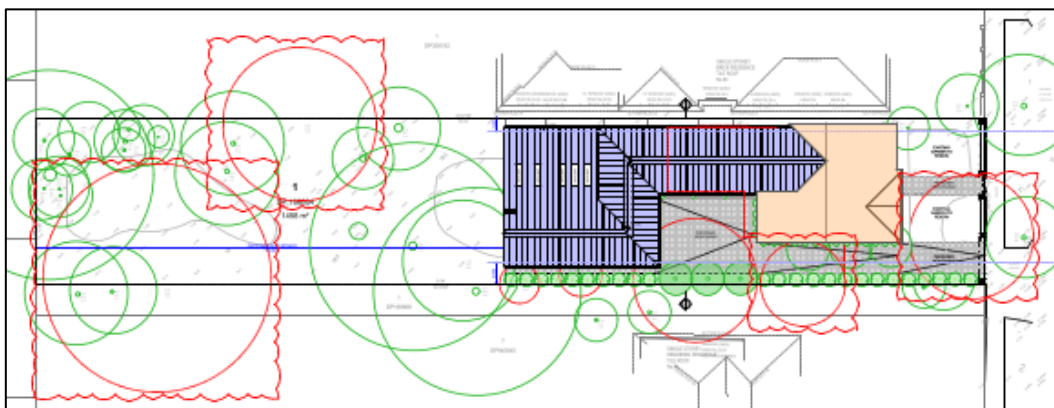


Figure 3. Extract of the proposed site plan in the modification application.

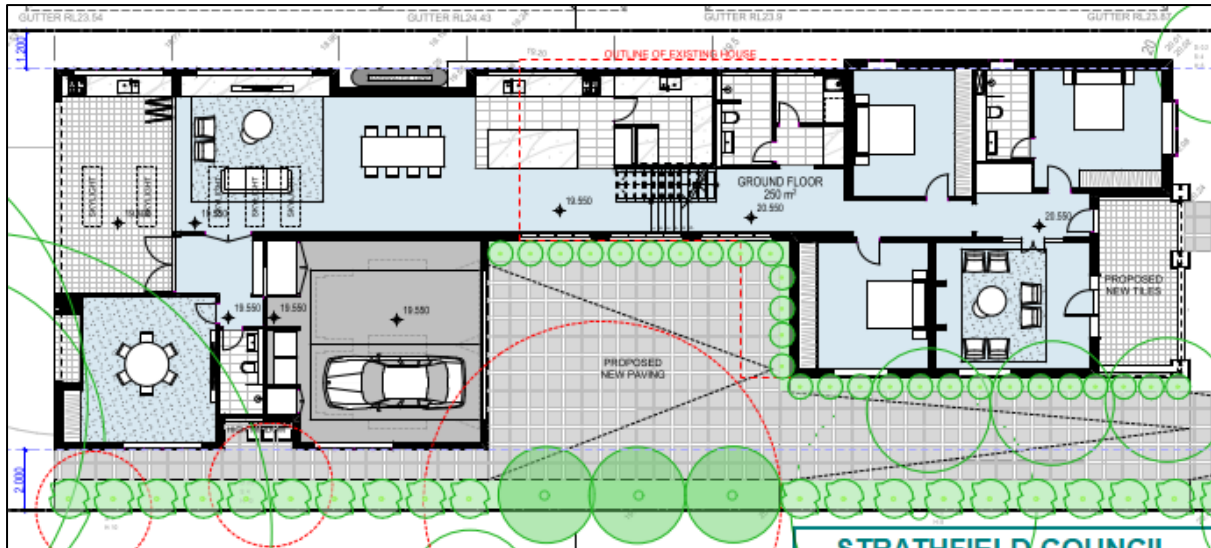


Figure 4. Extract of the approved ground floor plan in the original DA.

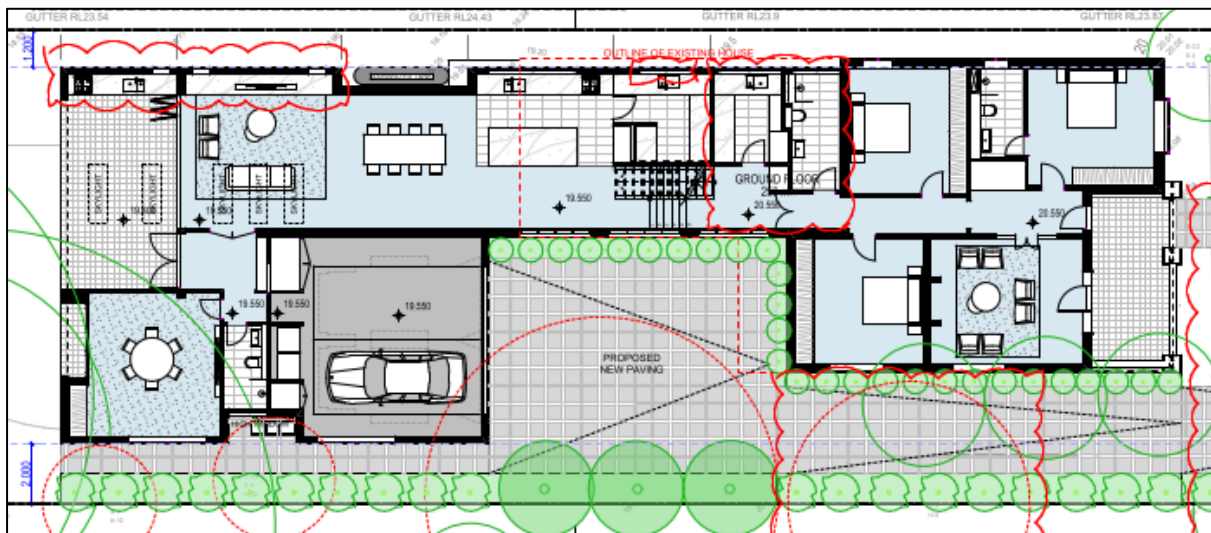


Figure 5. Extract of the proposed ground floor plan in the modification application.

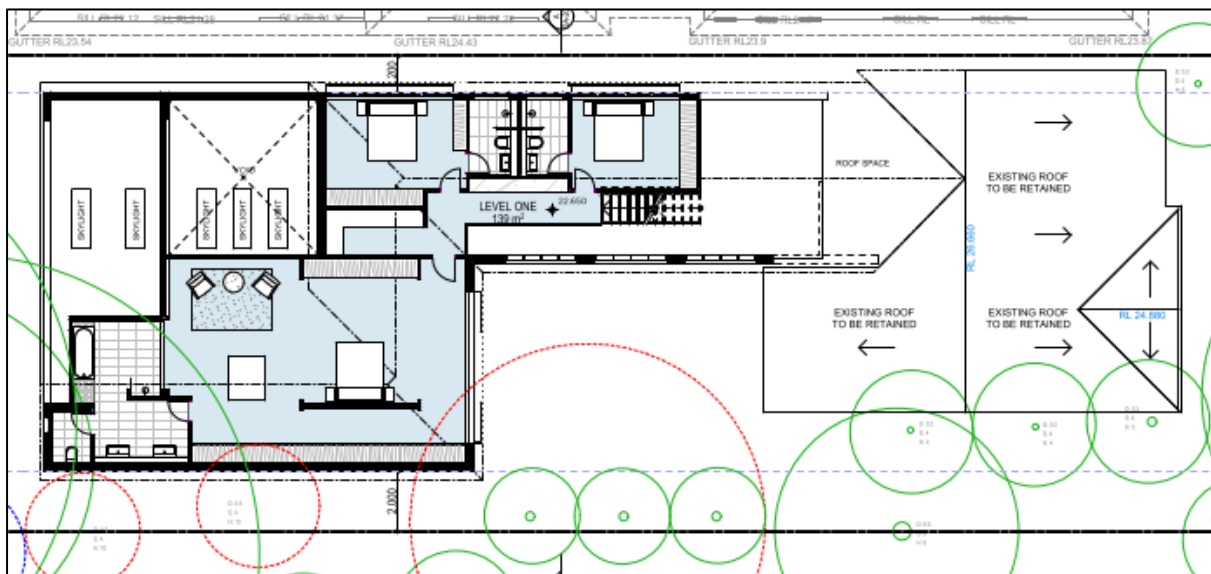


Figure 6. Extract of the approved first floor plan in the original DA.

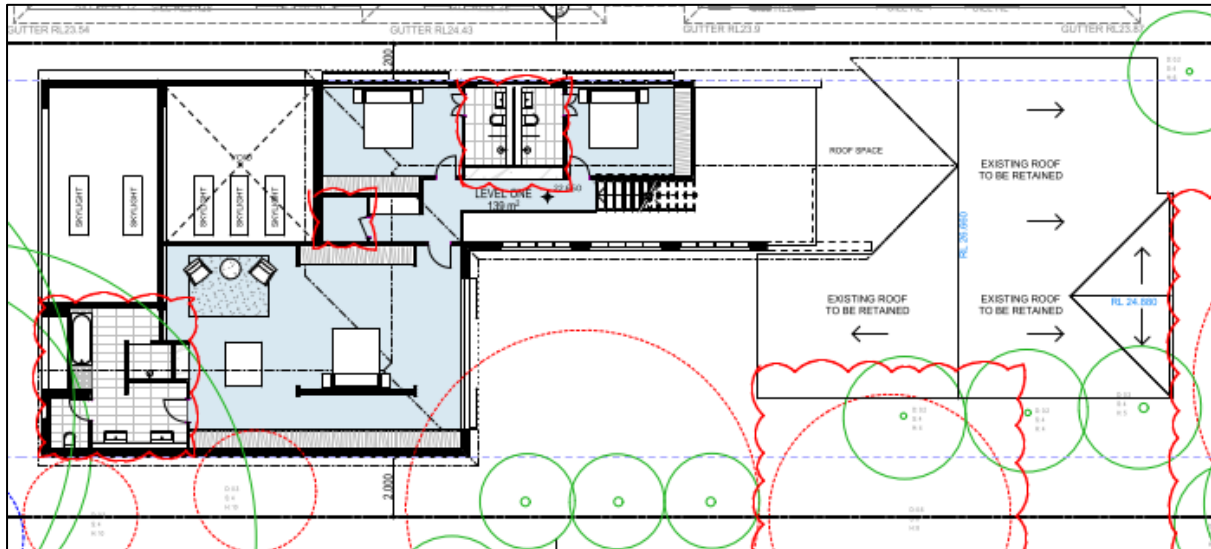


Figure 7. Extract of the proposed first floor plan in the modification application.

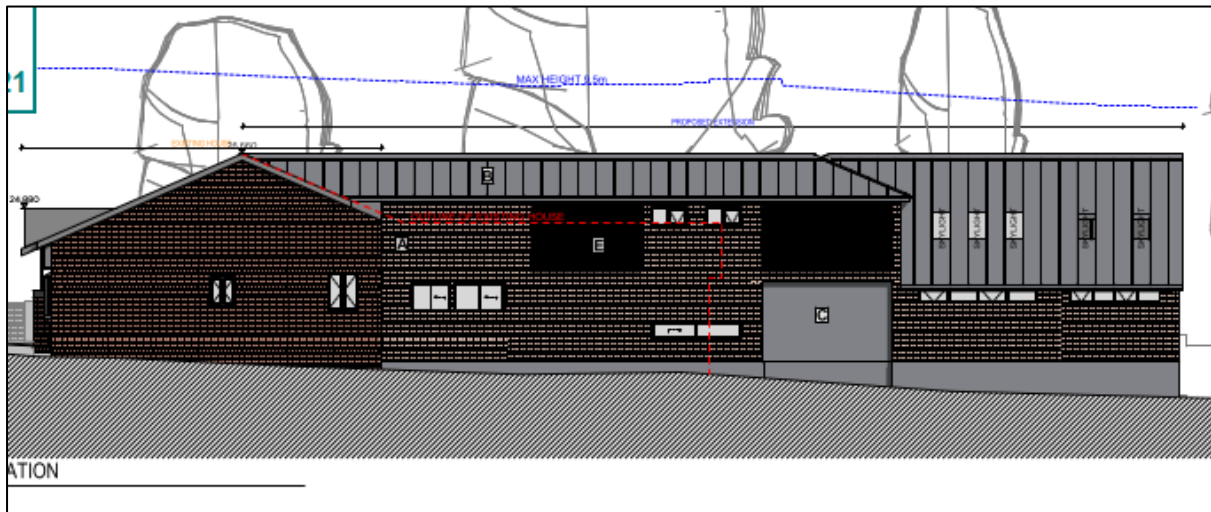


Figure 8. Extract of the approved western elevation in the original DA.

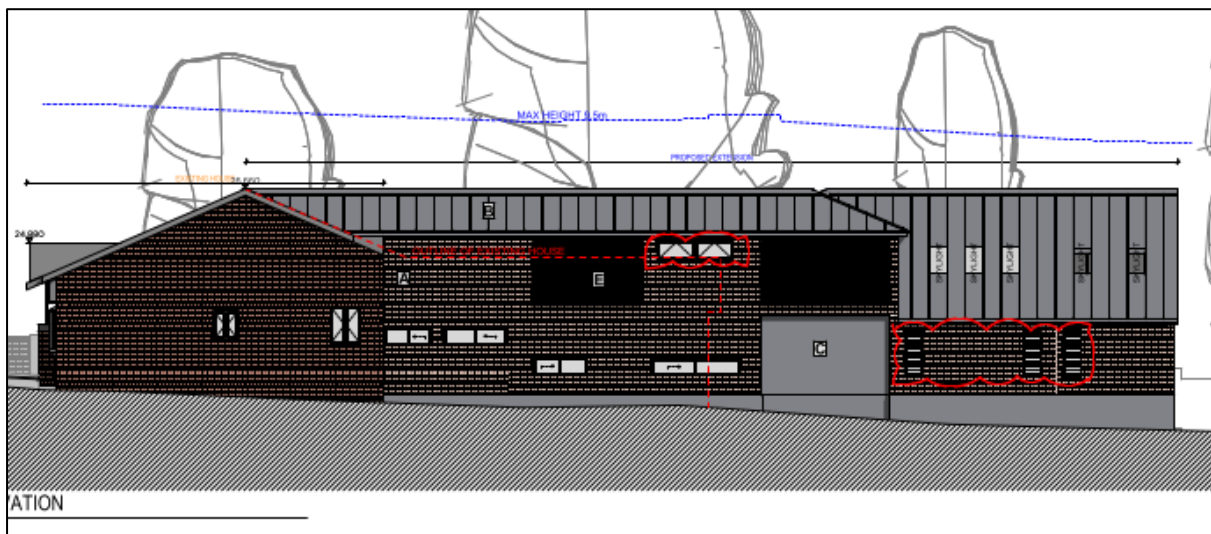


Figure 9. Extract of the proposed western elevation in the modification application.

The approved development in the original DA was for the alterations and additions to an existing dwelling within a heritage conservation area.

### **The Site and Locality**

The subject site is legally described as Lot 1 DP 166684 and commonly known as 92 Abbotsford Road, Homebush. It is located on the southern side of Abbotsford Road, between its intersection with Meredith Street and Bridge Road.

The site is rectangular in shape and has a frontage width of 15.95m and an average depth of 91.44m, with a total area of 1,458m<sup>2</sup>.



*Figure 10. Aerial imagery of the subject site (outlined) and the immediate locality.*

The site falls down to the south-west with a fall of around 2.67m at a rate of 3% or 1.71 degrees.

The subject property is currently under construction with works related to the original DA ongoing.

The current streetscape is characterised by generous amount of street trees and dwelling houses with similar built-form of brick finish with hipped or gable tiled roof, commensurate with the heritage conservation area and several heritage-listed items with the same frontage to Abbotsford Road.

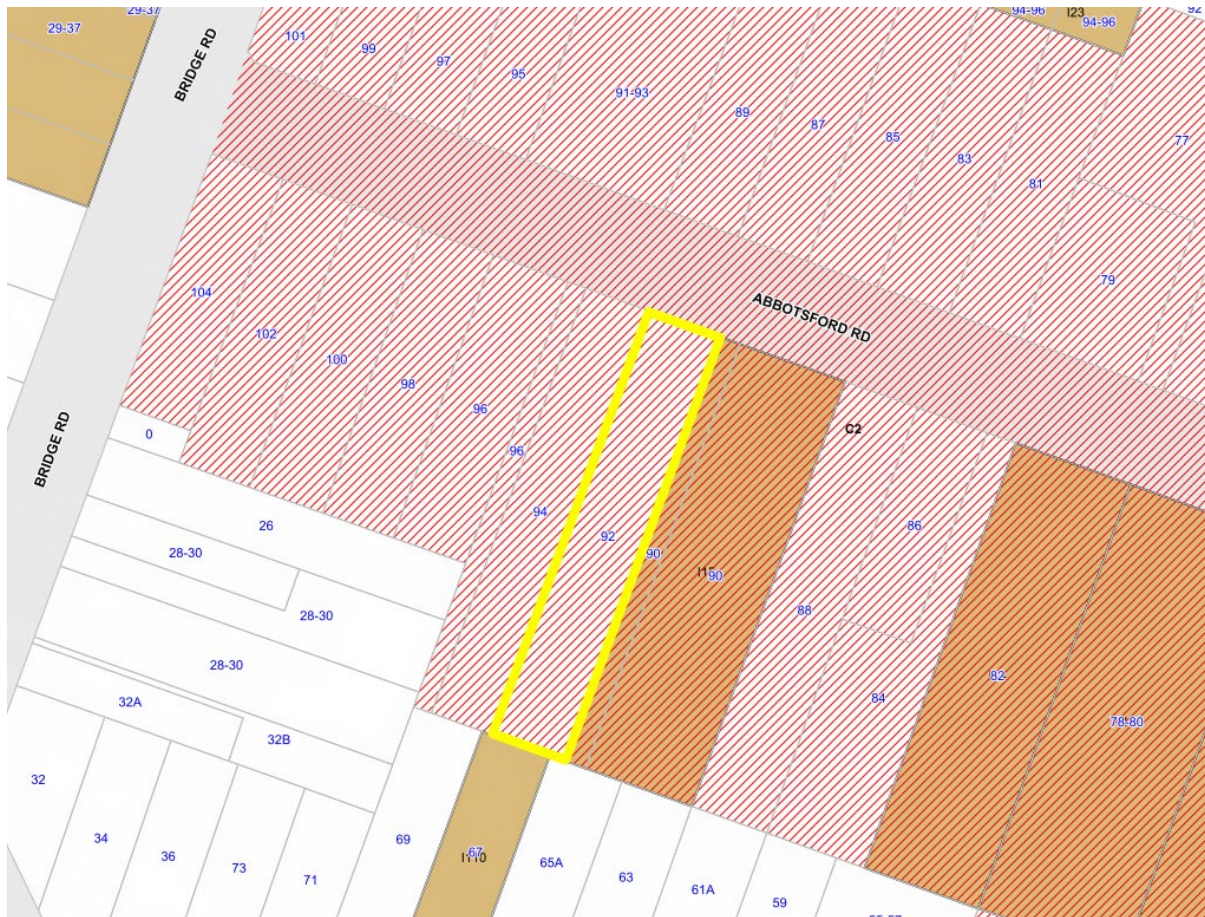


Figure 11. Locality map of the subject site (outlined) and immediate locality showing the heritage overlay.

The immediate locality is predominantly characterised by low density residential development. Homebush Boys High School is located approximately 174m to the north-west and Homebush Railway Station is about 720m to the east.

## **Background**

- |                  |  |
|------------------|--|
| 17 September 201 | A consent was granted by Council's Internal Development Assessment Panel for the purpose of alterations and additions to an existing dwelling within a heritage conservation area. |
| 17 December 2021 | The subject modification application was lodged.   |
| 24 December 2021 | The application was put on public exhibition until 24 January 2022. Council received no submission during this period.   |

## **Referrals – Internal and External**

### **Tree Management**

The application was referred to Council's Tree Management Officer who provided the following comments after his site visit:

*“Tree 1 was to be retained in previous consent, but could be removed due to previous failures and in poor condition.”*

*“Tree 9 – still in fair condition...”*

*“Tree 10 – not affected by proposed development but in poor condition, could approve removal with 2 x 200 litre replacement trees?”*

*“Tree 11 – habit distorted but no affecting development and could be retained.”*

Council’s Tree Management Officer concluded with conditions of consent retaining Tree 9 and 11 and supporting the removal of Tree 1 and 10.

#### **Section 4.55 of the EP&A Act 1979**

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council’s CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55(3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

#### **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 as modified is ancillary to a permissible form of development with Council’s consent.

## **Part 4 – Principal Development Standards**

### **Floor Space Ratio**

The nature of the proposed development in this modification application does not trigger an assessment against the provisions of this development standard.

### **Height of Buildings**

The nature of the proposed in this modification application does not trigger an assessment against the provisions of this development standard.

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

The proposal is within a Heritage Conservation Area C2 – Abbotsford Road Conservation Area and is adjacent to a Heritage Item (“I15”) to the east known as the Ettalong House. Nonetheless, the nature of the proposed modification works are considered minor and will not have an adverse impact to heritage significance of the area and the items around the site.

### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. Nevertheless, the nature of the proposed works are considered minor, will not have an increase to the building footprint approved in the original DA that could otherwise impact the behaviour of flood water runoff. As such, the proposed modification works are acceptable.

## **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. Despite this, the nature of the proposed works do not trigger a requirement for a development consent under this clause.

### **Earthworks**

The proposal modifications do not involve earthworks. As such, an assessment against the provisions of this clause is not necessary.

### **Essential Services**

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

It is considered that the proposed modifications satisfy 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 as modified 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 as modified and the commitments required by the BASIX Certificate have been satisfied.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

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

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

The proposed development, as modified, 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, where applicable to the proposed changes:

### **Bulk, Scale and Character**

The proposed development, as modified, will be consistent with the approved development in the original where the bulk, scale and character were considered. No addition to the footprint of the approved extension to the dwelling house forms part of this modification application. As such, the controls and objectives relating to the bulk, scale and character of the development are considered satisfied.

### **Privacy**

The proposed changes to the windows schedule are acceptable and considered to have no impact to the visual privacy amenity of the adjoining neighbours and the occupants of the subject site. Privacy screen louvres and highlight window are utilised to ensure visual privacy between adjoining properties are maintained.

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

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

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

The proposed development, as modified, is considered to be consistent with the built form of the approved development in the original DA where an assessment against the provisions of this part of the DCP was undertaken. As such, the provisions of this part of the DCP is continued to be satisfied.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

**(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, as modified, 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, as modified, 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, as modified, 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).

The proposed modifications do not result in the increase or change to the contributions imposed on the original consent.

**Conclusion/Recommendation**

The application for modification 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.

Pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to development consent no. 2021/136 for the internal alterations, changes to the windows schedule including an additional window on the western elevation and the removal of four trees be approved, subject to the conditions of consent.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of development consent no. 2021/136 as approved for the alterations and additions to an existing dwelling within a heritage conservation area except were amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted:
  - Amend condition #1 – Approved Plans & Documentation
  - Amend condition #6 – BASIX Certificate
  - Amend condition #21 – Compliance with Submitted Arborist Report
  - Amend condition #22 – Tree Removal and Replacement



**P Santos**  
**Development Assessment Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this modified development application and I also certify that further Section 7.11/7.12 Contributions are not applicable to this modification application.

Report and recommendations have been peer reviewed and concurred with.



**J Brown**  
**Planner**

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

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA-002	Received by Council 31 August 2021	B	Urban Link
Existing Ground Floor Plan (Ground & Demolition Plan)	DA-101	Received by Council 31 August 2021	B	Urban Link
Proposed Floor Plans	DA-103	Received by Council 31 August 2021	B	Urban Link
North & South Elevations	DA-201	Received by Council 31 August 2021	B	Urban Link
East Elevation	DA-202	Received by Council 31 August 2021	B	Urban Link
West Elevation	DA-203	Received by Council 31 August 2021	B	Urban Link
Streetscape & Section A	DA-204	Received by Council 31 August 2021	B	Urban Link

<del>Section B</del>	<del>DA-205</del>	<del>Received by Council 31 August 2021</del>	<del>B</del>	<del>Urban Link</del>
Front Fence Detail	DA-206	Received by Council 31 August 2021	B	Urban Link
Shadow Diagrams	DA-1403	Received by Council 31 August 2021	B	Urban Link
Landscape Plan	DA-1404	Received by Council 31 August 2021	B	Urban Link
Arboricultural Impact Assessment	5176	27/08/2021	-	Tree and Landscape Consultants
<b>Site Plan</b>	<b>DA-002</b>	<b>Received by Council 17/12/2021</b>	<b>C</b>	<b>Urban Link</b>
<b>Existing Ground Floor Plan (Demolition Plan)</b>	<b>DA-101</b>	<b>Received by Council 17/12/2021</b>	<b>C</b>	<b>Urban Link</b>
<b>Proposed Floor Plans</b>	<b>DA-103</b>	<b>Received by Council 17/12/2021</b>	<b>C</b>	<b>Urban Link</b>
<b>West Elevation</b>	<b>DA-203</b>	<b>Received by Council 17/12/2021</b>	<b>C</b>	<b>Urban Link</b>
<b>Section B</b>	<b>DA-205</b>	<b>Received by Council 17/12/2021</b>	<b>B</b>	<b>Urban Link</b>
<b>Arboricultural Assessment Report</b>	-	<b>13/12/2021</b>	-	<b>Tree and Landscape Consultants</b>
<b>BASIX Certificate</b>	<b>A418457_02</b>	<b>13/12/2021</b>	-	<b>architek</b>

**AMENDED:**
**DA2021/136/2**
**18 March 2022**

## 2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 26.66m AHD to the ridge of the building.

### SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

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

The relevant Application Forms for these activities can be downloaded from Council's website

[www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

#### 4. **Vehicular Crossing - Minor Development**

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

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

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

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

#### 5. **Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](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. **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. **A418457\_A418457\_02** must be implemented on the plans lodged with the application for the Construction Certificate.

**AMENDED: DA2021/136/2**

**18 March 2022**

#### 7. **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.

#### 8. **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.

#### 9. **Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by S&G Consultants dated 30 August 2021.

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

- (a) Minimum floor levels
- (b) Fencing
- (c) 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.

#### 10. **Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

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

#### 11. **Absorption Trench – Special Engineering Condition**

Area draining to the absorption trench is more than 40m<sup>2</sup> and not in accordance with section 4.5 of Council stormwater management code. Amended stormwater plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

#### 12. **General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) No changes to the windows, doors fretwork, verandah or other exterior detailing of the original dwelling is permitted.

#### 13. **Fence and Front Porch Tiles – Heritage Condition**

The front fence is to include traditional palisade iron and incorporate the reuse of the original bricks (or the like) from the dwelling. The front porch tiles are to be of a federation style. Details are to be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

#### 14. **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](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)	\$ 2,156.00
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>	

Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 6,160.00

### **General Fees**

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

### **Development Contributions**

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

#### Indexation

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

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

#### Further Information

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

## **15. Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$12,200.00.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00.

- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

#### 16. **Tree Bond**

A tree bond of \$10,150.00 and an administration fee of \$130.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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.

#### 17. **Site Management Plan**

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.

#### 18. **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.

#### 19. **Waste Manage Plan (WMP)**

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

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

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

## 20. Off Street Parking – Compliance with AS2890

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

## 21. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment **reports** prepared by Tree and Landscape Consultants dated 27 August 2021 **and 13 December 2021** must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
4	<del>Liquidamber</del> styraciflua	<del>Along the eastern side</del> boundary.	5.76
5	Eucalyptus tereticornis	Within 90 Abbotsford Road, Homebush, near	9.6
6	Jacaranda mimosifolia	Located at the rear	4.8
7	Phoenix canaeriensis	Located at the rear	4.8
8	Brachychiton acerifolius	Located at the rear	3.6
9	<b>Jacaranda mimosifolia</b>	<b>92 Abbotsford Road</b>	<b>4.8</b>
10	<b>Podocarpus falcatus</b>	<b>Neighbouring tree located 28 Pomona Street</b>	<b>3.6</b>

## **General Tree Protection Measures**

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

## **Specific Street Tree Protection Measures**

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

## **Excavation works near tree to be retained**

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

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

## 22. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Melia azedarach	1	Along the eastern side bound
3	Bakchousia citriodora	1	Within the rear yard, next to the eastern side boundary
4	Cupressus sempervirens	1	Within the rear yard, along the eastern side boundary
1	<b>Liquidamber styraciflua</b>	<b>1</b>	<b>92 Abbotsford Road</b>
10	<b>Cinnamomum camphora</b>	<b>1</b>	<b>92 Abbotsford Road</b>

### 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 one tree for each tree removed by 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.

**AMENDED:                      DA2021/136/2                      18 March 2022**

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

### **23. 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).

### **24. Disposal of Surplus Salvaged Materials**

Salvaged traditional building materials surplus to the requirements of this project including stone, bricks, structural timber, staircases, and joinery are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

### **25. 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.

**26. Demolition Work Involving Asbestos Removal**

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

**27. 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**

**28. Salvage, Reuse and Recycling of Traditional Building Materials**

Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project.

Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

**29. Site Sign – Soil & Erosion Control Measures**

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

**30. 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.

**31. 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.

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

**32. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

**33. Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

**34. 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.

**35. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

## **OPERATIONAL CONDITIONS (ON-GOING)**

### **36. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

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

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

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

### **38. 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.

### **39. 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.

### **40. 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.

**41. 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](#).

**42. 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.

**43. 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**

**44. Clause 97A – BASIX Commitments**

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

**45. 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.

**46. 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.

**47. 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](#).

**SIGNED** on behalf of  
Strathfield Municipal Council



GEOFF BAKER  
PUBLIC OFFICER

## END CONDITIONS

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### ADVISORY NOTES

#### 1. Review of Determination

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

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

#### 2. Appeal Rights

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

#### 3. Lapsing of Consent

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

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

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

#### 5. 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.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/136) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

**7. Site Safety Fencing**

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

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