

IDAP REPORT

Property:	18 Francis Street Strathfield Lot: 1 DP: 1056189 DA2021.312
Proposal:	Demolition of existing building, construction of a two (2) storey dwelling house with attached carport, front fencing and associated landscaping works.
Applicant:	CN Tanga
Owner:	Christopher Tang
Date of lodgement:	1 December 2021
Notification period:	6 December 2021 - 19 December 2021
Submissions received:	Nil
Assessment officer:	L Gibson
Estimated cost of works:	\$570,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No - adjoins a Heritage Listed Item (I182) and Merley Rd Heritage Conservation Area under Schedule 5 of the <i>SLEP, 2012</i> .
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing building, construction of a two (2) storey dwelling house with attached carport, front fencing and associated landscaping works.

Site and Locality

The site is identified as 18 Francis Street Strathfield and has a legal description of Lot: 1 in DP: 1056189. The site is located on the eastern side of Francis Street and opposite St Patrick's College. The site is square in shape comprising a frontage width of 14.3m, an average depth of 13.795m and a total site area of 198.3m². The site is the subject of an earlier subdivision and is subsequently constrained by its lot dimensions.

Existing development of the site comprises a single storey brick dwelling with pitched tiled roof form. The locality contains a mixture of single storey and double storey development comprised of dwellings and the St Patricks college campus which are all predominantly traditional in style.

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 is acceptable on merit having regard for 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 6 December 2021 until 19 December 2021. No submissions were received during this time.

Issues

- Setbacks;
- Heritage compatibility;
- Trees; and
- Landscaping

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/312 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of the existing building, and construction of a two (2) storey dwelling house with attached carport, front fencing and associated landscaping works. More specifically, the proposal includes;

Ground floor level:

- Open plan living; kitchen and dining area;
- Bedroom (bedroom 4);
- Bathroom/laundry; and
- Attached carport fronting Francis Street.

First floor level:

- 2 bedrooms (bedroom 2 and 3);
- Bathroom; and
- Master suite (bedroom 1) comprised of robe, ensuite and bedroom.

External works:

- Outdoor sitting area;
- Alfresco;
- Front fence; and
- Associated landscaping and stormwater works.

Figures 2 – 6 below are a series of excerpts from the submitted DA package:

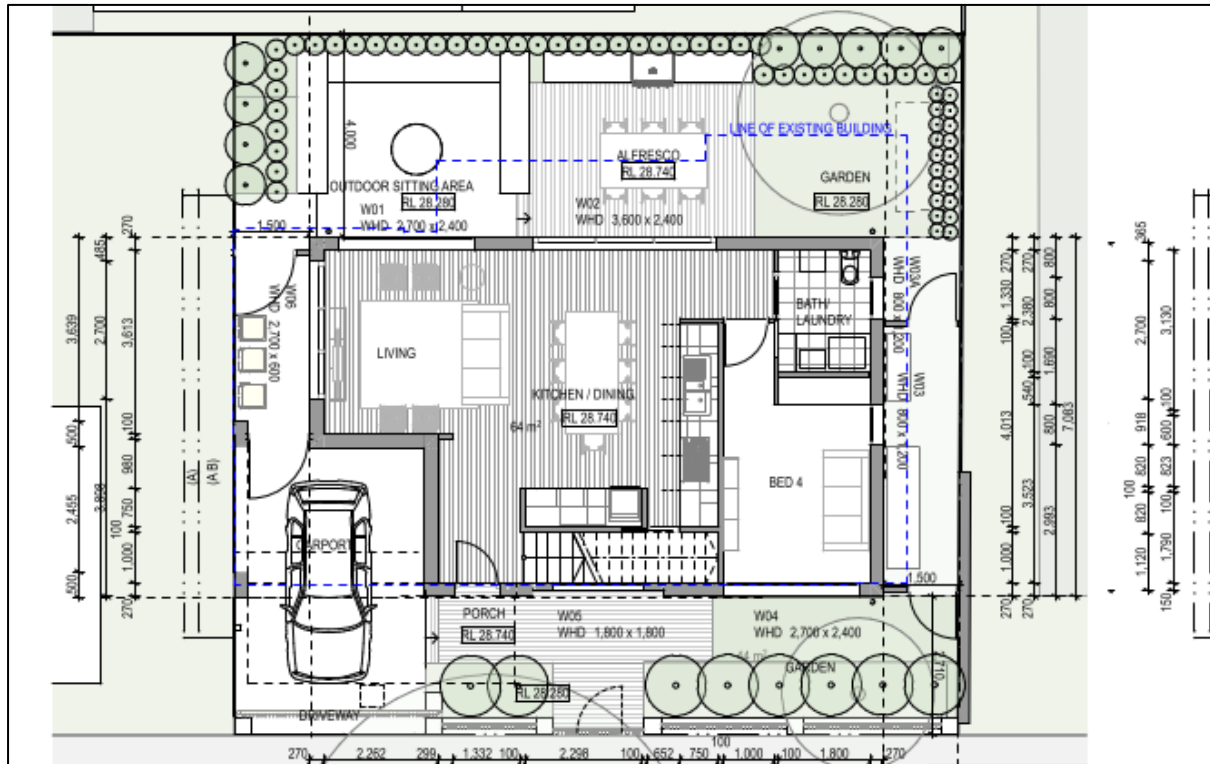


Figure 2: Proposed Ground Floor Plan

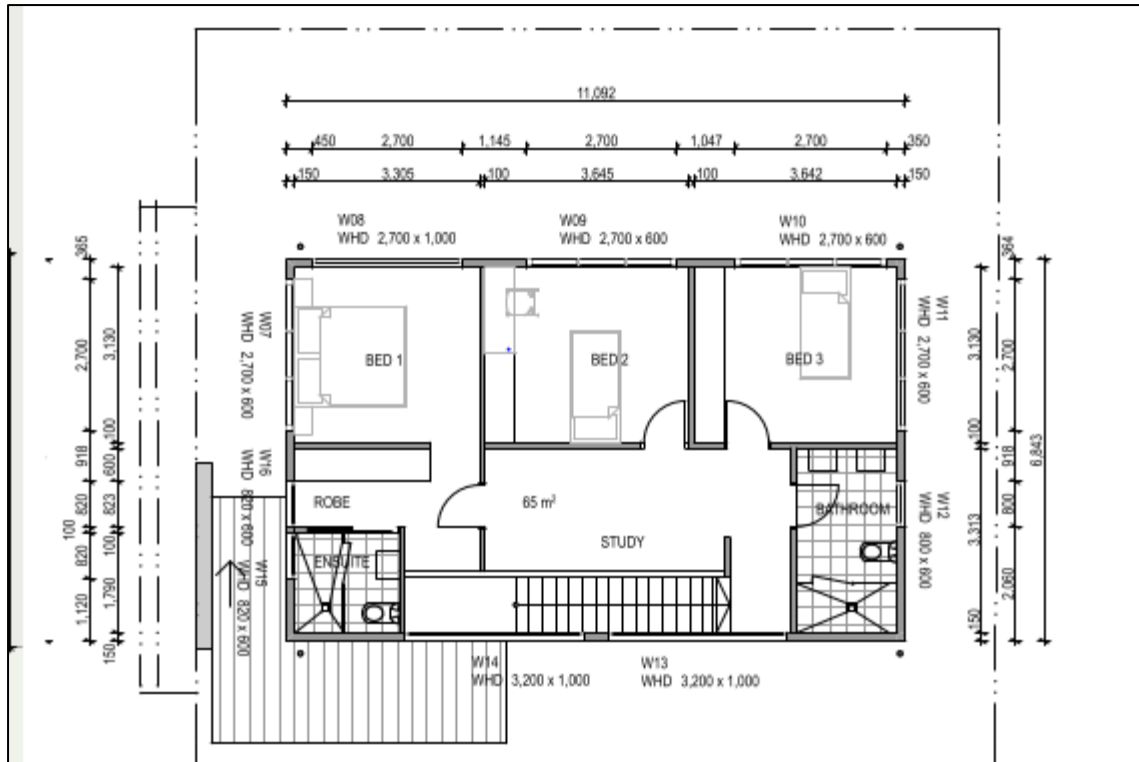


Figure 3: Proposed First Floor Plan

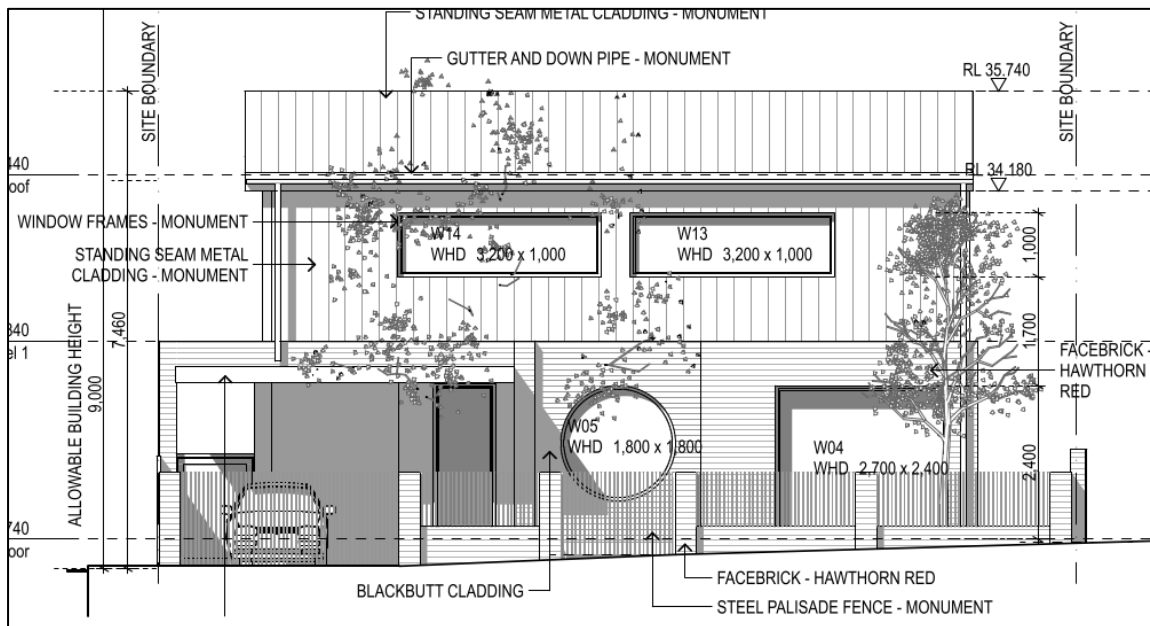


Figure 4: Proposed Front Western Elevation Plan

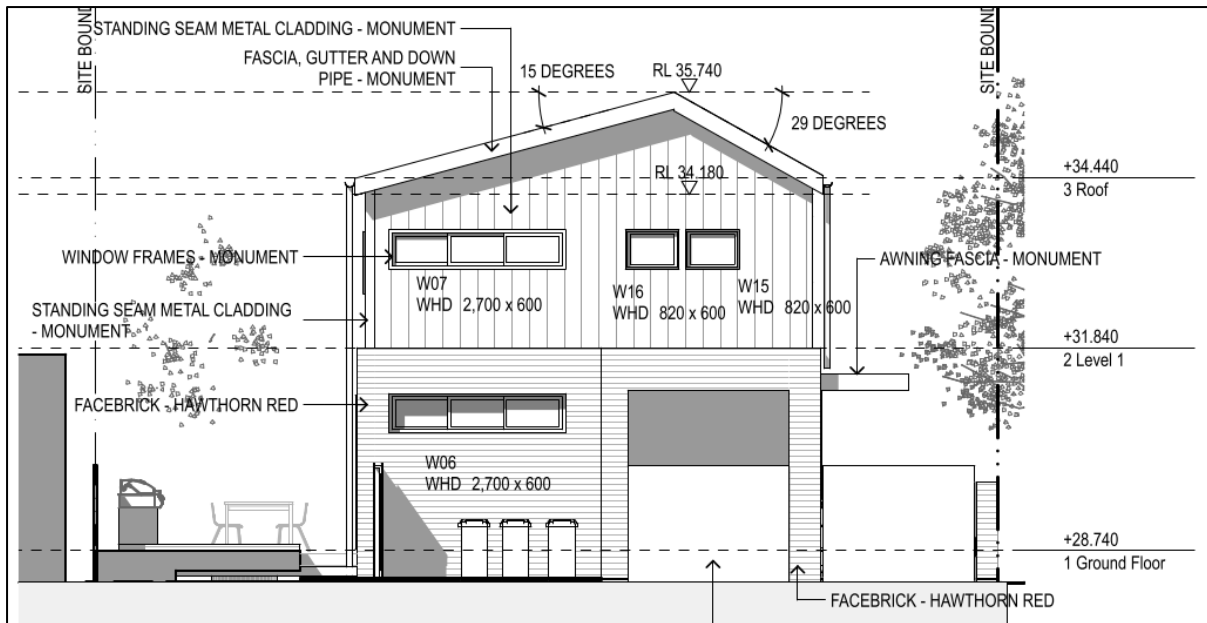


Figure 5: Proposed Northern Side Elevation Plan

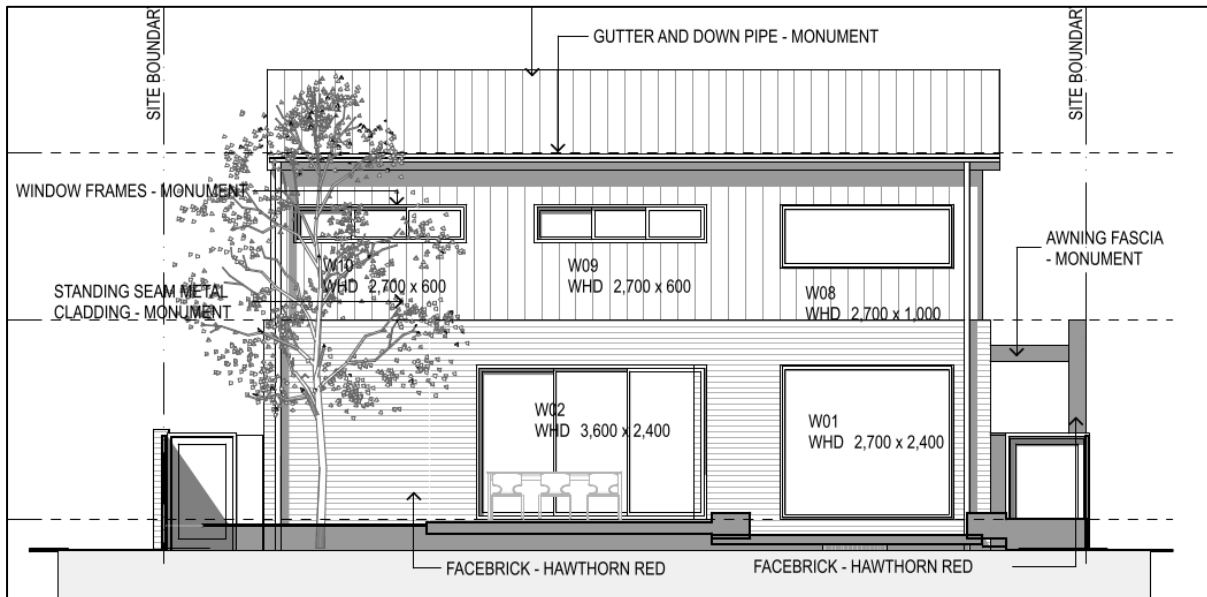


Figure 6: Proposed Eastern Side Elevation Plan

The Site and Locality

The site is identified as 18 Francis Street Strathfield and has a legal description of Lot: 1 in DP: 1056189. The site is located on the eastern side of Francis Street and opposite St Patrick's College campus. The site is square in shape comprising a frontage width of 14.3m, an average depth of 13.795m and a total site area of 198.3m². The site is the subject of an earlier subdivision and is subsequently constrained by its lot dimensions (refer to Figure 7 below).

Existing development of the site comprises a single storey brick dwelling with pitched tiled roof form. Vehicular access is provided to the site via an existing driveway fronting Francis Street.

The site adjoins a Heritage Listed Item (I182) to the south at 55 Merley Road which is identified as “Sirona”—Federation Queen Anne style house under Schedule 5 of the *Strathfield Local Environmental Plan (2012)*. The dwelling is a prime example of federation-style architecture incorporating a gabled front with a timber screen, roughcast detailing contrasting with the face brickwork and terracotta tiles. The site also adjoins the Merley Road Heritage Conservation Area which is typified by Inter-War California bungalow-style housing.



Figure 7: Existing dwelling at subject site



Figure 8: Dwelling at 40A Hydebrae Street located immediately north of subject site.



Figure 9: View of existing two (2) storey garage and studio outbuilding at 55 Merley Road fronting France Street.



Figure 10: St Patricks College located immediately opposite the site on the western side of Francis Street.

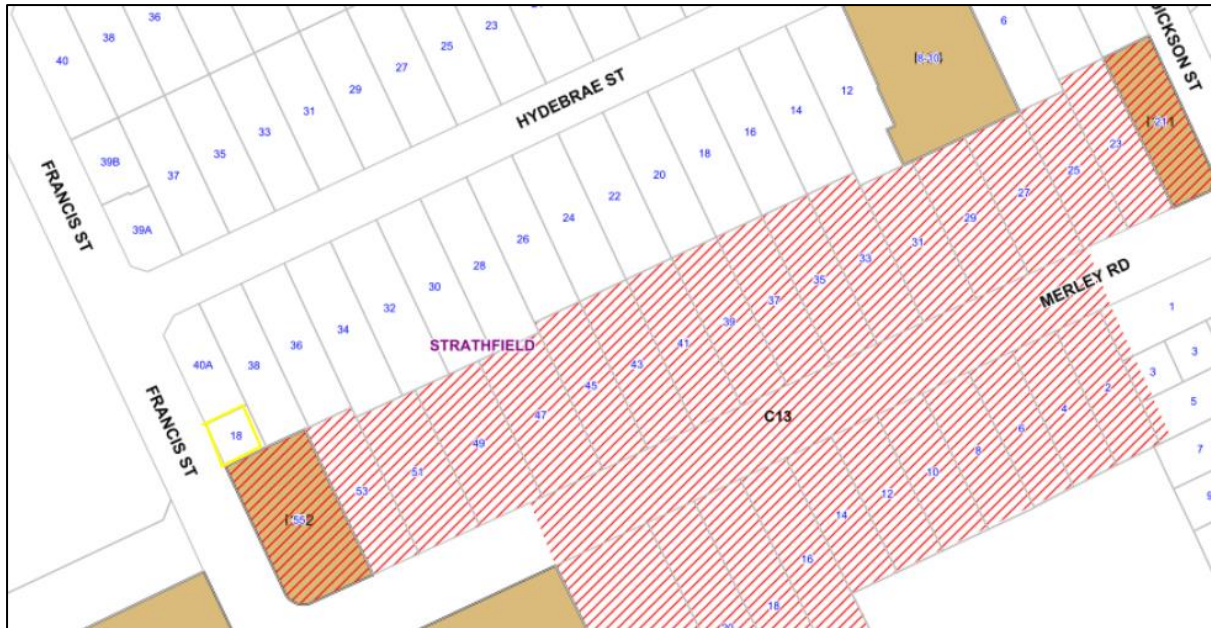


Figure 11: Surrounding heritage Listed Items and Conservation Areas as per Schedule 5 of the SLEP 2012. Subject site outlined in yellow.

Background

8 September 2021	<p>A Pre-Lodgement Application meeting was held online to discuss the proposal. The following matters were discussed:</p> <ul style="list-style-type: none"> • Building height is expected to comply; • Floor space should be compliant; • Articulation should be created to minimise bulk and scale to the street; • Side setbacks should comply with Council controls; • Roof to alfresco should be removed as it is considered an extension of the dwelling and further encroaches upon the rear setback requirements; • Carport should be open on all 3 sides; • Roof form should be reflective of prevailing roof forms in the street; • At minimum 50% landscaping should be provided within front setback of the site; • 1 car space on the site is acceptable; and • Close proximity to surrounding heritage items.
1 December 2021	The subject application was lodged with Council.
6 December 2021 - 19 December 2021	The subject application was placed on notification for a period of (14) days. No submissions were received during this time.
7 April 2022	A letter was sent to the Applicant advising that the application had been reallocated to another assessing officer within Council.
12 April 2022	A site inspection was conducted by Council's assessing officer.

Referrals – Internal

Stormwater

The application was referred to Council's Development Engineer for comment. The following comments were made:

"From engineering perspective, concept plan is feasible".

No further concerns were raised subject to standard conditions of consent.

Trees

The application referred to Council's Arborist for comment. The following concerns were raised:

- *"...Construction of the new retaining wall along the southern side boundary. There are two Cocos Palms (exempt -species) located along this common side boundary on the neighbouring property. The proposed retaining wall may compromise the stability of these palms. They need to discuss with the owner of the palms in regards to their removal, no DA application is required for the removal as they are exempt species."*

The proposed retaining wall is to be constructed wholly within the property boundaries of the subject site. The retaining wall will be located a distance of 730mm and 1.8m away from the Coco Palms. Given that the palms are exempt species and bear no heritage significance or high retention value, no concern is raised for the proposed construction of the retaining wall. Conditions have been recommended requiring the wall to be designed by a suitably qualified engineer if greater than 600mm above NGL.

Building

The application was referred to Council's Building Surveyor for comment. No concerns were raised subject to standard conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Officer who raised concern for the construction of the new retaining wall proposed along the southern side boundary of the site and its close proximity to the two (2) coco palms located between the subject site and bordering southern property at 55 Merley Road. As previously discussed, the proposed retaining wall is to be constructed wholly within the property boundaries of the subject site. The retaining wall will be located a distance of 730mm and 1.8m away from the Coco Palms. Given that the palms are exempt species and bear no heritage significance or high retention value, no concern is raised for the proposed construction of the retaining wall. Conditions have been recommended requiring the wall to be designed by a suitably qualified engineer if greater than 600mm above NGL.

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

Chapter 10 – Sydney harbour Catchment

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 Chapter 10- Sydney Harbour Catchment.

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 (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 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 Chapter 4 of the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	7.28m	Yes
4.4 Floor Space Ratio	0.65:1 (128.90m ²)	0.644:1 (127.8m ²) <u>Ground Floor:</u> 63.3m ² <u>First Floor:</u> 64.5m ²	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item however is located adjacent to and therefore in close proximity to a Local Heritage Item (*I182*) at 55 Merley Road. This property is identified as "Sirona"—Federation Queen Anne style house under Schedule 5 of the *Strathfield Local Environmental Plan (2012)*. The southern adjoining dwelling also forms part of the Merley Road Heritage Conservation Area (C13) which is an intact streetscape dominated by Inter-War California bungalow houses comprised of front verandahs, gables, terracotta roof tiles and facebrick walling contrasted with small areas of render and/or battened fibre and shingles. South-west of the site is Heritage Item (*I132*) which is identified as the *Brother Hickey Building* located within the St Patricks College grounds.

The proposed material colours and finishes including red brick, whilst modern in its appearance, is sympathetic to the brick Californian Bungalow dwellings within the conservation Area and surrounding streetscape. The monument and blackbutt coloured cladding are high quality yet understated materials which sensibly respond to both the site's surrounding natural and built environments. Further, the proposal emulates a similar built form to that of the existing two (2) storey garage structure south of the site at 55 Merley Road. The proposed works are therefore considered acceptable for the site and unlikely to adversely detract from the significance of heritage items located throughout the streetscape.

It is noted that item (*I182*) at 55 Merley Road and the contributory dwellings which form the Merley Road Conservation Area are oriented toward Merley Road only. The proposed works being a two (2) storey dwelling, is therefore unlikely to be readily visible from Merley Road nor from the *Brother Hickey Building* located within the St Patricks College grounds. Accordingly, the proposed works are unlikely to adversely detract from the setting and significance of these items.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

Flood Planning

The subject site has been identified as being at or below the flood planning level. Notwithstanding this, flooding is contained to a small portion of the site fronting Francis St. The dwelling footprint is located outside of this flood affected portion of the site. The application has been reviewed by Council's Engineer who has advised that the proposal is acceptable. No further flood planning provisions are required for the proposal and thus the proposal adequately satisfies the requirements of this Clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage or items or features of the surrounding land.

Essential Services

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

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

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

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

- (iii) any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights: Floor to ceiling heights: Height to underside of eaves: Number of Storeys/Levels:	3.0m 7.2m 2	3.1m (ground floor) 2.6m (first floor) 5.92m 2	No, however acceptable on merit given the 100mm departure. Yes. Yes.
Setbacks: Front: Side: Side: Combined Side Setback: Rear: Detached garage/carport	9m 1.2m (min) 1.2m (min) 2.86m (20%) 6m Nil/0.5m/1.5m	2.76m 0m – 1.5m (north) 1.5m (south) 1.5m – 3m 4m Nil setback to northern side boundary	No – refer discussion below. No. Yes. No. No. Yes.
Landscaping			
Landscaping/Deep soil Provisions:	No numeric control provided.	18.2% (36.1m ²)	Refer to discussion.
Fencing			
Height (overall/piers): Solid Component: Secondary Frontage:	1.5m (maximum) 0.7m 1.8m	The proposal lacks sufficient detail to determine the exact height of the fence.	To be conditioned.
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The proposal will achieve a minimum 3 hours solar access to adjoining properties.	Yes.
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 2	3.45m 1 Nil 1	No – refer to discussion below Yes No – refer to discussion below. No – refer discussion below.

Ancillary Development			
RETAINING WALLS Maximum height:	1.2m	The proposal lacks sufficient detail to determine the exact height of the proposed retaining walls.	No – refer to discussion below.

Streetscape

The proposal incorporates a pitched roof form to be constructed in a standing-seam metal cladding. The metal cladding extends across the entire first floor of the building and is provided in a vertical alignment so to blend with the proposed cladded roof. A red brick finish is proposed to the ground floor's exterior and incorporates a blackbutt feature wall to the façade complete with circle window. The proposed fence is comprised of red bricks so to match the dwelling as well as complement existing brick fencing in the street.

Whilst the materials are relatively modern, the proposed red brick is sympathetic to the surrounding brickwork to the existing Californian Bungalow dwellings located nearby along Meredith Street, as well as brick buildings within the St Patricks College campus, including but not limited to the heritage listed Brother Hickey Building located south-west of the site. The proposed finishes incorporate a selection of modern and traditional-style colours and materials so to complement the surrounding streetscape and avoid a pastiche infill dwelling design. In this regard, the proposal is acceptable.

Front Setback

Section 4.2 of Part A of the SCDP 2005 permits a setback of less than 9m in instances where the predominant front setback in the street is less than 9m, the proposed setback is not less than the setback of the existing dwelling, or the proposed setback would not conflict with the character of the existing streetscape.

With regard to the above, the subject site is the only dwelling within the immediate streetscape which presents to Francis Street. The northern adjoining corner site at 40A Hydebrae Street presents to Hydebrae Street and the southern adjoining corner site at 55 Merley Road presents to Merley Road. Existing structures fronting Francis Street, in addition to the subject dwelling, include an attached garage structure to the immediate north and the detached two (2) storey garage building with first level studio to the south. The latter structure is of a similar bulk, height and scale to the proposal and aligns more closely to the street providing a 600mm setback to Francis Street. At present, the front setback provided by the existing dwelling is 2.93m. The subject proposal seeks a 2.76m front setback which is marginally less than the existing front setback however, given the lack of uniformity of buildings and their setbacks in this immediate streetscape, the proposal is unlikely to disrupt the character of the streetscape.

Accordingly, the proposal is acceptable in this regard.

Side & Rear Setbacks

Section 4.2.3.2 of Part A of the SCDCP 2005 requires a combined setback of 20% (2.86) to be provided for the site. A minimum 1.2m setback is also required to be provided either side of the site.

The proposal results in a combined setback ranging between 1.5m – 3m. The non-compliance is contained to the carport structure which proposes a nil setback to the northern side boundary of the site. The remaining portion of the dwelling achieves a combined 3m setback which is more than the minimum 2.86m required by the site.

The proposal only achieves a setback of 4m from the rear boundary resulting in a 2m departure from the minimum 6m setback required as per Section 4.2.3.2 of Part A of the SCDCP 2005.

The proposed departures from the minimum setback controls are considered acceptable given the heavily constrained nature of the block and that the proposal has carefully considered the location of all windows and openings so as to minimise opportunities for overlooking into adjoining properties. The proposed setbacks are suitable given the scale of the dwelling and will ensure appropriate separation is maintained between buildings surrounding the site. Accordingly, the proposal is considered acceptable in this regard.

Landscaping and Open Space

Section 5.2 requires allotments with a site area of between 200m² – 500m² to achieve a minimum 35% deep soil landscaping for the site. The site is 198.3m² and whilst the SCDCP 2005 does not technically provide a minimum numeric deep soil requirement for allotments less than 200m², it is anticipated that the site achieves the objectives of the control which seeks to provide landscaping which is in proportion to the built upon structures on the site.

The proposal was accompanied by a schematic landscape plan which seeks to embellish the site with new tree canopy tree plantings both in the front and rear setbacks of the site, new low-lying shrubbery around the peripheries of the site and a consolidated parcel of deep soil zone each in the front and rear setbacks of the site (refer to Figure 12 below).

Whilst the proposed concept appears generally acceptable, there is scope to provide additional deep soil zone in the front setback of the site through reduction in the width and length of the front porch decking area. A condition of consent is therefore recommended requiring (at minimum) 2.7m² of the front decking area to be removed and replaced with deep soil zone. This should assist in further reducing the appearance of hardstand surfaces in the front setback and maximise opportunities for planting where possible.

Overall, subject to conditions, the proposal whilst not numerically compliant in deep soil zone, generally achieves the objectives of the controls through provision of landscaping that is suitable to the design and scale of the development.

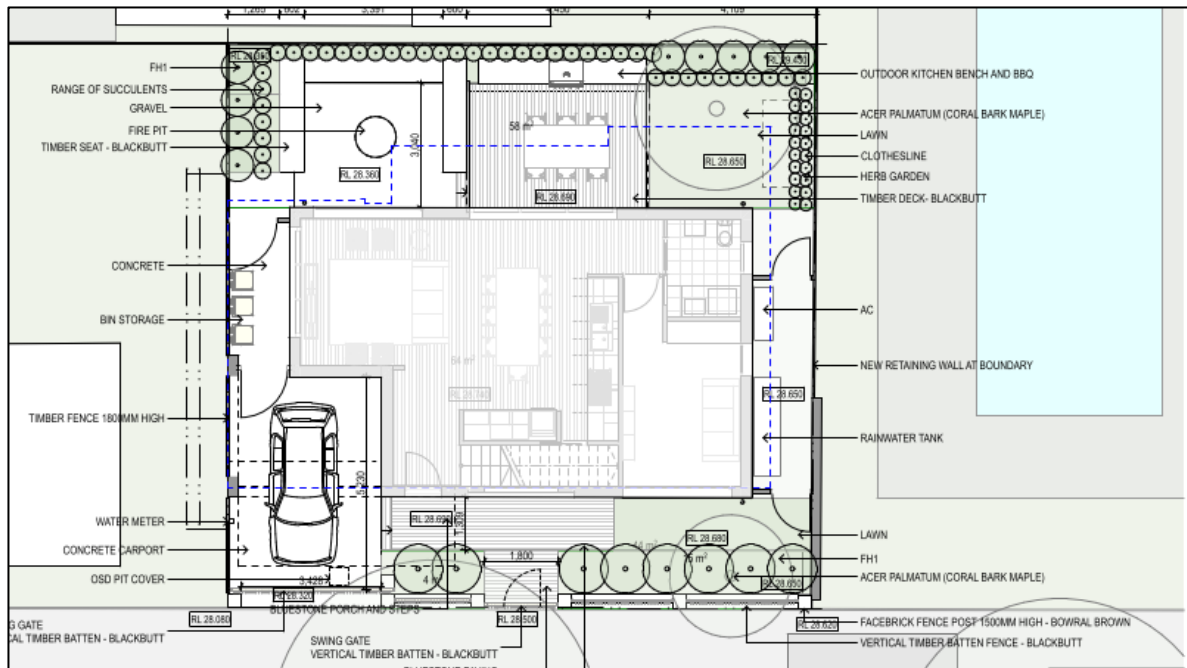


Figure 12: Proposed Concept Landscape Plan

Fencing

The proposal includes construction of a new front and side boundary fence to be comprised of red brick so to match the new dwelling and steel palisade batten infill. Whilst the style and materiality of the proposed fence appears generally acceptable and in keeping with the streetscape, the proposal lacks sufficient detail to adequately determine its height above NGL. A condition of consent is therefore recommended to ensure that the front fence is constructed to a height of no more than 1.5m. Given the unique nature and setting of the site, the side fencing may be constructed to a height of 1.8m.

Solar Access

The site is oriented east-west however, due to its height and scale and the location of structures to adjoining properties, the impact of overshadowing to adjoining properties is negligible. Of greatest impact is the proposal's degree of overshadowing to the southern adjoining property at 3pm (refer to Figure 13 below for reference). The shadow cast by the proposal is contained to the swimming pool of the adjoining property and will not overshadow any deep soil zone or opening to the adjoining property. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.



Figure 13: Shadow Diagram showing impact of overshadowing at 3pm Winter Solstice.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties.

Parking

The proposal seeks to provide 1 parking space for the site which is provided forward of the front building line. Section 8 of Part A of the SCDP 2005 generally requires 2 parking spaces to be provided for the site and located behind the front building line. This is considered acceptable given the heavily constrained nature of the block and that compliance with these requirements would significantly affect the overall design and feasibility of the proposal. The proposed carport extends to a maximum height of 3.6m however, given the simplistic open style of the carport and its seamless integration into the façade of the dwelling, the proposal is acceptable in this regard.

Driveway

The proposal seeks construction of a new driveway to a width of 3.45m at the front property boundary. This presents a 400mm departure from the 3m driveway width required as per Section 8.3.3 of Part A of the SCDP 2005. A condition of consent is therefore recommended to reduce the width of the driveway to 3m as per Council's requirements. Further, it is recommended that the driveway remain distanced as far away from the Council Street tree as possible so to ensure the tree's protection.

Cut and fill

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

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Retaining Walls

As previously discussed, the proposal fails to provide sufficient detail regarding the proposed new retaining wall to the southern side boundary of the site. A condition of consent is therefore recommended to be imposed to ensure the retaining wall is constructed to a height of no more than 1.2m above NGL and, if greater than 600mm, is to be designed by a suitably qualified engineer.

PART H – Waste Management (SCDCP 2005)

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

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

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

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

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

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

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

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

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$570,000.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$5,700.00
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/312 should be approved subject to conditions.

**Signed:****L Gibson
Senior Planner****Date: 22 April 2022**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:**J Gillies
Senior Planner****Date: 26 April 2022**

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 1200	5 November 2021	02	Chung Architects

Sediment Erosion Plan	Sheet 1203	5 November 2021	02	Chung Architects
Ground Floor and Level 1 Plan	Sheet 2000	5 November 2021	02	Chung Architects
Roof Plan	Sheet 2001	5 November 2021	02	Chung Architects
Landscape Plan	Sheet 2002	5 November 2021	02	Chung Architects
Elevation Plans	Sheet 3000	5 November 2021	02	Chung Architects
Section Plan	Sheet 4000	5 November 2021	02	Chung Architects
External Finishes	Sheet 6000	5 November 2021	02	Chung Architects
Stormwater Plan	Sheets 1-3	11.10.2021	1	Fly Engineering Pty Ltd
Waste Management Plan	-	-	-	Andrew Chung

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

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

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

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

3. Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 1,995.00
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 5,700.00

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

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan.

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council

- Prior to the release of the Construction Certificate.

Further Information

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

6. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Deletion of front decking area	A minimum 2.7m ² of the front decking area must be removed/deleted and reinstated with deep soil zone so to provide more meaningful consolidated parcels of deep soil area and further soften the built form.

Construction of Retaining Wall	If the retaining wall exceeds 600mm above NGL it must be designed by a suitably qualified engineer.
Driveway width	The vehicular access driveway width must be reduced from the proposed 3.45 metres to 3 metres to achieve a maximum allowed width of 3m. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate. The driveway should be reduced from the southern side so to maximise the driveway's distance from the base of the Council street tree. The remnant area as a result of the reduced driveway width should comprise deep soil zone so to further reduce hardstand surfaces in the front setback.
Front Fence	The front fence is to be constructed to a height of no more than 1.5m from Natural Ground Level. The solid portion of the fence (not including piers) shall not exceed a height of 0.7m above NGL.
Side Fence	The proposed side boundary brick fencing may be constructed to a height of 1.8m from Natural Ground Level.
Front fence opening	The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.

7. Damage Deposit – Minor Works

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

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

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

8. Tree Bond

A tree bond (Tree 1) – *Lophostemon confertus* / street tree) of \$10,150.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

9. Site Management Plan

Minor Development

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

10. BASIX Commitments

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

All measures and commitments as detailed in the BASIX Certificate No. 1222211S must be implemented on the plans lodged with the application for the Construction Certificate.

11. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

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

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

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

12. Stormwater System

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

13. 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.

14. Structural Details

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

15. 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).

16. Landscape Plan

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.

- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf;
- (h) Additional deep soil zone required as a result of the reduced 2.7m² front decking area and driveway width; and
- (i) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

17. 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.

18. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree located front of 18 Francis Street	4.2 metres

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

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

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

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

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

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.

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. 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](#).

22. 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.

23. Registered Surveyors Report - During Development Work

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

DURING CONSTRUCTION

24. 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.

25. 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.

26. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

27. 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.

28. 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.

29. 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.

30. 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.

31. Requirements Prior to the Issue of the Occupation Certificate

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

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

32. Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

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) 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)

34. 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

35. Requirement for a Construction Certificate

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

36. 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.

37. 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.

38. 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.

39. 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 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

40. 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.

41. 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

42. Clause 75 – BASIX Commitments

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

43. 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.

44. 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.

45. 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

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

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. Disability Discrimination Act

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA) 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.

8. 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).