

## IDAP REPORT

<b>Property:</b>	25 Long Street STRATHFIELD Lot: 1 DP: 755 DA2022.24
<b>Proposal:</b>	Demolition of existing buildings and construction of a two-storey dwelling above basement with cabana, pool and secondary dwelling to the rear of the site.
<b>Applicant:</b>	N Latif
<b>Owner:</b>	N Latif
<b>Date of lodgement:</b>	9 February 2022
<b>Notification period:</b>	14 February 2022 – 28 February 2022
<b>Submissions received:</b>	One
<b>Assessment officer:</b>	J W Brown
<b>Estimated cost of works:</b>	\$1,671,150.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	Approval



Figure 1: Aerial image of the subject site

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing buildings and construction of a two-storey dwelling above basement with cabana, pool and secondary dwelling to the rear of the site.

### **Site and Locality**

The site is identified as 25 Long Street, Strathfield and has a legal description of Lot 1 DP 755. The site is a regular shaped parcel of land and is located on the corner of Long and Cross Street.

The site has a width of 15.24m, a depth of 50.8m and an overall site area of 771.4m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of low density residential development.

### **Strathfield Local Environmental Plan**

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

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 14 February 2022 – 28 February 2022, where one submission was received raising the following concerns;

- Changes to existing ground levels
- Flooding
- Pool pump and equipment
- Overshadowing

### **Issues**

- Wall and parapet height
- Landscaped area
- Basement
- Secondary dwelling setback

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application DA2022/24 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of existing buildings and construction of a two-storey dwelling above basement with cabana, pool and secondary dwelling to the rear of the site. More specifically, the proposal includes;

#### Basement level:

- Two (2) car parking spaces
- Pool equipment room
- Mechanical and electrical communication room
- Bin room
- A lift and stairwell that accesses all floors

#### Ground floor level:

- Bedroom with walk-in-wardrobe and ensuite
- Entry foyer with water closet
- Laundry
- Open plan kitchen dining and living room
- Pantry

#### First floor level:

- Study nook adjacent to void
- Master bedroom with walk-in-wardrobe and ensuite
- Three (3) bedrooms with ensuites

#### Secondary Dwelling:

- Open plan kitchen, dining and living room
- European laundry
- Bathroom

#### External works:

- Front porch
- Covered terrace
- Covered cabana with BBQ area
- Swimming Pool

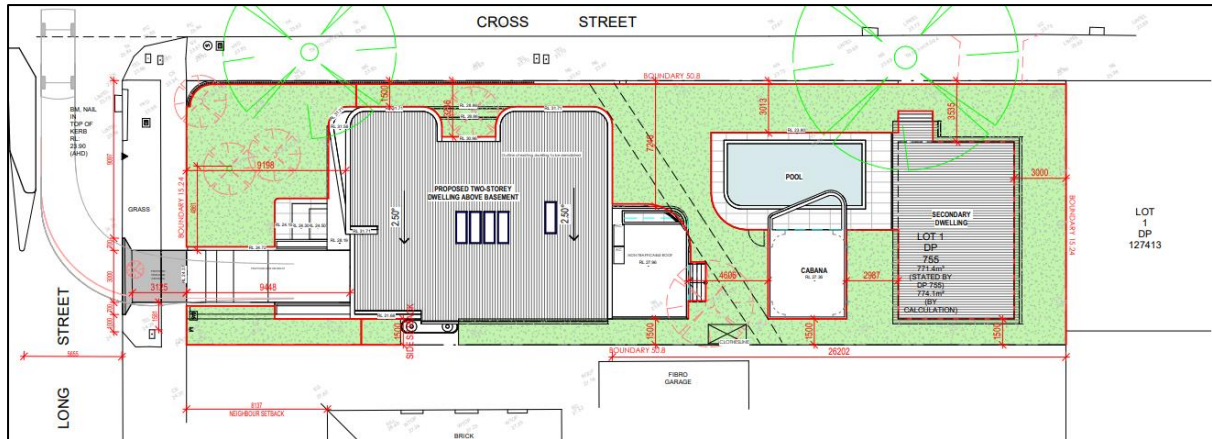


Figure 2: Site Plan

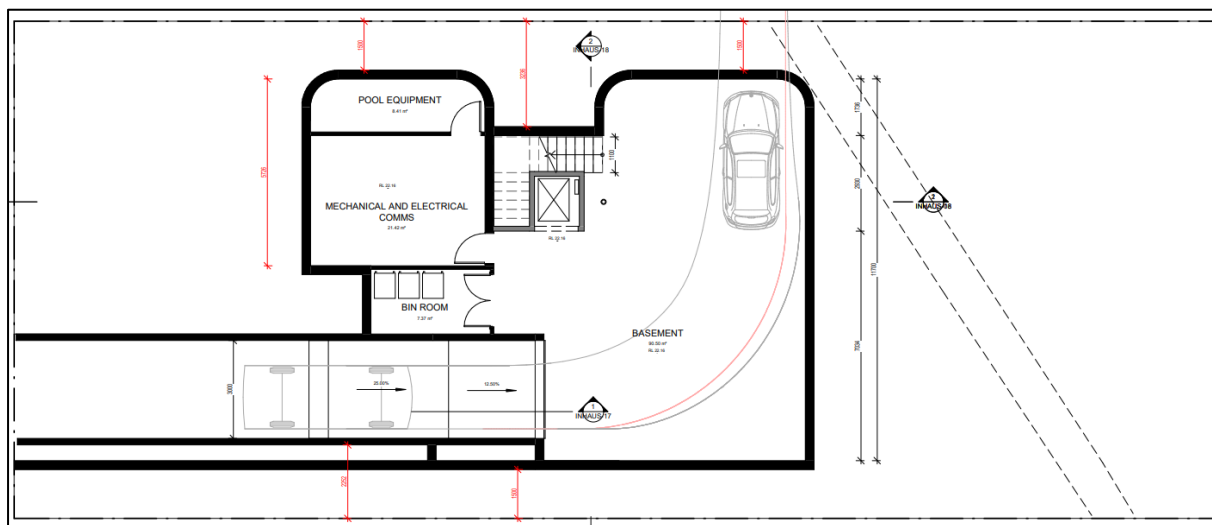


Figure 3: Basement plan

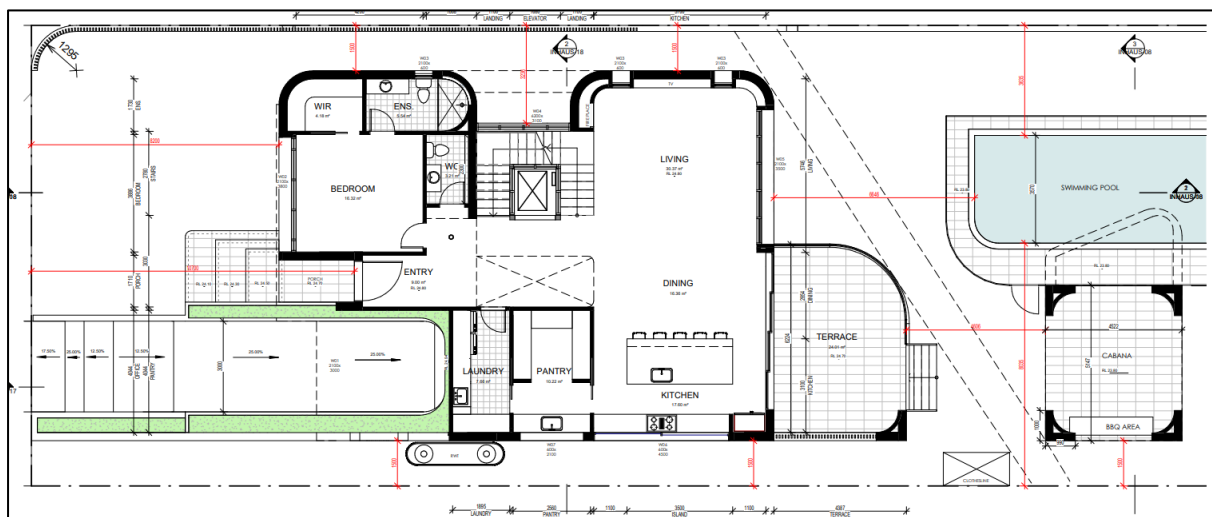


Figure 4: Ground floor plan

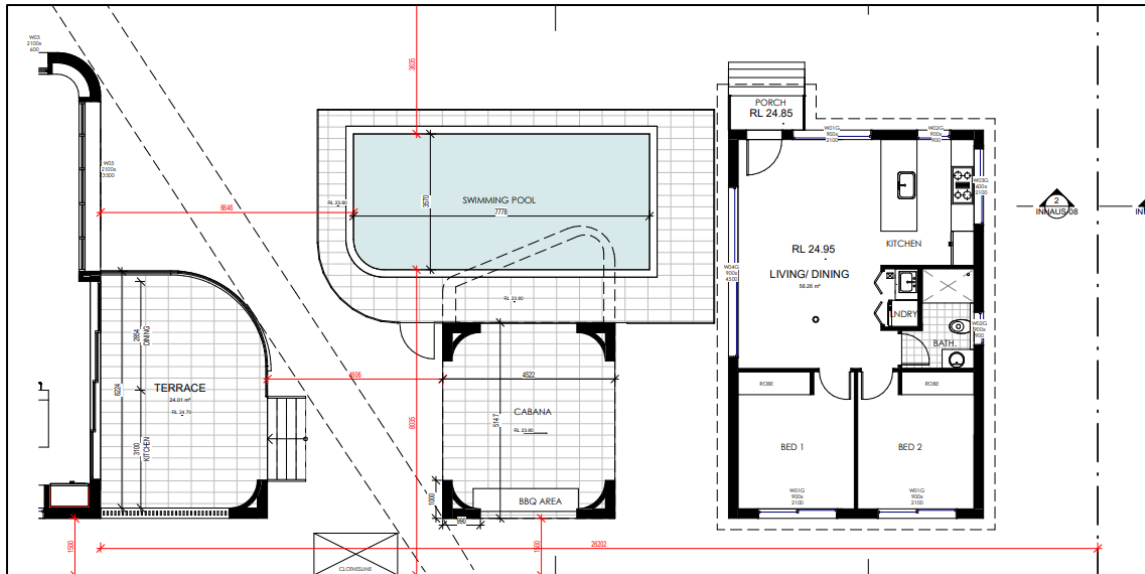


Figure 5: Ground floor plan with secondary dwelling

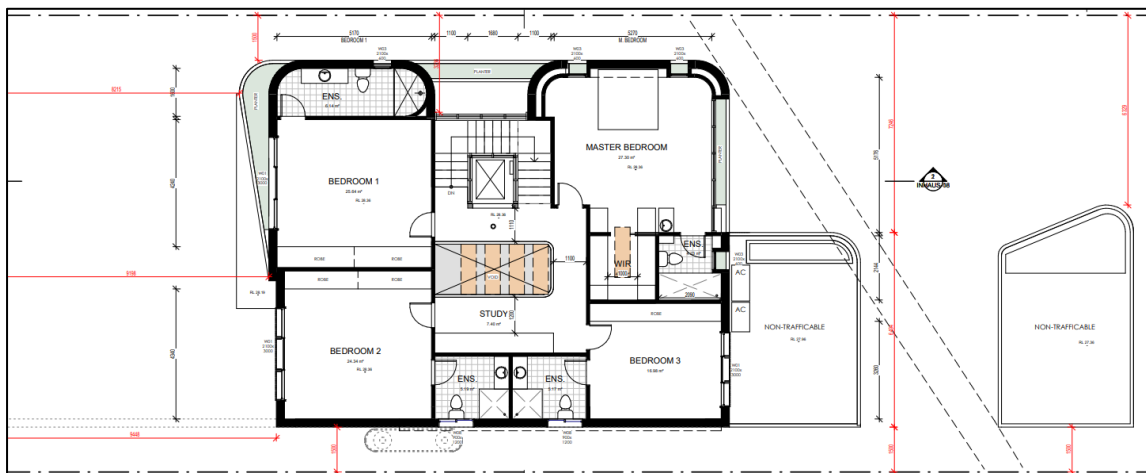


Figure 6: First Floor Plan



Figure 7: South (above) and West (below) elevation



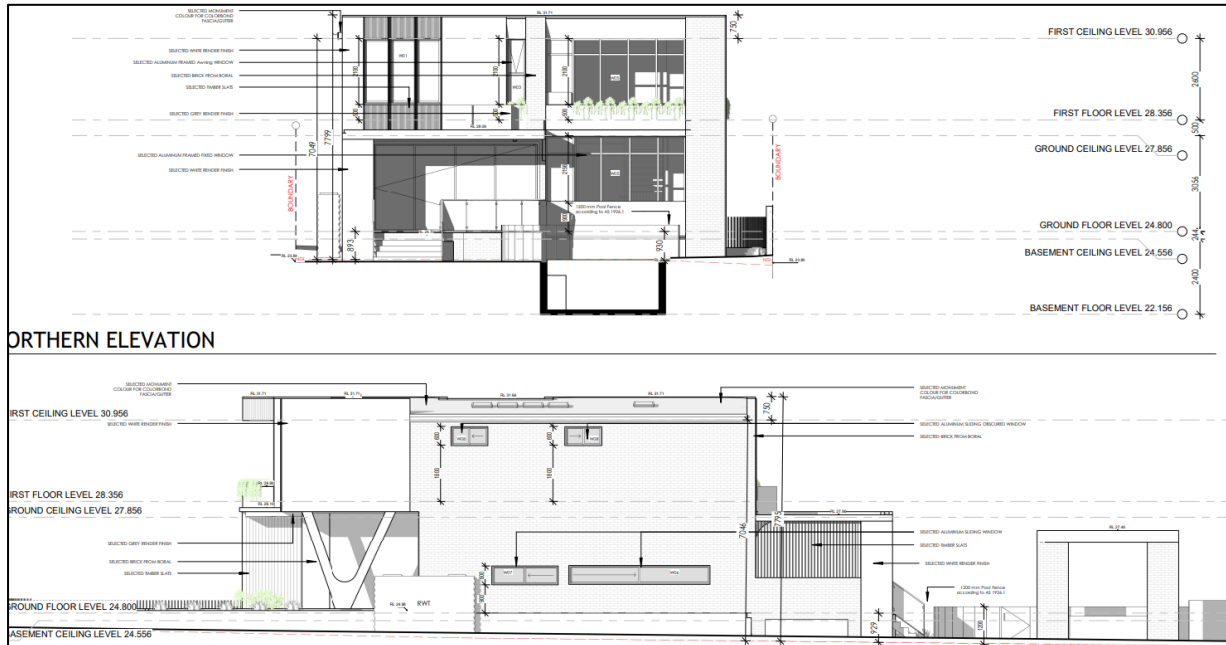


Figure 8: North (above) and East (below) elevations

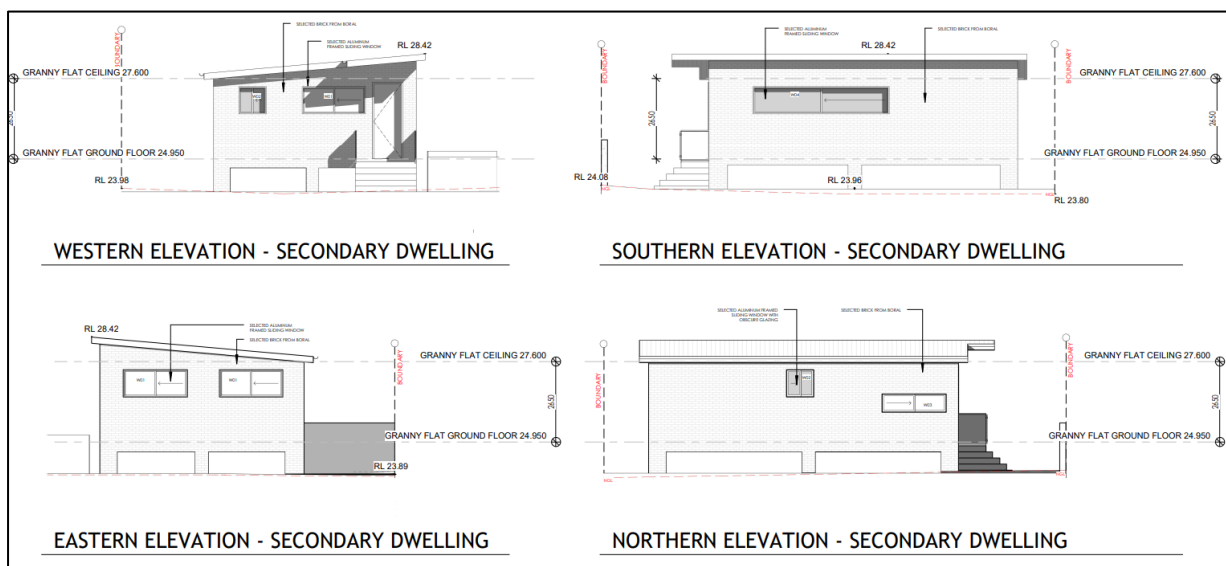


Figure 9: Elevations of secondary dwelling

## The Site and Locality

The subject site is legally described as Lot: 1 DP: 755 and commonly known as 25 Long Street STRATHFIELD. It is located off the corner of Long and Cross Street.

The site is rectangular in shape and has a frontage of 15.24m to the south, rear boundary of 15.24m to the north, a secondary frontage length of 50.8m to the west, and a side boundary length of 50.8m to the east and an area of 771.4m<sup>2</sup>.

The site slopes gradually from east to west with a drainage easement that crosses diagonally through the property.

The site is occupied by a rendered house with a tiled roof. Vehicular access is provided to the site via an existing driveway from the secondary street to an existing double clad garage located at the rear of the property.

The current streetscape is characterised by single dwelling houses of varying age and architectural design. Directly adjacent to the east of the proposed site is a single storey brick dwelling. Adjacent to the north of the proposed site is a more modern two storey rendered dwelling. Long Street and Cross Street separate the rest of the dwellings from the proposed site. The surrounding area is characterised by mostly residential properties with more commercial activities happening on Liverpool Road to the north east of the proposed site.



Figure 10: Closer image of the site (Near Maps 3 April 2022)





Figure 11: Front façade of existing dwelling



Figure 12: Secondary street frontage of existing dwelling





Figure 13: Rear yard facing existing dwelling



Figure 14: Rear yard facing the existing garage

## **Background**

9 February 2022	The subject development application (DA2022/24) was lodged with Council
14 February 2022	The application was publicly exhibited until the 28 February 2022
8 March 2022	Additional information for the following was requested: <ul style="list-style-type: none"> <li>• A flood impact assessment report</li> <li>• Detail on the drainage easement</li> <li>• Correct labelling of on the Elevations</li> <li>• Details of existing ground levels</li> </ul>
30 March 2022	Amended plans and a flood impact assessment report provided.
21 April 2022	Further additional information was requested for the following concerns: <ul style="list-style-type: none"> <li>• Reduction in wall and parapet heights</li> <li>• Compliance with landscaped area</li> <li>• Reduction basement out of ground height</li> <li>• Reduction of basement room size</li> <li>• Compliance with internal clearance height for basement</li> <li>• Secondary dwelling to comply with setbacks</li> </ul>
22 April 2022	Council's Planner carried out of site visit
26 April 2022	Additional information received from applicant.

## **Referrals – Internal and External**

### **Development Engineers Comments:**

The application was referred to Council's Development Engineer who offered no objection subject to the conditions of consent.

### **Tree Management Coordinator Comments:**

The application was referred to Council's Tree Management Coordinator who accepted that the tree on Long Street could be removed to allow for the construction of the proposed driveway. The two street trees on Cross Street are to be maintained, a special condition was added for an arborist's report on the likely impact of the excavation of the basement and swimming pool would have on the street trees. No further objection was offered subject to the conditions of consent.

### **Traffic Manager Comments:**

The application was referred to Council's Traffic Manager who offered no objection subject to the 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 Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of one street tree and several trees within 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.

## **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 (HOUSING) 2021

### Part 1 Secondary Dwellings

Applicable SEPP (Housing) 2021 Clauses	Development Standards	Compliance/ Comment
<b>CI52 (2)(a)</b>	No other dwelling than the principal and secondary dwellings	Yes
<b>CI52 (2)(b)</b>	Not > total floor area allowed under another EPI	Yes
<b>CI52 (2)(c)</b>	Total floor area of secondary dwelling – no > 60m <sup>2</sup> or whatever is allowed under another EPI	Yes

### 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
<b>4.3 Height of Buildings</b>	9.5m	7.8m	Yes
<b>4.4 Floor Space Ratio</b>	0.575:1 (443.5m <sup>2</sup> )	0.478:1 (384.9m <sup>2</sup> )	Yes

### Part 5 – Miscellaneous Provisions

#### Heritage Conservation

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

#### Flood Planning

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

## Part 6 – Additional Local Provisions

### Acid Sulfate Soils

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

### Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement. All ancillary works have been limited to what is required to provide access to and from the basement. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

### Essential Services

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

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

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

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

- (iii) any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Heights:</b> Floor to ceiling heights: Height to underside of eaves: Parapet height: Overall height for flat roof dwelling: Basement height above NGL: Number of Storeys/Levels:	3.0m 7.2m 0.8m 7.8m 1.0m 2	3.056m 7.2m 0.75 7.8m 1.0m 3	No but acceptable Yes Yes Yes Yes No but acceptable
<b>Setbacks:</b> Front: Side: East Side: West Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 3.048m (20%) 6m	8.2m 1.5m 1.5m 3m >6m	No but acceptable Yes Yes No but acceptable Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	43% (331.7m <sup>2</sup> )	45% (350.5m <sup>2</sup> )	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.246m	Yes
Solid Component:	0.7m	0.355m	Yes
Secondary Frontage:	1.8m	1.623m	Yes
<b>Yes</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	>1.5m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Basement:</b> Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m 2.2m	1m 3m 2m	Yes Yes No condition
<b>Ancillary Development</b>			
<b>SECONDARY DWELLING</b> Floor Area: Private open Space: Side Setback: Rear Setback:	60m <sup>2</sup> 12m <sup>2</sup> (min.3m) 1.5m 3.0m	60m <sup>2</sup> >12m <sup>2</sup> 1.5m 3.0	Yes Yes Yes Yes



<b>OUTBUILDINGS</b>			
Area:	40m <sup>2</sup>	23m <sup>2</sup>	Yes
Height:	3.5m	3.8m	No condition
Side/Rear setback:	0.5m	1.5m	Yes
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	>1m	Yes

### Basement Third Storey

Certain sections of the basement protrude more than 1m from natural ground level. The maximum protrusion calculated from the overlay of the survey plan over the floor plan was 180mm. Therefore, the basement is considered another storey, making the development three storeys. The bin room, mechanical and electrical communication room and pool equipment room within basement therefore were calculated in FSR. As above the FSR is still compliant with the SLEP 2012 with these rooms included.

The first floor is unable to be lowered further due to flooding, as the minimum finished floor level requirement for the ground floor is 24.8m AHD as specified by Overland Flow Study Report by ACCON Engineers dated 30 March 2022. The non-compliance is unlikely to affect the overall bulk of the development as ground floor would have needed to meet the flood study report requirements for a 24.8m AHD finished floor level without a basement. The bin room, mechanical and electrical communication room and pool equipment room will be conditioned to have a maximum 2.1m floor to ceiling height to make sure that they are not used for habitable purposes. It is therefore appropriate to vary this SCDCP 2005 control in this circumstance due to the above reasons and that it is unlikely to present to the street as a three-storey development.

### Building Envelope

A negligible non-compliance of the floor to ceiling height of 58mm occurs on the ground floor of the development. This has occurred due to the lowering the ground floor height to limit the basement out of ground height. The minor adjustment is a better outcome than the basement being further out of ground. In addition, it will not increase the building height and bulk of the proposed dwelling due to that the first floor has been reduced by 100mm in updated plans, which in turn was to reduce the overall wall heights.

### Setbacks

The front setback is less than the required 9m setback as specified in the SCDCP 2005. Despite this requirement, the SCDCP 2005 allows for the primary street setback to be less than 9m if the development meets the requirements below:

- a) The predominant front setback in the street is less than 9m;
- b) The proposed setback is not less than the setback of the existing dwelling; or
- c) The proposed setback would not conflict with the character of the existing streetscape.

The dwellings directly adjacent to the proposed development have a setback that is less than 9m. The dwelling directly adjacent to the east has a setback of 8.1m and the proposed dwelling will have similar setback. The proposed development will not be less than the existing dwelling and also there are a variety of setbacks in the street from 8m to 1.5m; the proposed setback will be consistent with the character of the existing streetscape. Therefore, the non-compliance is acceptable in this circumstance.

There is also negligible non-compliance with the combined side setback of 48mm. Both side setbacks are 1.5m setback from the boundary with articulation on the secondary frontage to limit the bulk and scale of the design. Therefore the non-compliance is acceptable.

### **Landscaping and Open Space**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

### **Fencing**

The proposed front and side fencing satisfies the relevant objectives and controls within SCDP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

### **Solar Access**

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

### **Privacy**

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

### **Vehicular access, Parking and Basement**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and will be conditioned to have a minimum internal clearance height of 2.2m.

### **Cut and fill**

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

## **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A 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. The design provides passive surveillance of the public street providing safety and perception of safety in the street.

## **ANCILLARY STRUCTURES**

### Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls the SCDCP 2005. It has been designed so that it does not exceed 60sqm floor area, adequately setback from side and rear boundaries and provides suitable open space provisions for the occupants. Due to flooding, the secondary dwelling has been raised and is on piers, which will allow the overland flow to not be obstructed. The existing boundary fences will provide screening and privacy to adjoining properties and ensure there is minimal impact on their amenity.

### Outbuildings (cabana)

The proposed development satisfies the relevant objectives and most of the controls in the SCDCP 2005 complying with setbacks and floor space controls. The proposed cabana will be condition to have maximum height of 3.5m out of ground to comply with the SCDCP 2005.

### Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in the basement therefore the pool pump and equipment location on the eastern boundary can be removed. The pool coping has been designed to suit the existing ground levels of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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

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



**(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. One submission was received raising the following concerns:

**1. Changes to Natural Ground Levels**

Comment: The updated plans with the correctly labelled elevations do show a small amount of fill within the boundary setbacks of the build. A condition will be added that no-ground levels shall be changed that will affect the flow of flooding. This shall help to maintain current slope of the site towards Cross Street.

**2. Eastern Boundary Fencing (Flooding)**

Comment: The neighbour to the east is concerned about the boundary fence and the impact of any solid component that may affect the natural flow of water. The overland flow study provided by the applicant, recommends that a portion of the fencing is to be permeable to allow for the flow of any floodwaters. A condition will be added in the consent that the recommendations of the flood study is to be followed, therefore helping to alleviate the neighbour's concern.

**3. Pool pump and Equipment alongside Eastern boundary**

Comment: The pool equipment has been placed within the basement of the proposed dwelling and any reference to it on the eastern boundary will be removed from the plans. Thereby mitigating any issues of noise from the pool pump and equipment.

#### 4. Overshadowing

Comment: The neighbouring eastern property had concern about overshadowing caused by the proposed development. The updated plans provided by the applicant have reduced the overall height of the development by 600mm, which in turn will help with the impact of overshadowing on the eastern neighbouring property. The development is mostly compliant with the SCDCP 2005 and the impact only occurs in the afternoon due to the orientation of the lots. Therefore, the updated design is acceptable and will have minimal impacts to the neighbouring property.

#### (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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$1,995.47
Provision of Major Open Space	\$9,078.81
Provision of Local Open Space	\$1,997.86
Provision Roads and traffic Management	\$531.44
Administration	\$172.06
TOTAL	\$13,775.65

#### Conclusion

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

Following detailed assessment it is considered that Development Application No. DA2022/24 should be approved.

**Signed:**

**J W Brown**  
**Planner**

**Date: 10 May 2022**

☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



**Signed:**  
**P Santos**  
**Senior Planner**

**Date: 10 May 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:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Landscape and Deep Soil Plan	INHAUS-03	23/04/22	A	INHAUS Designs
Site Plan	INHAUS-04	23/04/22	A	INHAUS Designs
Basement Floor Plan	INHAUS-05	23/04/22	A	INHAUS Designs
Ground Floor Plan	INHAUS-06	23/04/22	A	INHAUS Designs



Backyard Plan	INHAUS-07	23/04/22	A	INHAUS Designs
Pool Plan and Section	INHAUS-08	23/04/22	A	INHAUS Designs
First Floor Plan	INHAUS-09	23/04/22	A	INHAUS Designs
Roof Plan	INHAUS-10	23/04/22	A	INHAUS Designs
Elevations	INHAUS-11	23/04/22	A	INHAUS Designs
Elevations	INHAUS-12	23/04/22	A	INHAUS Designs
Elevations – Secondary Dwelling	INHAUS-13	23/04/22	A	INHAUS Designs
Secondary Frontage Fence	INHAUS-14	23/04/22	A	INHAUS Designs
Driveway Profile / Windows Schedule	INHAUS-17	23/04/22	A	INHAUS Designs
Sections	INHAUS-18	23/04/22	A	INHAUS Designs
Demolition Plan	INHAUS-19	23/04/22	A	INHAUS Designs
Sediment Control Plan	INHAUS-20	23/04/22	A	INHAUS Designs
Schedule of Colours and Finishes	INHAUS-21	23/04/22	A	INHAUS Designs
Stormwater Plans	SW01	28/01/22	A	GEBA Consulting
Stormwater Plans	SW02	28/01/22	A	GEBA Consulting
Stormwater Plans	SW03	28/01/22	A	GEBA Consulting
Stormwater Plans	SW04	28/01/22	A	GEBA Consulting
Stormwater Plans	SW05	28/01/22	A	GEBA Consulting

Description	Reference No.	Date	Revision	Prepared by
Waste Management Plan		Submitted 1/02/22		INHAUS Designs
Overland Flow Study Report	FR22316	30/03/22		ACCON Engineers

## 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](http://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](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**

### **(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](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**

### **(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](http://www.strathfield.nsw.gov.au)).

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$5,849.00
Security Damage Deposit	\$15,000.00
Tree Bond	\$30,450.00
Administration Fee for Damage Deposit	\$130
Administration Fee for Tree Bond	\$130
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$531.44
Strathfield Section 94 Development Contributions – Local Open Space	\$1,997.86
Strathfield Section 94 Development Contributions – Major Open Space	\$9,078.81
Strathfield Section 94 Development Contributions – Community Facilities	\$1,995.47
Strathfield Section 94 Development Contributions - Administration	\$172.06



## 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](http://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.
Cabana Height	The maximum height of the cabana is 3.5m from natural ground level
Internal Clearance Height	The minimum internal clearance height for vehicles entering and existing the basement must be 2.2m
Basement Height	The bin room, mechanical and electrical communication room and pool equipment room within the basement must have a maximum floor to ceiling height of 2.1m

AC Units	The AC units on the non-trafficable terrace roof must be screened and not viewable from the public domain
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## (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: \$15,000.00.
- (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
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

## (8) **Tree Bond**

A tree bond of \$30,450.00 with 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.

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.1274528S and No.1274799S 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) Detailed Stormwater Drainage Design**

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

**(14) Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by ACCON Engineers ref: 22316 dated 30 March 2022.

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

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

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

**(15) Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

**(16) Stormwater Drainage Plan Details**

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.



**(17) Compliance with Swimming Pool Act 1992**

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

**(18) 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 Principal Certifier.

**(19) Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

**(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) Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

## (22) Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	Number of trees	Location
3	Mango tree	1	25 Long Street Strathfield
4	Olive Tree	1	25 Long Street Strathfield
5	Acer palmatum	1	25 Long Street Strathfield
6	Bangerlow palm	1	25 Long Street Strathfield

### 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

A replacement of two (2) trees by species selected from Council's Recommended Tree List and must have a minimum mature height of 8 metres.

Replacement trees shall be a minimum 100 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.

### (23) 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.

### (24) Tree Protection and Retention

The following trees shall be retained and protected:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
1	Lophostemon confertus	Street tree located in Cross, closet to corner of Long Street Strathfield- outside 25 Long Street Strathfield	6.5 metres
5	Lophostemon confertus	Street tree located in Cross, closet Street Strathfield- outside 25 Long Street Strathfield	9.1 metres

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

### General Tree Protection Measures

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

### Specific Street Tree Protection Measures

- 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.

### **(25) Special Condition – Street Trees**

An Arboricultural Impact Assessment/ Tree protection Plan of the two street trees (Lophostemon confertus – Brush Box) on Cross Street is to be submitted to and approved by Council's Tree Management Coordinator for the following:

- **Tree 1** Closest to Corner of Long and Cross Street:
  - Confirm proposed basement will not impact the tree.
  - Tree Pruning specification is required addressing any crown modifications that may be required for proposed building
- **Tree 2** located in Cross Street.
  - Confirm proposed basement and pool excavations will not impact the tree

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

### **(26) 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 Principal Certifier 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).



**(27) 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.

**(28) 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.

**(29) 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.

**(30) Utility Arrangements**

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

**DURING CONSTRUCTION**

**(31) 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.

**(32) 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 or anywhere else on the lot that may affect the overland flow and flood impact of the site.

**(33) Swimming Pools – Filling with Water**

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

**(34) Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone 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.

**(35) Tree Removal on Private Land**

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

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

**(36) 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.

**(37) BASIX Compliance Certificate**

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

**(38) 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.

**(39) 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.

**(40) 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.

**(41) 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)**

**(42) Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

**(43) Swimming Pools – Resuscitation Notice**

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

**(44) Private Swimming Pools & Spas – Pump Noise**

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

**(45) 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.

**(46) Entering & Exiting of Vehicles**

All vehicles shall enter and exit the premises in a forward direction.

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

**(47) Requirement for a Construction Certificate**

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

**(48) Appointment of a Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier 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 Principal Certifier 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.

**(49) Notification of Critical Stage Inspections**

No later than two days before the building work commences, the Principal Certifier 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.

**(50) Notice of Commencement**

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

**(51) Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. 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.

**(52) Notice to be Given Prior to Critical Stage Inspections**

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

**(53) 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**

**(54) Clause 75 – BASIX Commitments**

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

**(55) 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.

**(56) 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 Principal Certifier and the Principal Contractor.

**(57) 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.

**(58) Clause 74 – Protection & Support of Adjoining Premises**

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

## **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. 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.

#### **5. 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 2022/24) 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.

#### **6. 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)).

## **7. Register your Swimming Pool**

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

## **8. Electricity Supply**

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