

## IDAP REPORT

<b>Property:</b>	46 Long Street STRATHFIELD Lot: 109 DP: 746 DA2022.29
<b>Proposal:</b>	Demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool and outbuilding.
<b>Applicant:</b>	BluPrint Design
<b>Owner:</b>	Wewood Development Pty Ltd
<b>Date of lodgement:</b>	16 February 2022
<b>Notification period:</b>	2 March 2022 - 16 March 2022
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$1,597,162.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	N/A
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

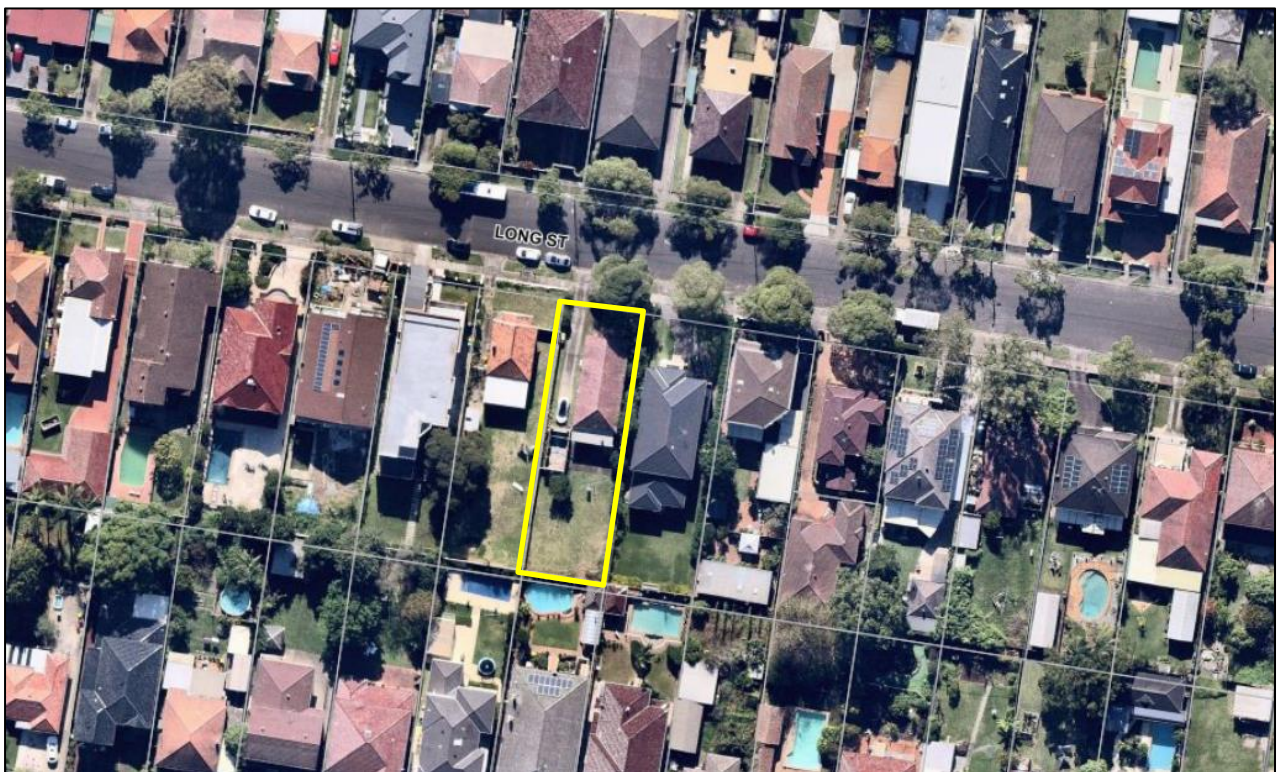


Figure 1: Aerial view of subject site (outlined in yellow) and surrounding context

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool and outbuilding.

### **Site and Locality**

The site is identified as 46 Long Street STRATHFIELD and has a legal description of Lot: 109 DP: 746. The site is a regular shaped parcel of land and is located on the southern side of Long Street, west of Cross Street and east of Homebush Road.

The site has a width of 15.25m, a depth of 50.8m and an overall site area of 774.2m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of single and two (2) storey dwelling development. Most being traditional in style with some examples of contemporary-style architecture. The site along with the majority of the street is located in a heavily flood prone area.

### **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 (2 March – 16 March 2022), where no submissions were received.

### **Issues**

- Flood affectation;
- Basement design;
- Visual privacy; and
- Streetscape compatibility.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/29 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of existing structures and construction of a two (2) storey dwelling with basement, swimming pool and outbuilding. More specifically, the proposal includes;

Demolition of existing structures including existing dwelling.

Construction of a new dwelling including:

Basement level:

- (2) car parking spaces;
- Storage and services area;
- Bathroom; and
- Internal staircase and lift well.

Ground floor level:

- Guest bedroom with ensuite;
- Entry;
- Multimedia room;
- Guest powder room;
- Laundry;
- Open plan lounge, dining and kitchen area;
- Walk in pantry; and
- Alfresco area adjoining living room spaces.

First floor level:

- Sitting room;
- 3 bedrooms each with ensuite; and
- Master bedroom with WIR and ensuite.

External works:

- Cabana with attached patio area;
- Swimming pool;
- Front fence; and
- Associated landscaping and stormwater works.

Figures 2 - 7 below are excerpts from the amended architectural package.



Figure 2: Coloured Elevation of proposed dwelling house.

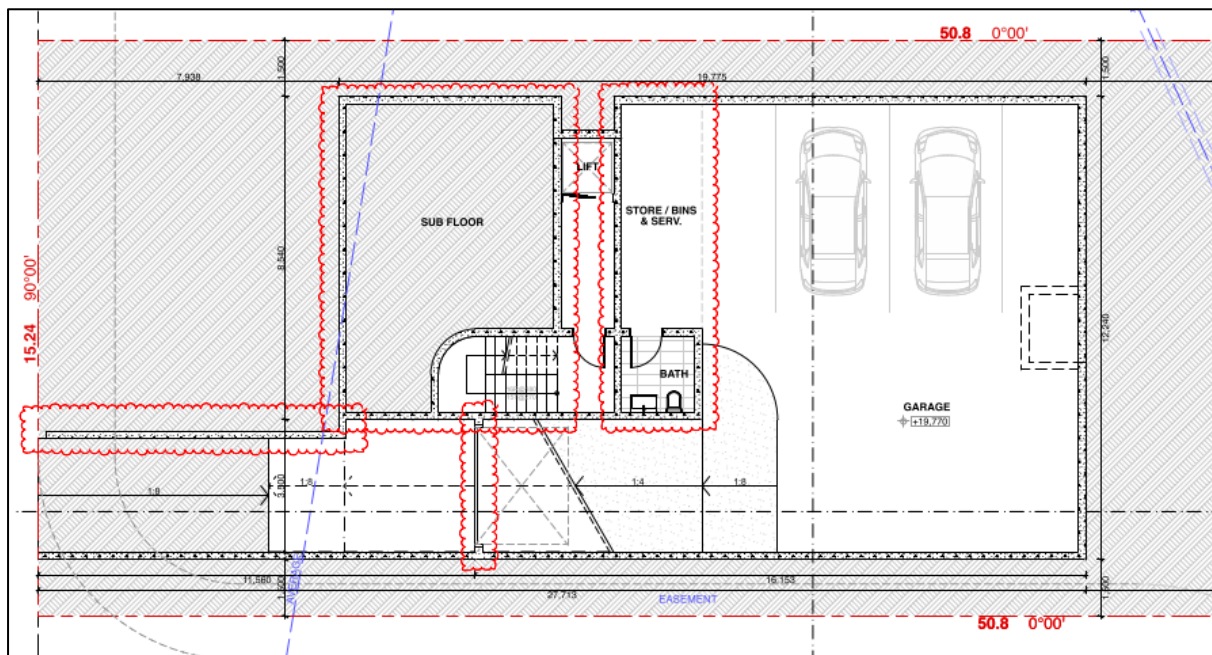


Figure 3: Proposed Basement Plan.



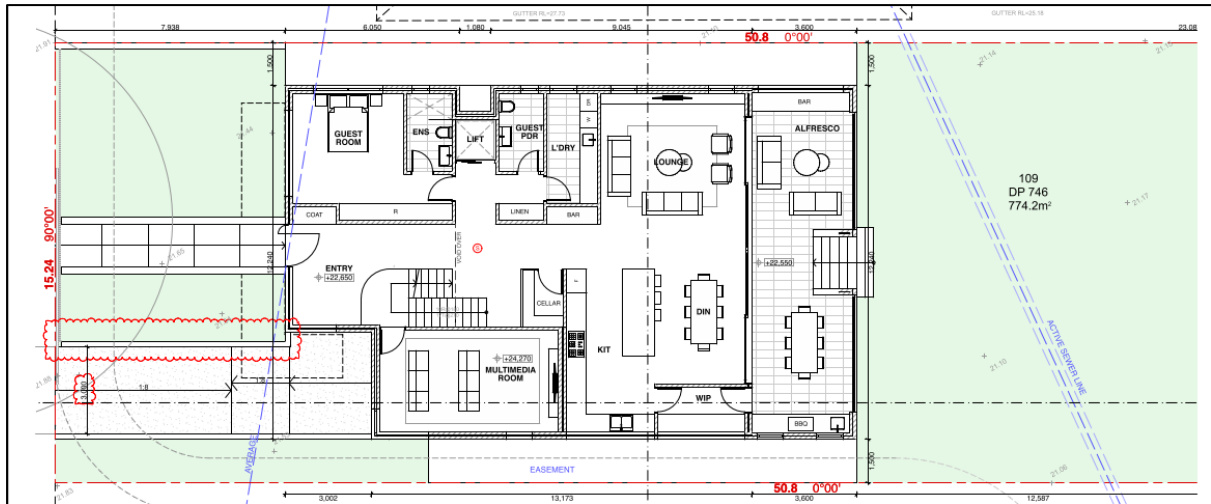


Figure 4: Proposed Ground Floor Plan.

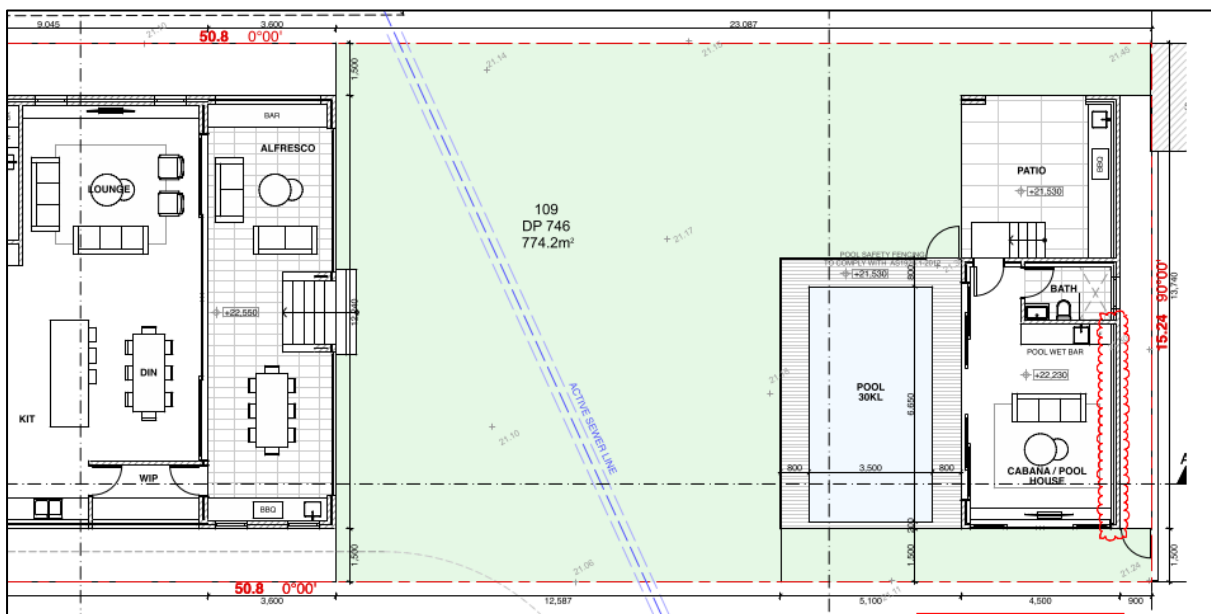


Figure 5: Proposed Ground Floor Plan Continued.

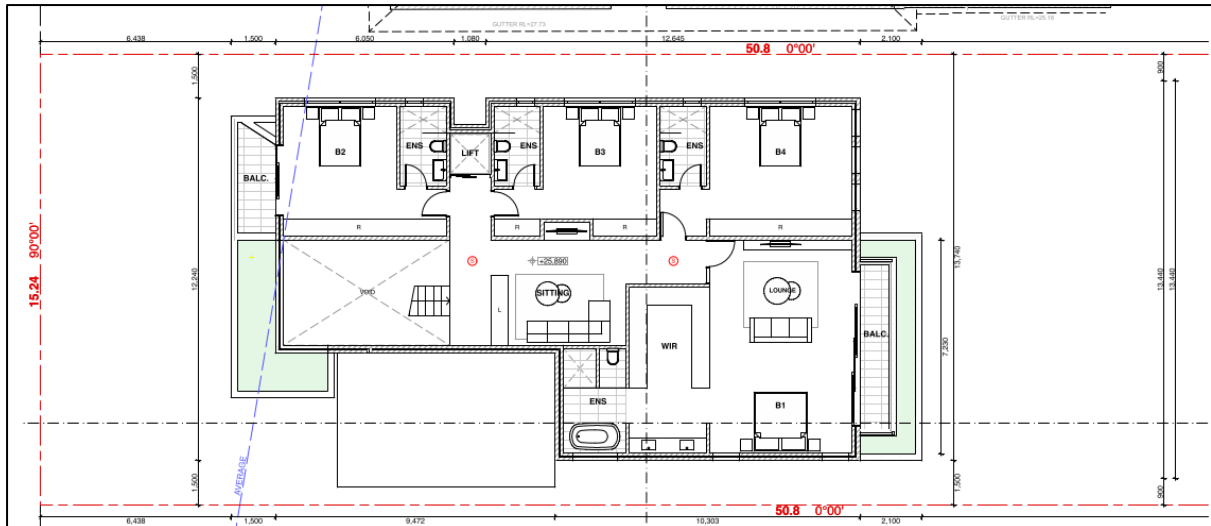


Figure 6: Proposed First Floor Plan.

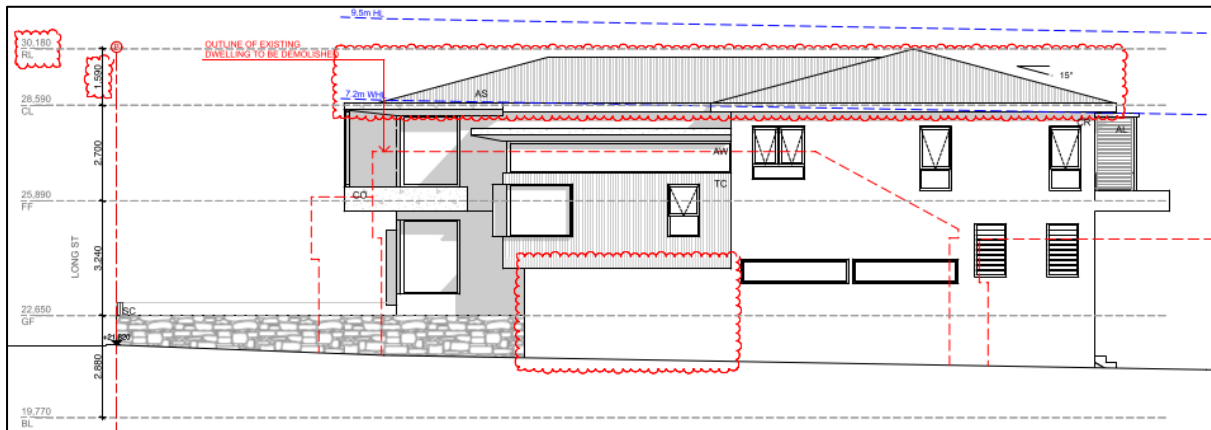


Figure 7: Western Side Elevation Plan.

## **The Site and Locality**

The site is identified as 46 Long Street Strathfield and has a legal description of Lot: 109 DP: 746. The site is a regular shaped parcel of land and is located on the southern side of Long Street, west of Cross Street and east of Homebush Road.

The site has a width of 15.25m, a depth of 50.8m and an overall site area of 774.2m<sup>2</sup>. The site slopes from north to south with a cross fall of 710mm to the rear yard of the site.

The site is occupied by a single storey brown brick dwelling with pitched terracotta roof line and gabled front verandah. Vehicular access is provided to the site via an existing driveway from Long Street to an existing detached garage located along the site's western side boundary (refer Figure 8 below).

The locality surrounding the subject site contains a mixture of single and two (2) storey dwelling development. Most being traditional in style with some examples of contemporary-style architecture. The site along with the majority of the street is located in a heavily flood prone area (Refer to Figures 9 – 12).



*Figure 8: Existing dwelling at subject site – 46 Long St, Strathfield*



*Figure 9: Streetscape along Long Street north-east of the site.*





*Figure 10: Contemporary style dwelling at 50 Long Street*



*Figure 11: Traditional style dwelling development immediately north of the site.*





Figure 12: Rear yard facing south.

### **Background**

3 September 2021	<p>A pre-lodgement meeting was held with Council officers regarding the application. The following concerns were raised:</p> <ul style="list-style-type: none"> <li>• Stormwater and location of underground Council stormwater main (traversing the site east to west);</li> <li>• Use and sizing of rear outbuilding;</li> <li>• FSR;</li> <li>• Basement's height above NGL;</li> <li>• Building height;</li> <li>• Landscaping;</li> <li>• Fencing design; and</li> <li>• Visual privacy impacts of alfresco area.</li> </ul>
16 February 2022	The subject application was lodged with Council.
2 March 2022 – 16 March 2022	The subject application was put on public exhibition until 16 March 2022. No submissions were received by Council during this period.
8 March 2022	A Site inspection was carried out by the assessing officer.

30 March 2022	<p>A Stop the Clock Letter was issued to the Applicant raising concern for the following matters:</p> <ul style="list-style-type: none"> <li>• FSR exceedance;</li> <li>• Basement size and habitable rooms within the basement;</li> <li>• Basement height above NGL;</li> <li>• Building height noting flat roof is proposed;</li> <li>• Streetscape compatibility;</li> <li>• Insufficient landscaping;</li> <li>• Visual privacy impacts including from outbuilding; and</li> <li>• Excessive driveway width</li> </ul>
27 April 2022	<p>Additional information by way of a response letter and amended architectural plans to address concerns raised was submitted to Council.</p>

## **Referrals – Internal and External**

### **Stormwater**

The application was referred to Council's Development Engineer who provided the following comments:

*"I have made an assessment based on the flooding characteristics and topography of the site, the proposed stormwater system and the finished floor levels of the development. Subject site falls to the rear but presence of Council drainage easement has enabled the applicant to submit a compliant design. OSD and WSUD provisions not required as per the stormwater code....From engineering perspective, concept plan is feasible."*

Further to the above, Council's engineer offered no objection to the proposal, subject to the imposition of relevant conditions of consent.

### **Trees**

The application was referred to Council's Tree Officer who provided the following comments:

*"The existing vegetation on site can be removed, subject to replacement trees being planted."*

*The existing driveway cross has to stay in its current location for the retention of the significant street tree. The location of the internal driveway may have to be reconfigured."*

*There is no compromise with the relocation of existing cross over."*

Amended plans were submitted during the assessment process. Whilst the driveway crossover is a compliant 3m in width at the property boundary, the proposal continues to seek a new crossover. A condition of consent is recommended to ensure the existing crossover is utilised so that it does not adversely impact upon the street tree.

### **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 outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees. Council's Tree Officer does not support the new driveway crossover given its impact on the Council street tree. As discussed, a condition of consent is recommended to ensure the existing crossover is utilised.

Relevant consent conditions have been imposed to ensure the ongoing protection of the Council street tree and for replacement tree plantings to be provided for the trees required for removal.

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.

### **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</b> Height of Buildings	9.5m	9.02m	Yes
<b>4.4</b> Floor Space Ratio	0.575:1 (445.165m <sup>2</sup> )	0.51:1 (395.1m <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 generally been limited to the footprint of the ground floor with the exception of the rear alfresco area. This is considered acceptable in this instance given that the basement must extend to this depth so to enable cars to manoeuvre within the basement. If the basement floorplate were to be reduced in size and/or shifted any further forward toward the front property boundary, the minimum crest height and driveway gradient would not be able to be achieved due to the flood affectation of the site.

The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement. A condition of consent is recommended to delete the subfloor from the design plans so that it cannot be misconstrued as part of the basement footprint. 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>Heights:</b> Floor to ceiling heights:  Height to underside of eaves:  Basement height above NGL:  Number of Storeys/Levels:	3.0m  7.2m  1.0m  2	2.7m – 5.9m  7.27m  1.49m  3	No – refer discussion.  Acceptable – minor departure.  No – refer discussion.  No – refer discussion.
<b>Setbacks:</b> Front:  Side: Side: Combined Side Setback:  Rear:	9m  1.2m (min) 1.2m (min) 3.048m (20%)  6m	7.94m  1.5m (west) 1.5m (east) 3.0m  900mm to patio and cabana and 23m to rear alfresco	Yes – setbacks range between 4m – 9+ m in the street Yes Yes Yes – minor departure is acceptable. No – refer discussion below.
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	43% (332.91m <sup>2</sup> )	43.26% (334.92m <sup>2</sup> ) deep soil zone provided	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	Insufficient information provided to clarify fence height.	No – refer discussion.
Solid Component:	0.7m	Fence is comprised with vertical battens only	Yes
Secondary Frontage:	1.8m	Insufficient information provided to clarify fence height.	No – refer discussion.



<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The site provides a north-south orientation and thus a minimum 3 hours direct solar access is provided to all adjoining properties.	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:	Less than 1.0m	1.49m	No – refer discussion below.
Basement ramp/driveway	3.5m	3.2m	Yes
Internal height:	2.2m	2.6m	Yes
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b>			
Area:	40m <sup>2</sup>	54.5m <sup>2</sup>	No – refer discussion below.
Height:	3.5m	4.325m	No – refer discussion below.
Side/Rear setback:	0.5m	0.9m	Yes
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	1.7m from western side property boundary and 6.1m from eastern side property boundary.	Yes

## Building Envelope

The proposal has been revised throughout the assessment process to achieve a more acceptable design which is more commensurate with existing and anticipated future development in the streetscape. Figures 13 – 16 below demonstrate the proposed façade changes which have resolved to delete the skillion roof angled to the façade and replace with a pitched roof form. The proposal has also incorporated a false garage door at the basement entrance so to better integrate with existing dwellings in the streetscape which comprise predominantly of at-grade parking.

The proposal is well articulated seeking a varied front setback with varying heights and a modulated built form. This assists in reducing the apparent bulk and height of the dwelling as viewed in the streetscape. This is of particular importance given the dwelling's requirement to artificially raised floor levels to address the flood affectation of the site.

## Floor to Ceiling Heights / Void Spaces

The proposal results in a void at the front entrance of the dwelling to a height of 5.9m. Whilst this exceeds the maximum 3m floor to ceiling heights required as per Section 4.1 of Part A of the SCDCP 2005, the void is contained to the front entrance only. All other floor to ceiling heights throughout the ground and first floor level achieve a minimum floor to ceiling height of between 2.7m – 2.9m. The void space is considered acceptable given that it is contained to the front entrance of the building and does not result in any perceivable impact to the bulk and scale of the development as viewed from the street.

The proposal seeks construction of a split level comprised of a media room with a floor to ceiling height of 3.3m which also exceeds the maximum permitted requirements. This floor to ceiling height is acceptable given that it is contained to this room only and will not result in any perceivable impact on the prevailing bulk and scale of the development as viewed from the street.

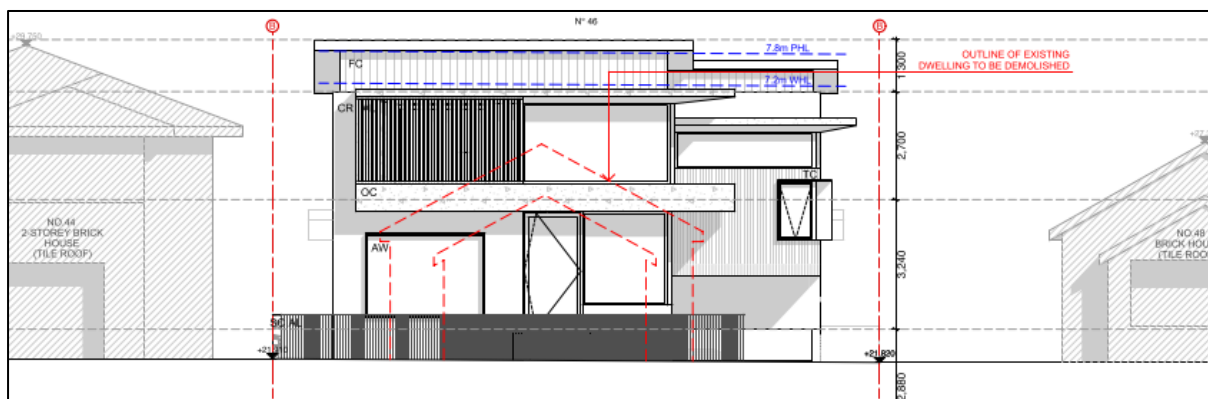


Figure 13: Original design featuring skillion roof angled up to the façade

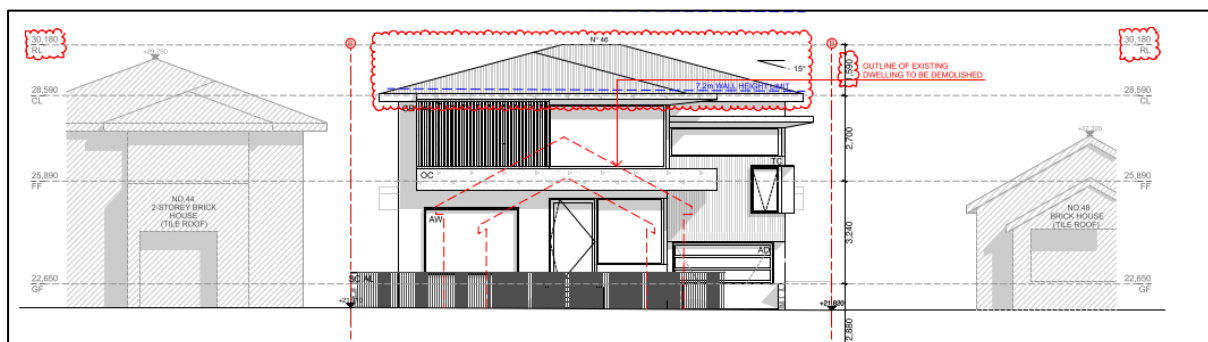


Figure 14: Revised and current proposal seeking pitched roof form



*Figure 15: Original design featuring skillion roof angled up to the façade*



*Figure 16: Revised and current proposal showing deletion of skillion roof element above first floor level and incorporation of false garage door at basement entrance.*

The proposed colours and materiality comprise of monument cladding, cream coloured cement render, off-form concrete, sandstone cladding and timber cladding. The proposed colours and finishes are understated yet high quality which will ensure the dwelling complements the streetscape of both traditional and contemporary built forms.

Overall the dwelling complies with the floor space and building height and setbacks prescribed for the site demonstrating that the siting, bulk and scale is generally acceptable for the site. Whilst it is appreciated that the proposal results in a substantially raised floor level, this is necessary to achieve the minimum freeboard required for the site. Accordingly, the proposal is acceptable in this regard.

### **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**

Whilst it appears that the proposal seeks front fence to a height of approximately 1.2m, the proposal has failed to provide the proposed RLs of the structure and thus the height of the front and return side fencing cannot be confirmed. A condition of consent is recommended to restrict the height of the front and return side fencing forward of the building line to 1.2m in height. The proposed design, colours and materiality of the fence are generally acceptable and will integrated nicely with existing fencing in the streetscape.

## **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. The proposed rear balcony adjoining bedroom 1 is provided with fixed privacy screening to both the eastern and western side elevations and will extend only 1m in depth so as to ensure it is utilised as a passive space only.

Due to the heavy flood affectation of the land, the ground floor level has been required to be designed to a minimum freeboard of RL 22.650. This has resulted in the rear alfresco area protruding 1.48 above NGL to a height of RL 22.550. The alfresco area does not constitute habitable floor area when designing a freeboard for flood affected properties. The level of the alfresco can be less than the minimum freeboard so long as it is not less than the 1 in 100 year ARI flood level. Accordingly, the alfresco is recommended to be reduced in height by 450mm from RL 22.550 to RL 22.10. This will ensure that the alfresco area align more closely toward the ground.

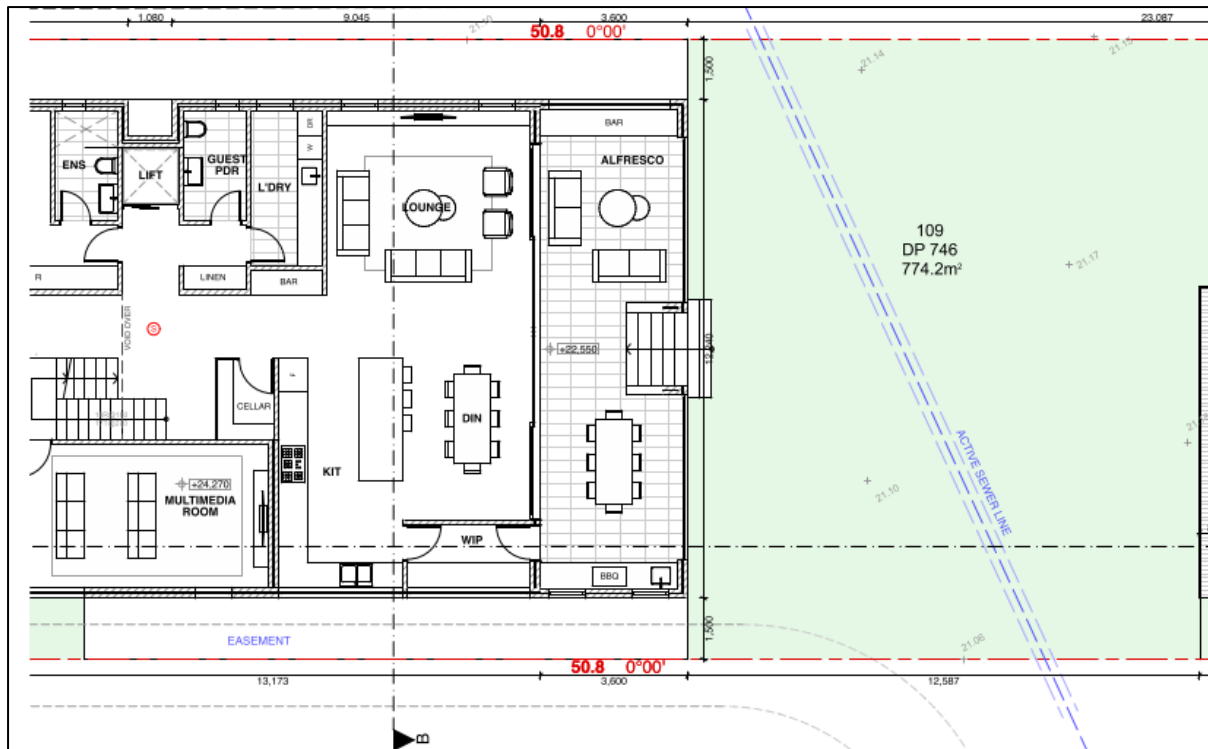


Figure 17: Ground floor level showing close proximity of alfresco.

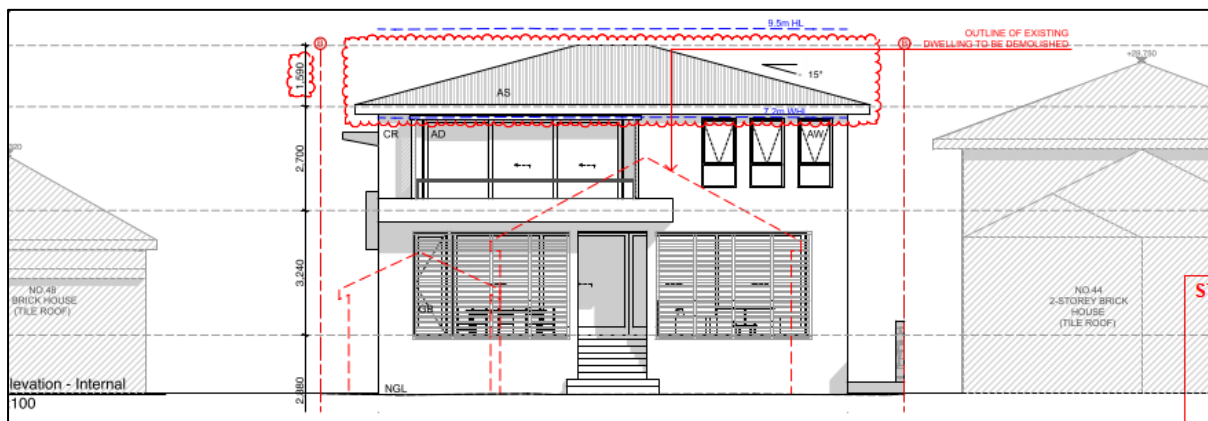


Figure 18: Rear southern elevation showing height of alfresco area.

Notwithstanding this condition, the alfresco will still be raised considerably above natural ground level. Accordingly, a condition of consent is recommended requiring the louvers to the eastern and western side boundaries to be permanently fixed so as not to result in any overlooking impacts to the eastern and western adjoining neighbours.

### Vehicular access, Parking and Basements

Due to the heavily flood affected nature of the site, the basement results in a maximum protrusion of 1.49m above NGL. This is contrary to Council's DCP controls requiring the basement not to exceed 1m above NGL. The submitted Flood Impact Study requires a minimum freeboard of RL 22.65 to be provided for habitable floor areas so to achieve 500mm above the 1 in 100 year flood level. If a basement were not proposed for the site, the dwelling would still be required to achieve a minimum floor height of RL22.65 thus being 1.49m above NGL. Given the location of the active sewer line traversing the site and the requirement for the floor levels to be raised substantially above the ground, it is considered appropriate in this instance that the development utilise this opportunity to provide a basement within this space.

The basement is generally confined to the ground floor footprint with the exception of the rear portion pertaining to the alfresco area. This is considered appropriate given that the basement must be extended this far beyond the front property boundary so to achieve the minimum gradient and crest height required for the site.

The proposed basement footprint has been revised throughout the assessment process (refer to Figures 19 and 20 below). Overall, the basement footprint has been reduced resulting in the deletion of the cinema, gym and sauna. This has reduced the overall floor space of the dwelling as well as ensuring all habitable rooms are now above the freeboard required for the site so as not to pose a flood risk to residents.

It is noted that there is no opening provided between the lift well/ stair area to the parking area within the basement. Accordingly, a condition of consent is recommended that an opening is provided so that access can be maintained between the stairwell / lift well and parking area of the basement.

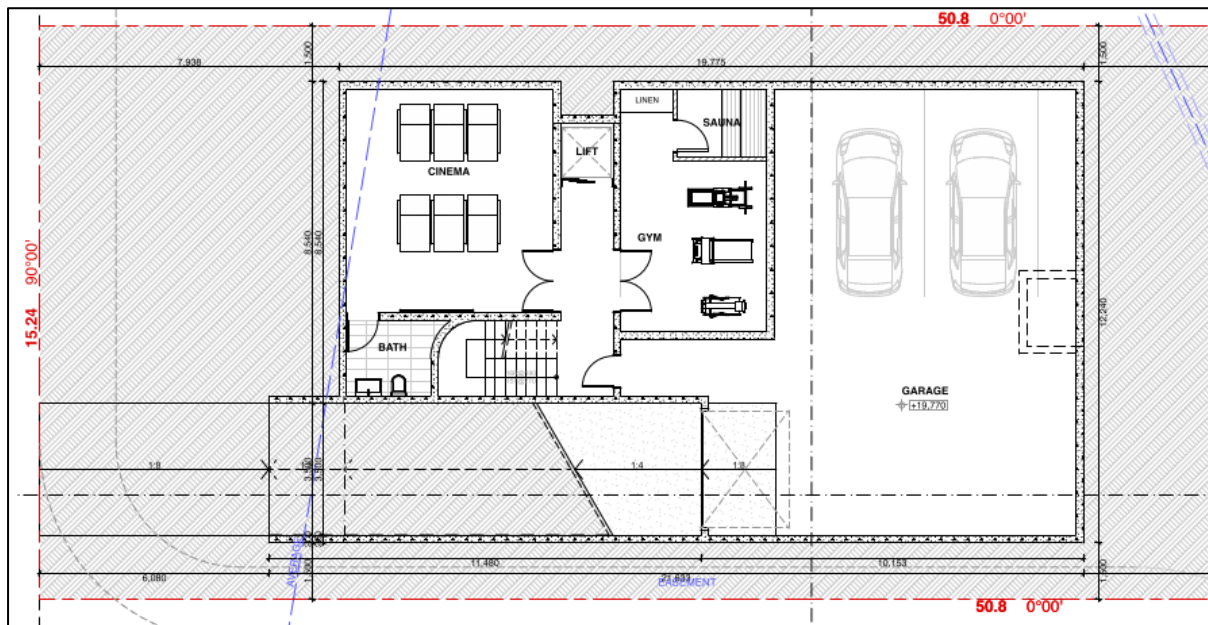


Figure 19: Original basement floor plan

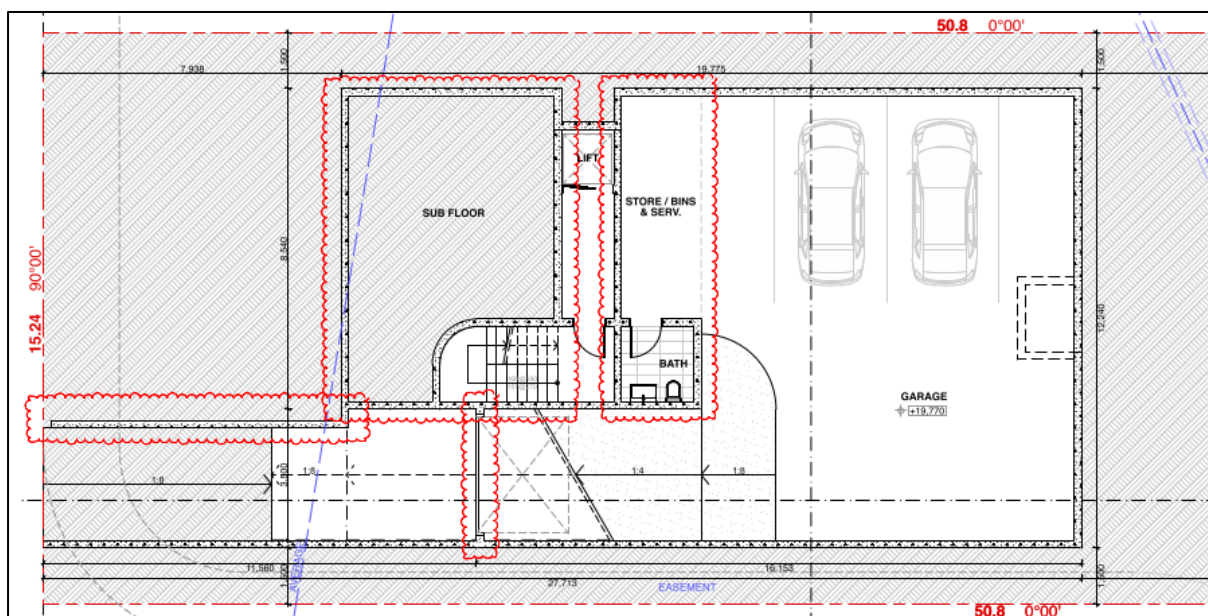


Figure 20: Amended and currently proposed basement floor plan

## **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005. Whilst there is considerable excavation required to accommodate the basement, the basement size is considered acceptable in this instance. 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**

### Outbuildings

The proposal seeks a cabana outbuilding with attached patio structure. The structure is proposed to a maximum building height of 4.325m and a total floor area of 54.4m<sup>2</sup> which exceeds the maximum permitted 3.5m building height and 40m<sup>2</sup> floor space requirements as per Section 4.2.2 of Part A of the SCDCP 2005. This is considered overly excessive and is not supported. A condition of consent is therefore recommended to ensure that the structure (inclusive of the patio area) does not exceed 3.5m at any point above Natural Ground Level and that the structure be reduced in size to 40m<sup>2</sup> (inclusive of the patio space). A further condition is recommended to ensure that the structure is not used as a separate domicile.

### 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. A condition of consent is recommended for the pool pump equipment to be located in a sound proof enclosure and for the pool coping to be designed to suit the flood affectation of the site in accordance with the recommendations of the Flood Impact Study. 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. The proposal has been designed having consideration for the flood affectation of the site and minimising impacts upon adjoining residents where possible. 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.

**(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 \$1,597,162.00 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	\$15,971.62
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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 SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2022/29 should be approved subject to conditions.



**Signed:**

**L Gibson  
Senior Planner**

**Date: 30<sup>th</sup> May 2022**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position; and
- ☒ 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 W Brown  
Planner**

**Date: 1 June 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 & Roof Plan	DA.01	12 April 2022	B	Blu print Designs
Demolition Plan	DA.02	12 April 2022	B	Blu print Designs
Basement Plan	DA.04	12 April 2022	B	Blu print Designs
Ground Floor Plan	DA.05	12 April 2022	B	Blu print Designs
Ground Floor Plan - rear	DA.06	12 April 2022	B	Blu print Designs
First Floor Plan	DA.07	12 April 2022	B	Blu print Designs
Roof Plan	DA.08	12 April 2022	B	Blu print Designs
Roof Plan - rear	DA.09	12 April 2022	B	Blu print Designs
North & South Elevation Plan	DA.11	12 April 2022	B	Blu print Designs
North Elevation – Internal & South Elevation – Rear yard	DA.12	12 April 2022	B	Blu print Designs

East & West Elevation	DA.13	12 April 2022	B	Blu print Designs
East & West Elevation - Rear	DA.13	12 April 2022	B	Blu print Designs
Section A	DA.15	12 April 2022	B	Blu print Designs
Section A - rear	DA.16	12 April 2022	B	Blu print Designs
Section B & C Plan	DA.17	12 April 2022	B	Blu print Designs
Section D Plan	DA.18	12 April 2022	1	Blu print Designs
Material Sample Board	DA.19	12 April 2022	B	Blu print Designs
BASIX Certificate	Cert no.1276323S	Issued 9 Feb 2022	-	-
Flood Impact Assessment Report	Ref.2293/R1	Dated 31 <sup>st</sup> Jan 2022	-	John Romanous & Associates
Stormwater Concept Plans	Sheets 1 - 3	Dated 30 Jan 2022	B	John Romanous & Associates

## 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.

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

### **3. Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to ‘Plumbing, building and developing’ section of Sydney Water’s web site at [www.sydneywater.com.au](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

### 4. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](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>	\$ 5,590.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 20,300.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 15,971.62

### 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).

## 5. 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.
Basement Access	An opening is to be provided between the stairwell and lift well area to the parking area of the basement so to enable residents to access the parking area internal to the building.
Basement subfloor	The basement subfloor shall be deleted from the design plans so as not to be misconstrued as basement footprint.
Privacy Screen	The privacy louvres both to the western and eastern side elevation of the alfresco shall be fixed in a position that does not allow downward viewing of the adjoining properties.

Cabana and Patio Building Height	<p>The maximum cabana and patio building height must be reduced from the proposed RL 25.625 to RL 24.8 or below.</p> <p>To achieve this, the roof pitch may be reduced or building lowered in height. This is required to bring the maximum allowed ridge height into compliance with the controls as stated in the relevant DCP (3.5m maximum from the Natural Ground Level beneath the ridge).</p>
Alfresco height	<p>The finished floor height of the alfresco area immediately adjoining the living room spaces shall be reduced in height by 450mm from RL 22.550 to RL 22.10 so as to ensure the alfresco area align more closely toward the ground.</p>
Cabana and Patio Floor Space	<p>The maximum permitted size for the cabana structure (inclusive of patio) shall be limited to 40m<sup>2</sup>. Accordingly, the structure should be reduced by a minimum of 14.5m<sup>2</sup> from 54.5m<sup>2</sup> to 40m<sup>2</sup> so to comply with the maximum outbuilding sizing requirements.</p>
Driveway width	<p>The existing vehicular access driveway layback must be utilised to accommodate the development. This is to ensure the ongoing protection of the Council street tree. The driveway shall be no more than 3m at the property boundary.</p>
Waste Management Plan	<p>A plan showing waste types and generation rates, location and specifications of waste room, onsite waste collection and access for collection vehicles, bulky waste room and garbage chute service room or any specialised waste equipment (when applied), as well as specifications for waste management and resource recovery. A WMP shall include drawings and images for proposed waste rooms, vehicle access path and collection areas.</p>
Front fence height	<p>The front boundary fence and return side fencing forward of the building line shall be constructed to a height no more than 1.2m and shall be constructed of materials so as not to interfere with flood waters as per the approved Flood Impact Statement.</p>
Front fence encroachment	<p>No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.</p>
Front fence opening	<p>The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.</p>
Pool Pump equipment	<p>The pool pump equipment is to be located in a sound proof enclosure and provided at a minimum height above the floor in accordance with the recommendations of the flood impact study.</p>



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

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

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

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

## **7. Tree Bond**

A tree bond of \$20,300.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

## **8. Site Management Plan**

### **Minor Development**

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

## **9. BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1276323S must be implemented on the plans lodged with the application for the Construction Certificate.

## **10. 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.

## **11. Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by John Romanous & Associated ref: 2293/R1 dated 31 January 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.

## **12. 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.

### **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. Geotechnical Report**

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 48 Long Street and 44 Long Street) prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Principal Certifier and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

### **15. 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.

## **16. 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).

## **17. Landscape Plan**

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

- (a) 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; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

## **18. 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.

## **19. 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.

## **20. Tree Protection and Retention**

The following trees shall be retained and protected:

<b>Tree No.</b>	<b>Tree Species</b>	<b>Location of Tree</b>	<b>Tree Protection Zone (metres)</b>
1	Lophostemon confertus	Street tree located front of 46 Long Street	6.0m

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.

## 21. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	Number of trees	Location
2	Murraya paniculata	1	Western side boundary of 46 Long Street
3,4	Callistomen sp	2	Eastern side boundary of 46 Long Street
5	Macadamia tetraphylla	1	Eastern side boundary of 46 Long Street
6	Murraya paniculata	1	Eastern side boundary of 46 Long Street

### General Tree Removal Requirements

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

### Tree Replacement

All trees permitted to be removed by this consent shall be replaced [3 trees for each tree removed] by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

### **22. 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).

### **23. 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.

### **24. 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](#).

## **25. 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.

## **26. Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council’s drainage system is approved then all work carried out on Council’s assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council’s Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

## **27. Registered Surveyors Report - During Development Work**

A report must be submitted to the Principal Certifier 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 Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.

- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) 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 Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

## **DURING CONSTRUCTION**

### **28. 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.

### **29. 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.

### **30. 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.

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

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

### **32. 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.

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

### **33. 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.

### **34. 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.

### **35. Minor Development**

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

### **36. 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.

### **37. 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.

### **38. Flood Prone Land – Survey of Levels**

A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.

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

### **39. 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.

### **40. 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.

### **41. Use of Structure**

The outbuilding structure is not to be used for human habitation or for any commercial or industrial purpose.

### **42. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings 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**

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

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

### **44. 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.

#### **45. 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.

#### **46. 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.

#### **47. 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](#).

#### **48. 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.

#### **49. 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**

#### **50. Clause 75 – BASIX Commitments**

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

#### **51. 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.

## **52. 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.

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

### **5. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

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

## **9. 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)



## **10. Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )