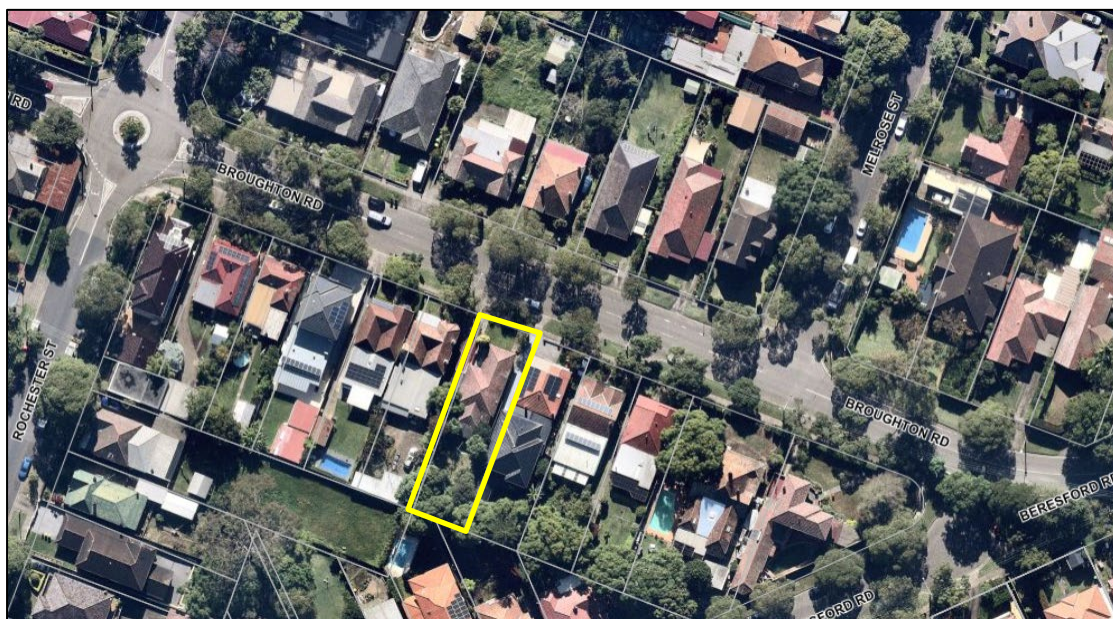


## IDAP REPORT

<b>Property:</b>	14 Broughton Road Strathfield LOT 1 DP 923396 DA2022/17
<b>Proposal:</b>	Demolition of existing structures and the construction of new double storey home with basement parking, in-ground swimming pool and associated landscaping.
<b>Applicant:</b>	C Lam
<b>Owner:</b>	MNL & C Lam
<b>Date of lodgement:</b>	2 February 2022
<b>Notification period:</b>	8 February 2022 - 24 February 2022
<b>Submissions received:</b>	2 written submissions received
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$1,023,211.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No, however immediately adjoins a heritage listed item " <i>Noveba</i> "— <i>Victorian Italianate style house</i> (16 Broughton Road, Strathfield) and the <i>Broughton Road Conservation Area, Federation houses group</i> listed under Schedule 5 of the SLEP 2012
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	N/A
<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 the construction of new double storey home with basement parking, in-ground swimming pool and associated landscaping.

### **Site and Locality**

The site is identified as 14 Broughton Road Strathfield and has a legal description of Lot: 1 DP: 923396. The site is located on the southern side of Broughton Road, west of the intersection of Broughton Road and Rochester St and east of the intersection of Broughton Road with Beresford Road. The site is a regular shaped parcel of land comprising a frontage width of 12.19m, a depth of 45.72m and a total site area of 556.4m<sup>2</sup>.

Development in the streetscape typically comprises single storey dwellings which are predominantly traditional in style. A heritage listed dwelling adjoins the site to the west with a conservation area located immediately opposite the site.

### **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 (8 February – 24 February 2022), where (2) submissions were raising the following concerns:

- Streetscape compatibility;
- Insufficient landscaping;
- Privacy;
- Heritage; and
- Material colours and finishes.

### **Issues**

- Streetscape compatibility;
- Flood affectation; and
- Tree removal / protection

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/17 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 the construction of new double-storey home with basement parking, in-ground swimming pool and associated landscaping. More specifically, the proposal includes;

Demolition: Demolition of existing structures including dwelling, garage and carport.

Construction: Construction of a new two (2) storey dwelling comprised of:

Basement level:

- Two (2) car parking spaces with car lift accessed from ground floor;
- Home theatre;
- Plant room; and
- Lift well and stair.

Ground floor level:

- Sitting room;
- Guest room;
- Bathroom;
- Open plan dining, family, rumpus and kitchen;
- Butler's pantry;
- Laundry;
- Outdoor dining adjacent kitchen; and
- At-grade car lift comprised of car parking space.

First floor level:

- Three (3) bedrooms;
- Master suite including bathroom and WIR;
- Retreat; and
- Separate bathroom.

External works:

- Swimming pool; and
- Associated landscaping and drainage works.

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

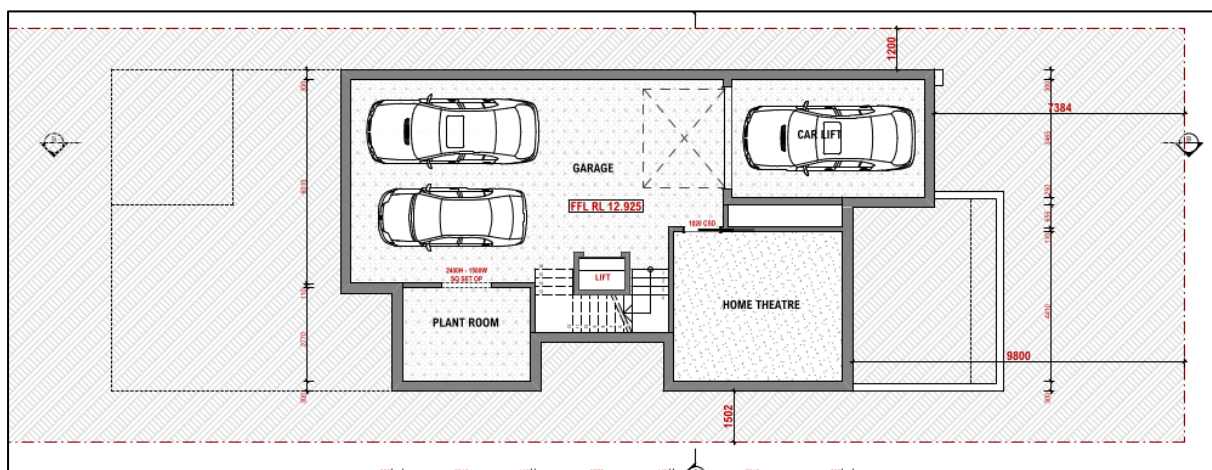


Figure 2: Proposed basement plan

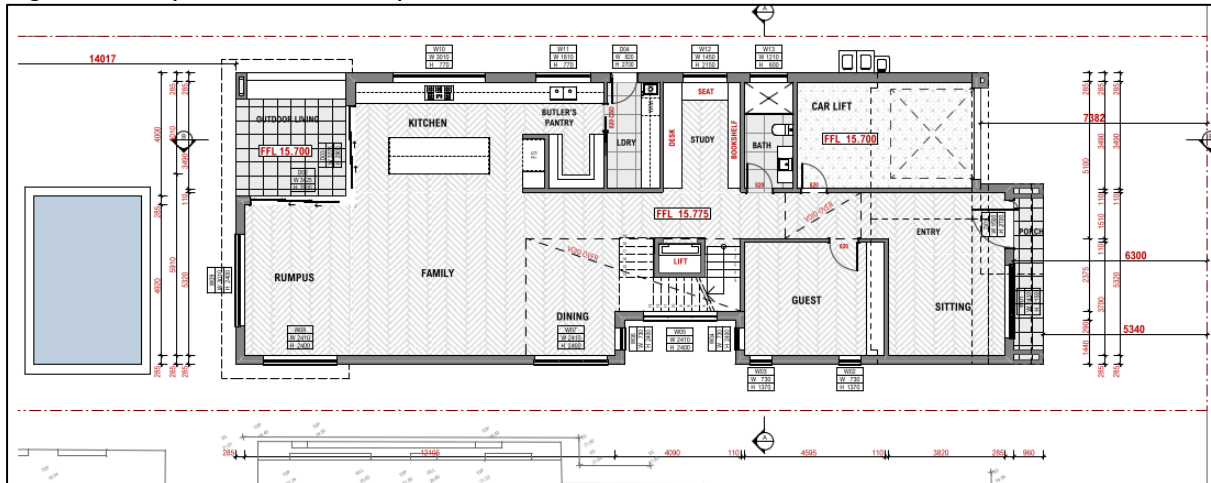


Figure 3: Proposed Ground Floor Plan

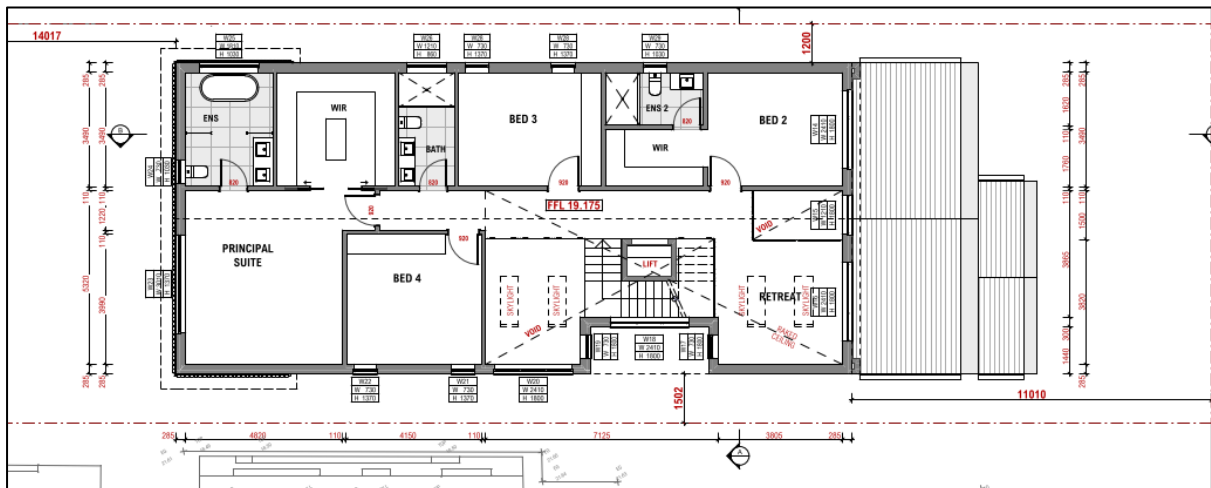


Figure 4: Proposed First Floor Plan

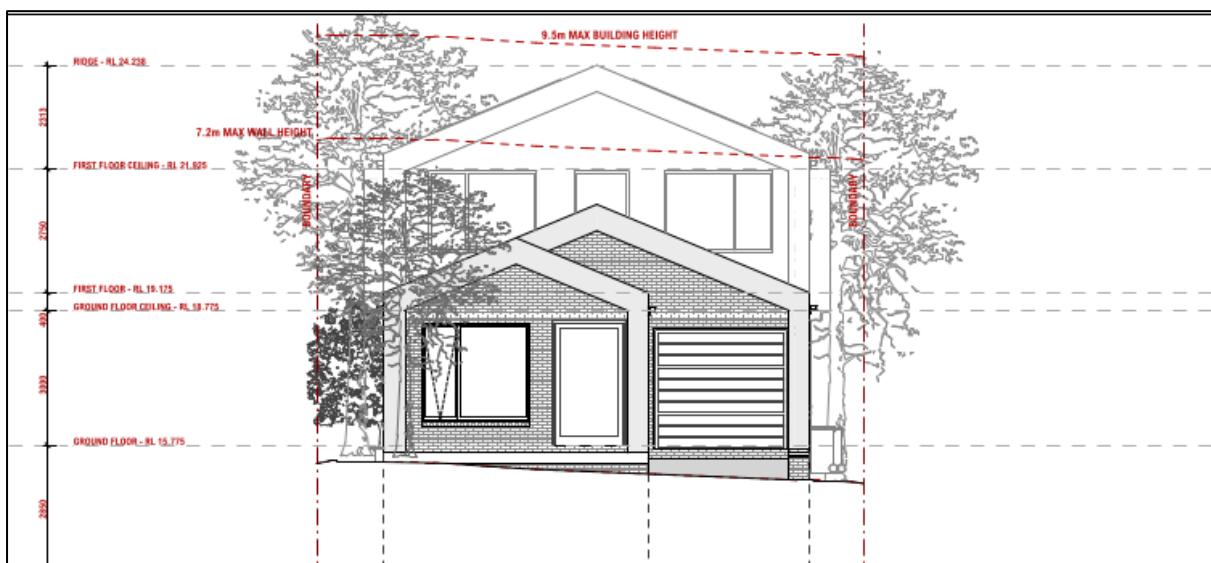


Figure 5: Proposed Front northern elevation plan



## The Site and Locality

The site is occupied by a single-storey red brick dwelling with pitched tiled roof form and attached garage and stacked carport. Vehicular access is provided to the site via an existing driveway from Broughton Road (refer to Figure 7 below).



Development in the streetscape typically comprises single storey dwellings which are predominantly traditional in style. There are some examples of two (2) storey development both in traditional and contemporary styles.

The site immediately adjoins a heritage listed item “Noveba”—*Victorian Italianate style house* (16 Broughton Road, Strathfield) to the west and is located across from the *Broughton Road*



*Conservation Area, Federation houses group* listed under Schedule 5 of the SLEP 2012 (refer to Figure 8 below).

The streetscape is relatively intact, typically portraying traditional federation and Victorian-style architecture. Federation-style dwellings comprise facebrick exterior walls, hipped and gabled rooves clad with terracotta tiles and low-lying timber and metal open-style fencing (Figures 9 and 10). The Victorian-style dwellings feature a rendered exterior façade with ornate fenestrations and bay windows. 12 and 20 Broughton Road are examples of more modern-style development through their colours and materiality (refer to Figure 11).



*Figure 8: Existing heritage listed dwelling immediately west of subject site at 16 Broughton Road.*





*Figure 9: Row of Federation Style dwellings forming the Broughton Road Heritage Conservation Area.*

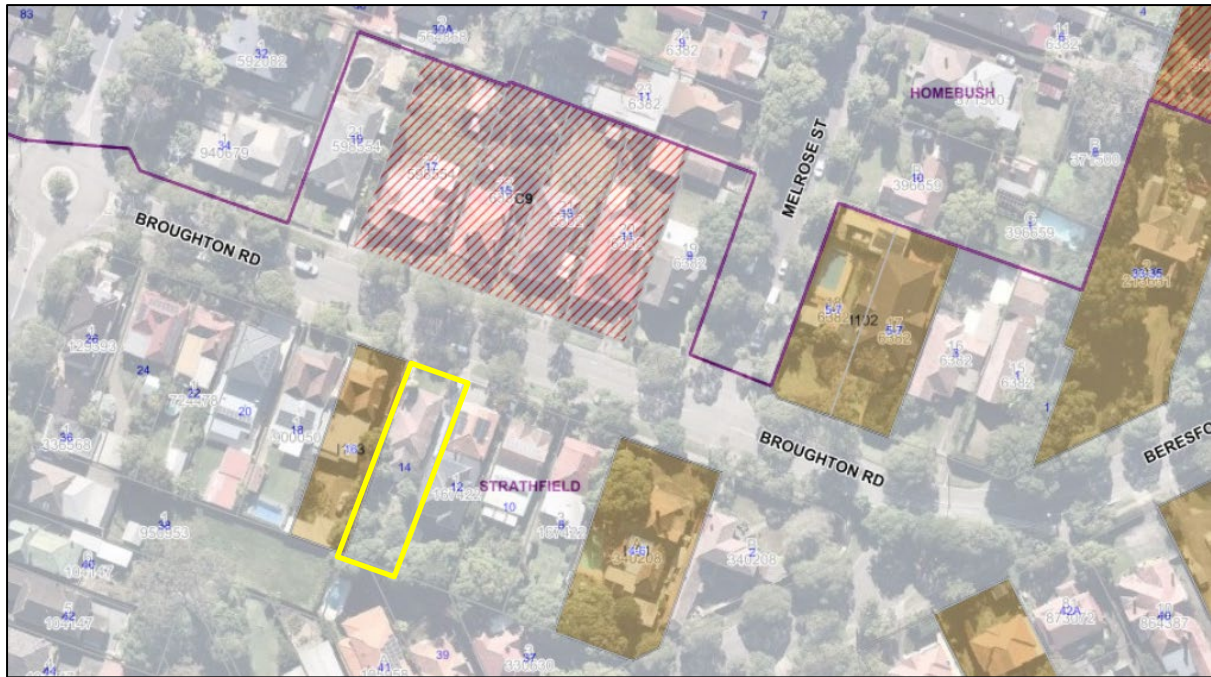


*Figure 10: Streetscape facing south showing subject site, 16 Broughton Road, 18 Broughton Road and 20 Broughton Road (left to right).*



*Figure 11: Streetscape facing south showing 12 Broughton Road, 14 Broughton Road and 16 Broughton Road (left to right).*





*Figure 12: Surrounding heritage Listed Items and Conservation Areas as per Schedule 5 of the SLEP 2012. Subject site outlined in yellow.*

### **Background**

2 February 2022	The subject application was lodged with Council.
8 February 2022 – 24 February 2022	The application was publicly notified for a minimum of 14 days, with the last date for submissions being 24 February 2022. Two (2) submissions were received during this time.
23 February 2022	A request for additional information letter was issued to the applicant, raising a number of issues including exceedance in floor space, streetscape compatibility and basement design.
21 March 2022	A second deferral letter was issued to the applicant requesting an Arboricultural Impact Assessment Report to be prepared and submitted to Council for further review.
19 April 2022	Revised architectural plans were submitted to Council via the NSW Planning Portal demonstrating some modifications have been made to the design.
22 April 2022	Council's Tree Management Coordinator provided comments raising concern for the revised plans and that the submitted Arboricultural Impact Assessment had been based on the original plans which failed to include a revised assessment on the altered orientation and location of the swimming pool which presented conflicts with the proposed pool and adjoining tree (Trees 12, 13 and 14). The report was requested to be amended to reflect this change.
22 April 2022	A third deferral letter was issued to the applicant requesting further changes be made in accordance with Council's Tree Management Coordinator's comments (as above). A further request to revise the

	architectural was made due to the dwelling's exceedance beyond the maximum permitted FSR.
20 May 2022	Revised documentation by way of a Heritage Impact Statement, revised architectural plans and revised Arboricultural Report was submitted to Council. The submitted documentation now successfully address the issues raised by Council in previous correspondence (as discussed above).

## **Referrals – Internal and External**

### **Stormwater**

The application was referred to Council's stormwater engineer for comment. No objections were raised subject to conditions.

### **Trees**

The application was referred to Council's Tree Management Coordinator for comment. The proposal could not be supported due to the following concerns were raised:

***“Anaoba Arbor needs to amend the report with new proposed relocation of the pool. This will allow the retention of Trees 12, 13, and 14.***

***Also should be advised further diagnostic testing of tree 14 (Brachychiton acerifolious) could be conducted at the location of the cankers to determine the tree long term retention (This was suggested by their consulting arborist)”.***

The application was re-referred to Council's Tree Officer for comment. No concerns were raised with the proposal subject to the imposition of conditions of consent.

## **Section 4.15 Assessment – EP&A Act 1979**

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

### **(1) Matters for consideration – general**

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

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

## **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

### **Chapter 2 – Vegetation in non-rural areas**

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

The proposal was referred to Council's Tree Officer who 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 a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

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

## **Chapter 10 – Sydney harbour Catchment**

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

## **STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 4 – Remediation of land**

Chapter 4 applies to the land and pursuant to Section 4.15 is a relevant consideration.

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

The objectives outlined within Chapter 4 of the SEPP are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

### **Strathfield Local Environmental Plan**

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

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

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

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	8.94m	Yes
<b>4.4</b> Floor Space Ratio	0.625:1 (347.75m <sup>2</sup> )	0.62:1 (345.48m <sup>2</sup> )	Yes



## Part 5 – Miscellaneous Provisions

### Heritage Conservation

The subject site is not listed as a heritage item, however the site immediately adjoins a heritage listed item “*Noveba*”—*Victorian Italianate style house* (16 Broughton Road, Strathfield – I103) to the north and is located across from the *Broughton Road Conservation Area, Federation houses group* listed under Schedule 5 of the SLEP 2012.

Item 103 “*Noveba*” is a good example of Victorian Italianate-style architecture showing stucco mouldings to the cornices, chimneys and window surrounds with a faceted bay window to the façade. The Broughton Road Conservation Area serves as a prime example of Federation-style architecture comprised of traditional pitched and hipped roofing capped with terracotta roofing and constructed with facebrick facades and open-style verandahs.

The proposed design was initially lodged as a two (2) storey dwelling with a generous front setback from the street. The proposal has been revised throughout the assessment process to further articulate and reduce the apparent bulk and height of the built form through introduction of a stepped first floor. This element will be largely obscured by the front single storey and pitched roof element of the structure.

The front setback has been revised throughout the assessment process so to more closely align with the established front setbacks of dwellings along the street (Figure 13, 14, 15 and 16). This enables the dwelling to better integrate with the prevailing bulk, massing, setbacks and scale of existing development in the street, including but not exclusive to, surrounding heritage items.



Figure 13: Original proposal presenting as a two (2) storey dwelling with generous setback sitting well behind the established building line along the street.



Figure 14: Amended proposal presenting as a single storey dwelling to the street and aligns more closely with that of existing dwellings in the streetscape.

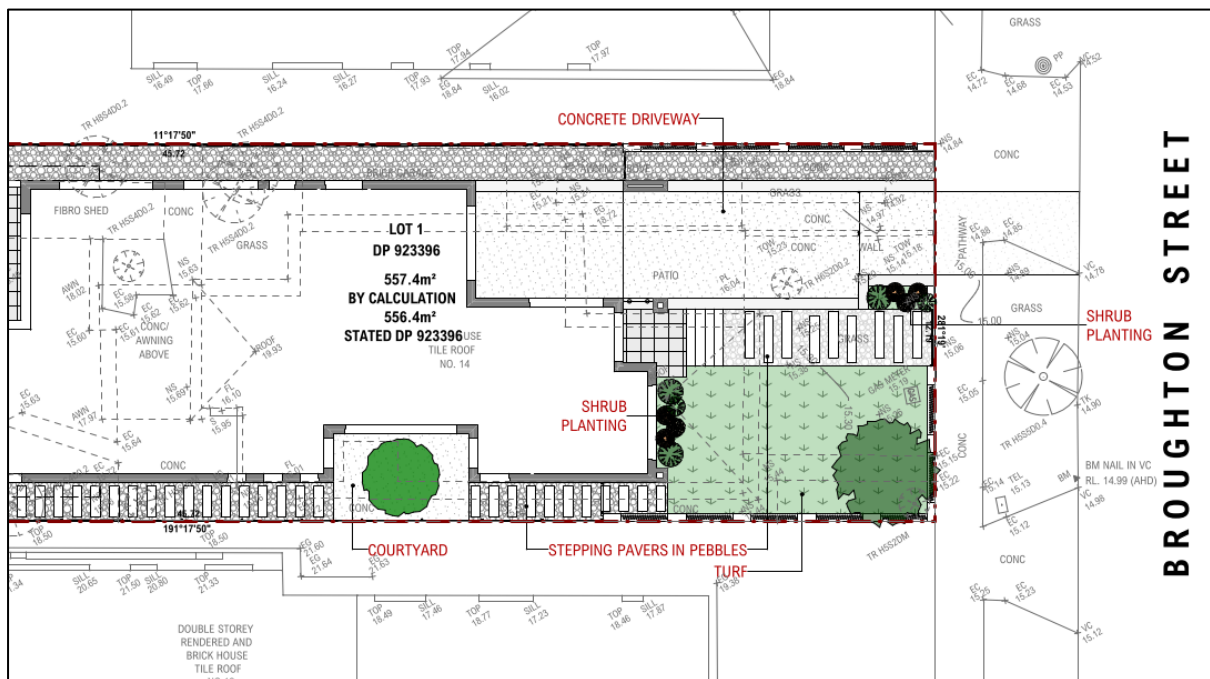


Figure 15: Original proposal siting behind prevailing front building line of existing dwellings in the streetscape.

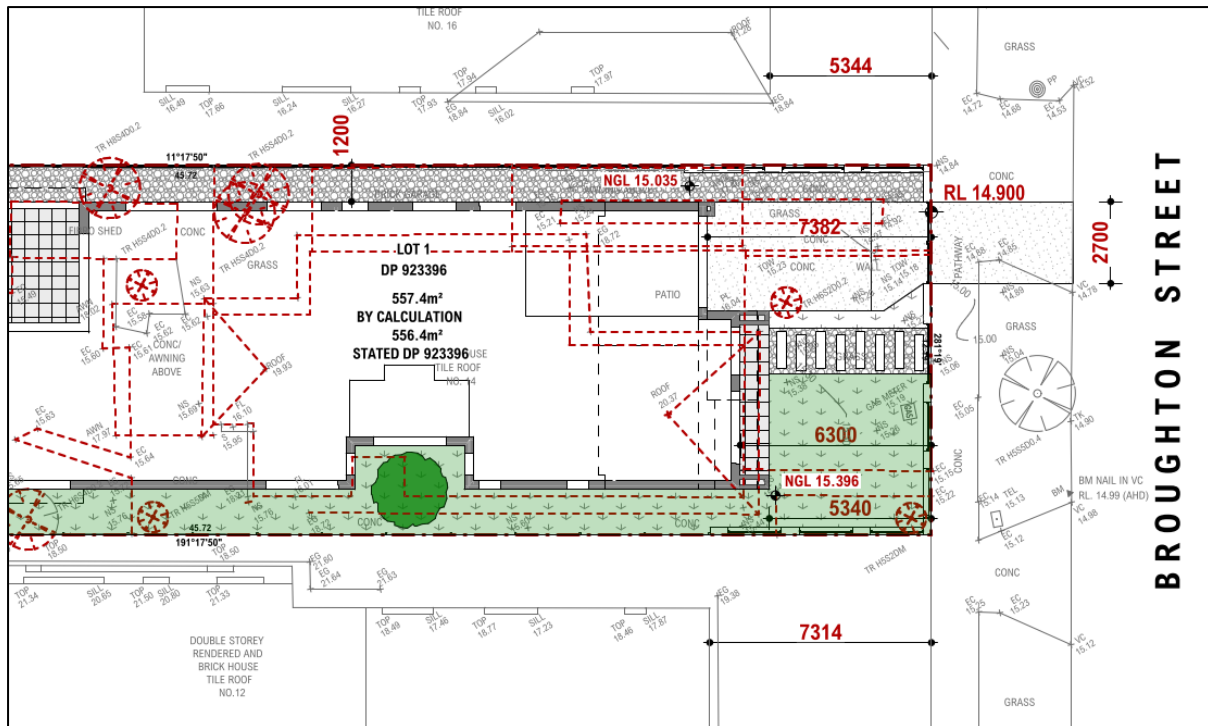


Figure 16: Revised proposal showing dwelling now more closely aligning with adjoining dwellings and that of the original dwelling's footprint.

The proposed material colours and finishes comprise a mottled brick façade with some timber look and Colourbond cladding accents. The front fence is a matching brick construction with timber look batten infill.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause. A further assessment against heritage compatibility is provided under the Part P assessment of the SDCP 2005.

## Flood Planning

The subject site has been identified as being at or below the flood planning level however the flood affectation of the land is contained to only the front portion of the site. Based on the flooding information submitted to Council by way of a Flood Impact Statement prepared by *NY Civil Engineering*, the minimum freeboard is to be RL15.8m AHD. The proposal seeks a freeboard of RL15.775 falling 0.25m short of the minimum required freeboard. A condition of consent is therefore recommended to ensure the floors are raised so to achieve a minimum freeboard of RL15.80m. Further, due to the flood affectation of the land, a condition of consent is recommended for the home theatre within the basement to be deleted and replaced as a storage room.

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. 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. 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:	3.0m	3m (ground floor) 2.75m – 4.242m (first floor)	No – refer to discussion below
Height to underside of eaves:	7.2m	6.73m	Yes
Basement height above NGL:	1.0m	475mm	Yes
Number of Storeys/Levels:	2	2	Yes

<b>Setbacks:</b>			
Front:	9m	5.4m	Yes – given front setback depth along the street is between 3m – 7m.
Side:	1.2m (min)	1.2m (west)	Yes
Side:	1.2m (min)	1.5m – 2.9m (east)	Yes
Combined Side Setback:	2.438m (20%)	2.7m – 4.1m	Yes
Rear:	6m	14m	Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	38.5% (214.21m <sup>2</sup> )	39.67% (220.7m <sup>2</sup> )	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	Insufficient information provided to confirm heights of fence.	To be conditioned
Solid Component:	0.7m		
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Site is oriented north-south thus allowing a minimum 3 hours to be achieved to adjoining properties.	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	2.7m	Yes – existing driveway utilised.
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.2m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Basement:</b>			
Basement protrusion:	Less than 1.0m	475mm	Yes
Basement ramp/driveway	3.5m	3m	Yes
Internal height:	2.2m	2.5m	Yes
<b>Ancillary Development</b>			
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	1.5m from eastern adjoining boundary and 7.2m from rear southern boundary.	Yes

## **Building Envelope**

The proposal has been amended during the assessment process resulting in a modified built form, massing and siting of the development on the site. The proposal now seeks a stepped first floor level so to enable the dwelling to present as single-storey in the street and thus achieve improve compatibility with existing heritage dwellings in the streetscape. The proposal achieves a compliant FSR, height and setbacks demonstrating that the development is suitably sited and encompassing of new development envisaged for the site.

A further assessment of the site's compatibility with the heritage streetscape is provided under the Part P assessment of this report.

## **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 proposal lacks sufficient detail regarding the proposed front boundary fencing. Based on the submitted information to Council, it appears that a brick fence is proposed comprising horizontal timber look fence infill. Whilst in principle, the design appears sympathetic to the streetscape, a condition of consent is recommended to ensure that further detail of the front fence is provided at Construction Certificate stage requiring the fence to be constructed to a height no more than 1.2m above NGL and to be constructed of brick and timber look aluminium infill.

Subject to conditions, it is considered that the fencing is 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. A condition of consent has been recommended to ensure the western elevation opening adjacent the alfresco is provided with privacy screening so that it does not result in any overlooking impacts to the western adjoining neighbours.



## **Vehicular access, Parking and Basements**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above and provides a minimum floor to ceiling height of 2.5m which is considered acceptable. The basement has been designed with car lift so to enable vehicles to enter the basement from the ground floor via Broughton Road. The two (2) car parking spaces within the basement allow for the two (2) cars to be parked abreast so that residents can alternate between cars without the need to manoeuvre on the street. The proposed design is therefore the most practical design solution for the site without resulting in any unnecessary and additional increase in the basement footprint which would ultimately require further excavation. A condition of consent is recommended requiring a covenant is in place to ensure the ongoing maintenance of the car lift.

## **Cut and fill**

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

## **Water and Soil Management**

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

## **Access, Safety and Security**

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

## **ANCILLARY STRUCTURES**

### Solar Panels

The proposed development satisfies the relevant objectives and controls within SCDCP 2005, is fixed to the roof and will not result in any noticeable visual impact as viewed from the street.

### 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 a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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

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

## **PART P – Heritage (SCDCP 2005)**

The revised application was supported by a Heritage Impact Statement prepared by Graham Hall Senior Heritage Consultant of *Tranplan Consulting*. The statement confirms that the existing dwelling on the property is a 1955 red brick dwelling which does not contribute to the heritage setting of the adjacent heritage item nor the heritage conservation area across from the site. The site is not in itself listed as a heritage listed item or is located within any heritage conservation area. The design has been amended throughout the assessment process seeking a setback first floor level which is mostly hidden from view by the roof line of the ground floor. The dwelling proposes a pitched roof form seeking a combination of contemporary and traditional external colours and finishes so as to integrate into the existing streetscape without resulting in a mock replication structure.

The submitted Heritage Impact Statement notes that the proposed dwelling will not impact on views towards to and from the adjoining heritage listed dwelling and that the siting, massing and chosen material colours and finishes will ensure that the new build does not compete with or visually overwhelm the item. The Statement notes that the new build will in fact respect and complement the item.

The submitted statement concludes that *“the replacement of the 1955 red texture brick house with the proposed house will constitute a change in eh setting of the adjacent listed house and of the hour houses in the Conservation Area, but will have no impact on their heritage significance, or people’s ability to appreciate that significance.”*

Having regard for the above, the proposal is acceptable and supported in this instance.

### **(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 as well as existing heritage buildings in the streetscape. 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,***

Conditions of consent have been imposed requiring deletion of the media room within the basement given the site being a flood affected allotment. Overall, 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. Two (2) submissions were received raising the following concerns:

**1. **STREETSCAPE COMPATIBILITY – concern is raised for the large two storey dwelling proposed in a section of Broughton Road with heritage houses and a very limited number of two storey houses.****

Comment: The design was amended during the assessment process resulting in a modified built form and reduced front setback so to better align with the building heights, massing and setbacks provided by existing dwellings in the streetscape. The revised design now features a single storey element fronting Broughton Road providing a stepped two (2) storey addition to the rear. This is considered acceptable as it matches the massing, heights and scale of the eastern adjoining dwelling at 12 Broughton Road and integrates more seamlessly with single storey dwellings in the streetscape, inclusive of heritage listed dwellings.

Whilst the property is not deemed heritage listed or is in a heritage listed conservation area, the scheme has sought to incorporate similar building elements through seeking a pitched roof form and facebrick exterior walls. The design is well articulated and appropriately sited so to allow a sense of openness to continue to be achieved in the street.

**2. **INSUFFICIENT LANDSCAPING – concern is raised for the proposed tree removal and insufficient landscaping which will not complement or enhance the area.****

Comment: The design was amended throughout the assessment process to address insufficient landscaping. The proposed landscaping scheme now reflects a numerically compliant deep soil zone allocation as per Part A of the SCDP 2005. The revised scheme aligns with the prevailing landscaping of existing dwellings along Broughton Road in terms of size and orientation so that it remain sympathetic to the street. Whilst some trees through the site are required for removal, this is considered acceptable subject to conditions including replacement tree planting. This has been further discussed in the previous internal tree referral comments and SEPP discussion sections of this report.

**2. **PRIVACY – concern is raised for the number of windows proposed along the western and eastern side elevations of the dwelling which result in privacy impacts to immediate neighbours.****

Comment: The proposed stairwell window to the eastern elevation directly aligns with the window of the dwelling at 12 Broughton Road, Strathfield. This is considered acceptable given that the stairwell window pertains to a passive area. The proposal seeks to plant a canopy tree in this area to assist in providing some screening. A condition of consent has been recommended to ensure the western elevation opening adjacent the alfresco is provided with privacy screening so that it does not result in any overlooking impacts to the western adjoining neighbours. All other windows and openings have been appropriately positioned and/or treated so as not to result in unacceptable privacy impacts.



**3. HERITAGE – concern is raised for the unsympathetic building which is located in a significant heritage area.**

Comment: The existing dwelling on the property is a 1955 red brick dwelling which is not listed as a heritage listed item or is located within any heritage conservation area. The dwelling therefore does not contribute to the heritage setting of the adjacent heritage item nor the heritage conservation area across from the site. The revised design was supported by a Heritage Impact Statement prepared by Graham Hall Senior Heritage Consultant of Tranplan Consulting. The statement argues that the proposal will not compete with or visually overwhelm the items given its revised siting and massing. The proposal will not result in any physical impact on the surrounding items or people's ability to appreciate the significance of these items.

**4. MATERIAL COLOURS AND FINISHES – concern is raised for the proposed metal sheet roof in the dark colour which is uncomplimentary to existing dwellings who are tiled.**

Comment: The design seeks a recycled facebrick exterior with alucobond and timber look cladding accents and a Colorbond steel roof. The proposal presents an array of both traditional and contemporary materials which blend with existing building colours and elements within the street without overpowering surrounding heritage items.

As previously discussed, the existing dwelling is a 1955 red brick dwelling which does not contribute to the setting of the area. The site is not heritage listed or in a conservation area. Notwithstanding this, the proposal has proposed a considered materials schedule which will ensure the dwelling integrates with existing development in the street.

**(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 \$1,023,211.00 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	\$10,232.11
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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. 2022/17 should be approved subject to conditions.



**Signed:**

**L Gibson  
Senior Planner**

**Date: 1 June 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:  
2022**

**G Choice  
Planner**

**Date: 1 June**

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

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 1/11	23.4.22	F	CLD Studio
Basement Plan	Sheet 4/11	23.4.22	F	CLD Studio
Ground Floor Plan	Sheet 5/11	23.4.22	F	CLD Studio
First Floor Plan	Sheet 6/11	23.4.22	F	CLD Studio
Roof Plan	Sheet 7/11	23.4.22	F	CLD Studio
North & South Elevation Plan	Sheet 8/11	23.4.22	F	CLD Studio
East & West Elevation Plan	Sheet 9/11	23.4.22	F	CLD Studio
Front Fence & Pool Elevation / Section Plan	Sheet 10/11	23.4.22	F	CLD Studio
Section Plans	Sheet 11/11	23.4.22	F	CLD Studio
Site Management Plan	SP	23.4.22	F	CLD Studio
Material Schedule	MS	23.4.22	F	CLD Studio



Arborist Report	Abnoba Arbor	4.5.22	-	Abnoba Arbor
BASIX Certificate No;1270649S	Cert NO.1270649S	Issued 21 Dec 2021		
Waste Management Plan		Jan 2022	-	CLD Studio
Flood Impact Statement	NY Civil Engineering			
Geotechnical Report	-	20 December 2021		
Stormwater Management Plan	E210573	11 Jan 2022	B	NY Civil Engineering

## 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>	\$ 3,581.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 3,050.00
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	\$ 10,232.11



## 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.
Privacy Screen	A privacy screen shall be provided to the [western side elevation wall of the rear alfresco area. The privacy screen is to be installed within the opening of the western side elevation wall and comprise of a material that cannot be seen through, such as translucent glazing. If louvres are to be used, they are to be fixed in a position that does not allow downward viewing of the adjoining properties.
Deletion of Home Theatre	The home theatre within the basement shall be deleted and replaced as a storage room so as to comply with the flood planning requirements.

Finished Floor Levels	The finished floor level shall be raised from RL15.750 to RL15.80 so to comply with the minimum freeboard required for the site.
Swimming pool equipment	The swimming pool equipment must be located within the basement plant room or within a relatively soundproof enclosure so as not to result in any discernible impacts to adjoining residents.
Front Fence Details	Further detail of the front fence must be provided in plan form demonstrating the fence is to be constructed to a height no greater than 1.2m at the front property boundary fronting Broughton Road. The fencing is to be constructed of brick with timber look aluminium batten infill so to complement the dwelling. Any side fencing forward of the front building line is to remain at 1.2m above NGL.
Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Front fence opening	The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.

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

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

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

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

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

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

## **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. 1270649S must be implemented on the plans lodged with the application for the Construction Certificate.

## **10. 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.

#### **11. 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.

#### **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. **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.

#### 15. **Off Street Parking – Compliance with AS2890**

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

#### 16. **Landscape Plan**

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

#### 17. **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.

#### 18. **Compliance with Submitted Arborist Report**

The recommendations outlined in the revised Arborist's Report titled **Arboricultural Impact Assessment** amended 4 May 2022 prepared by **Abnoba Arbro** must be implemented

throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

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

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
1	Lophostemon confertus	14 Broughton Road	4.8 metres
2	Callistomen viminalis	14 Broughton Road	2.4 metres
12	Koelrueteria bipinnata	14 Broughton Road	3.6 metres
13	Jacaranda mimosifolia	14 Broughton Road	7.3 metres
14	Brachychiton acerifolius	14 Broughton Road	4.6 metres

#### 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:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
1	Lophostemon confertus	14 Broughton Road	4.8 metres
2	Callistomen viminalis	14 Broughton Road	2.4 metres
12	Koelrueteria bipinnata	14 Broughton Road	3.6 metres
13	Jacaranda mimosifolia	14 Broughton Road	7.3 metres
14	Brachychiton acerifolius	14 Broughton Road	4.6 metres

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

#### General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with

the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

### **Specific Street Tree Protection Measures**

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

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

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

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

## **21. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree No.</b>	<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
3	Cupressus sempervirens	1	14 Broughton Road
4	Camellia japonica	1	14 Broughton Road
5	Jacaranda mimosifolia	1	14 Broughton Road
6	Liquidamber styraciflua	1	14 Broughton Road
7	Percia americana	1	14 Broughton Road
8	Viburnum sp	1	14 Broughton Road
9	Jacaranda mimosifolia	1	14 Broughton Road
10	Macadamia teraphylla	1	14 Broughton Road
11	Callistomen viminallis	1	14 Broughton Road

### **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 [4 trees for the trees 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.

### **22. Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Nader Zaki of NY Civil Engineering

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.

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

## 23. Demolition & Asbestos

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

## 24. 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.

## 25. 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](#).

## 26. 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.

## **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 be filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifier.

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

### **32. 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.

### **33. 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.

### **34. 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.

### **35. 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.

### **36. Stormwater Drainage Works – Works As Executed**

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;



- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

### **37. 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)**

### **38. Entering & Exiting of Vehicles**

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

### **39. 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.

### **40. Positive Covenant – Car Lift**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the mechanical parking installations (vehicle turntables, car lifts, ramp traffic signal system, car stackers, etc.). On completion of construction work, mechanical parking installations are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) Compliance with conditions of development consent relating to mechanical parking installations including vehicle turntables, car lifts, ramp traffic signal systems, and car stackers.
- b) That the works have been constructed in accordance with the approved design.
- c) Binding the owners and future owners to be responsible for ongoing maintenance required in terms of the mechanical parking installations.

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

#### 41. Requirement for a Construction Certificate

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

#### 42. 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.

#### 43. 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.

#### 44. 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.

#### 45. 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](#).

#### 46. 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.

#### **47. 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**

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

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

#### **49. 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.

#### **50. 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.

#### **51. 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](#).

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### **ADVISORY NOTES**

#### **1. Review of Determination**

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

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

#### **2. Appeal Rights**

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

### **3. Lapsing of Consent**

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

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

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

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

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

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

### **6. 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. (DA 2022/17 and reference this condition number (Advisory note 7)
- (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)