

IDAP REPORT

Property:	21 Long Street, Strathfield LOT 3 DP 755 DA2022.75
Proposal:	Demolition of existing structures and construction of a new two (2) storey dwelling with basement
Applicant:	Buildcraft Group Pty Ltd
Owner:	Mrs Katelyn Lee
Date of lodgement:	21 April 2022
Notification period:	10 May 2022 – 24 May 2022
Submissions received:	1
Assessment officer:	W van Wyk
Estimated cost of works:	\$1,779,231.00
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

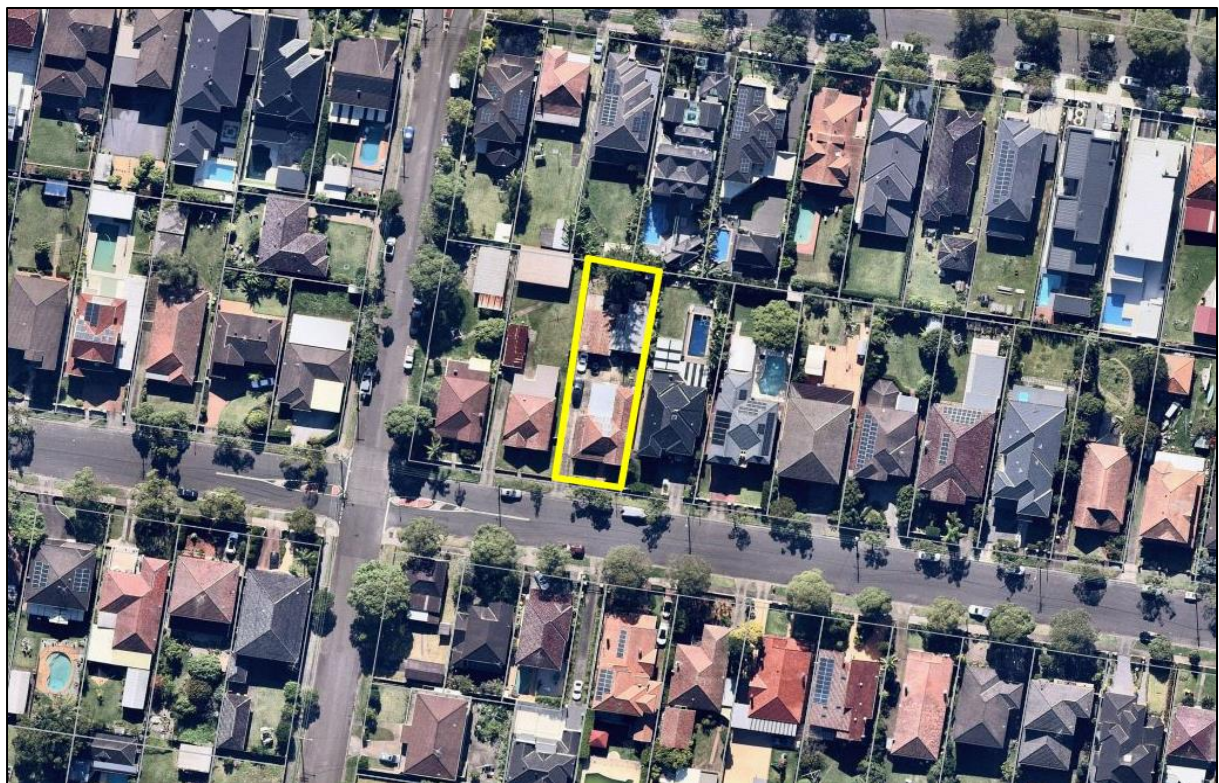


Figure 1: Aerial view of the subject site (annotated in yellow; Source: Nearmaps)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a new two storey dwelling with basement.

Site and Locality

The site is identified as 21 Long Street, Strathfield and has a legal description of Lot: 3 DP: 755. The site is a regular shaped parcel of land and is located on the northern side of the street. The site has a width of 15.2m, a depth of 50.8m and an overall site area of 774.2m².

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

Strathfield Local Environmental Plan (SLEP) 2012

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

Strathfield Consolidated Development Control Plan (SCDCP) 2005

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan (SCDCP) 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 (CPP) 2020 from 10 May – 24 May 2022, where one submission was received raising the following concerns;

- Location of AC unit;
- Location of pool pump; and
- Extent of overshadowing.

Issues

- Flooding; and
- Privacy.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act (EP&A Act) 1979, DA 2022/75 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 new two storey dwelling with basement. More specifically, the proposal includes:

Basement level:

- Two car parking spaces;
- Plant room;
- Powder room and shower; and
- A lift and stairwell that accesses all floors.

Ground floor level:

- Lounge;
- Guest room with WIR and ensuite;
- Study;
- Kitchen and pantry;
- Open plan dining and family room;
- Laundry; and
- Powder room.

First floor level:

- Four bedrooms, one with ensuite;
- Office;
- Rumpus with WIR and ensuite; and
- Bathroom.

External works:

- Front porch;
- Covered alfresco with BBQ area; and
- Swimming pool.

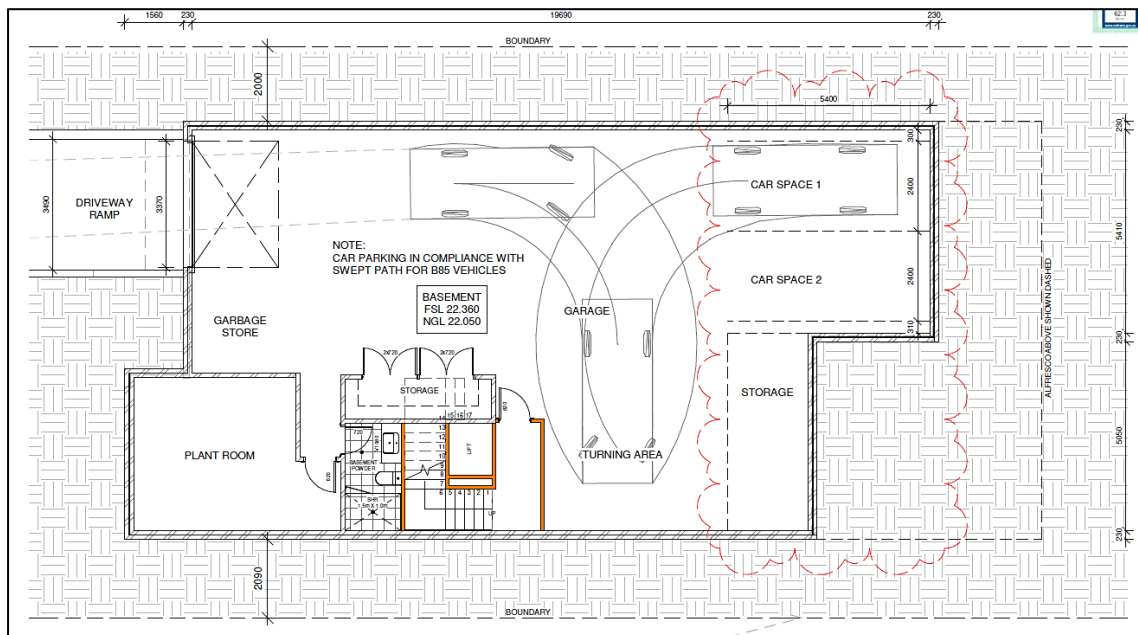


Figure 2: Proposed Basement Plan

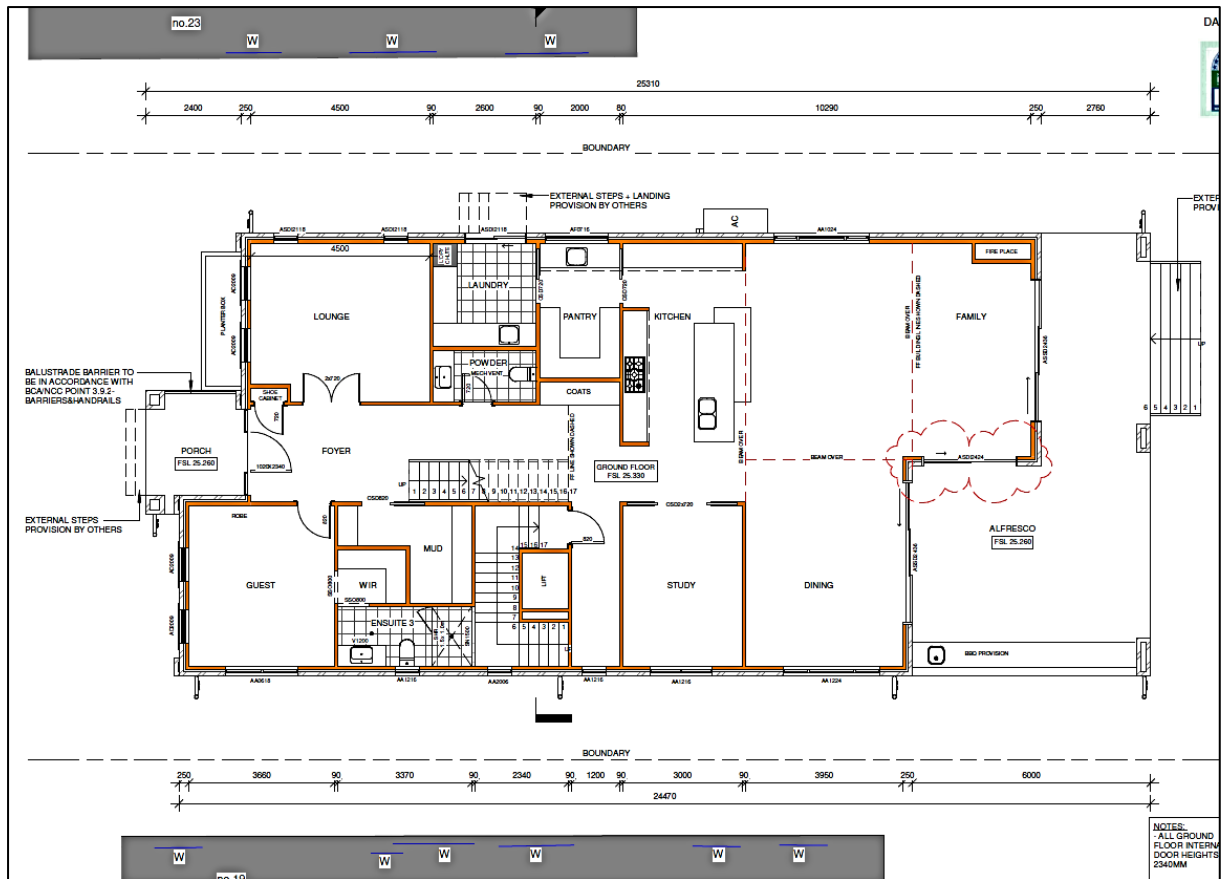


Figure 3: Proposed Ground Floor Plan

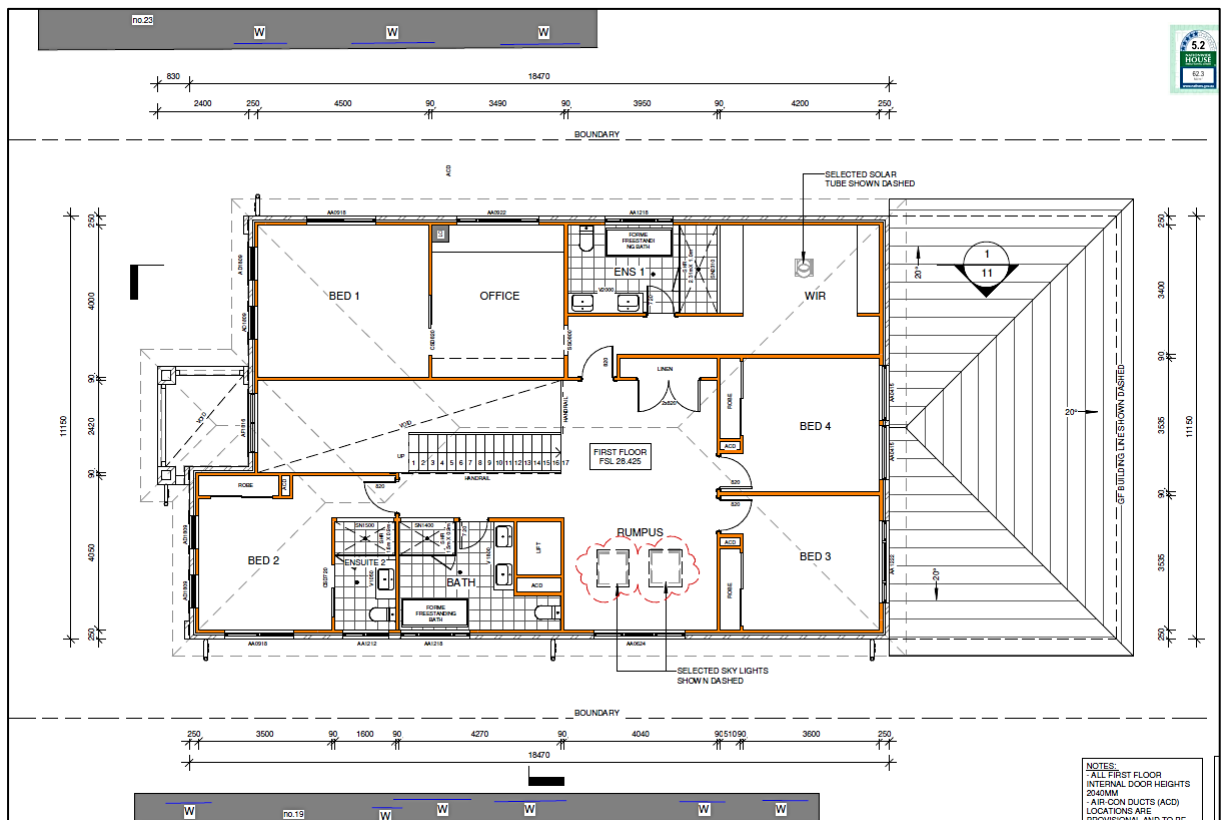
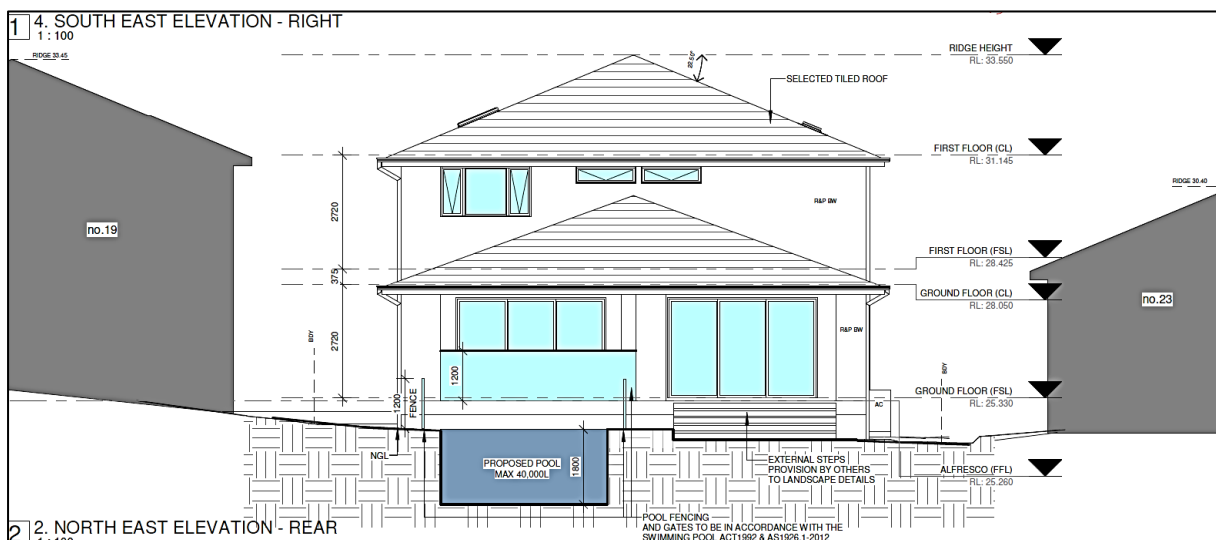
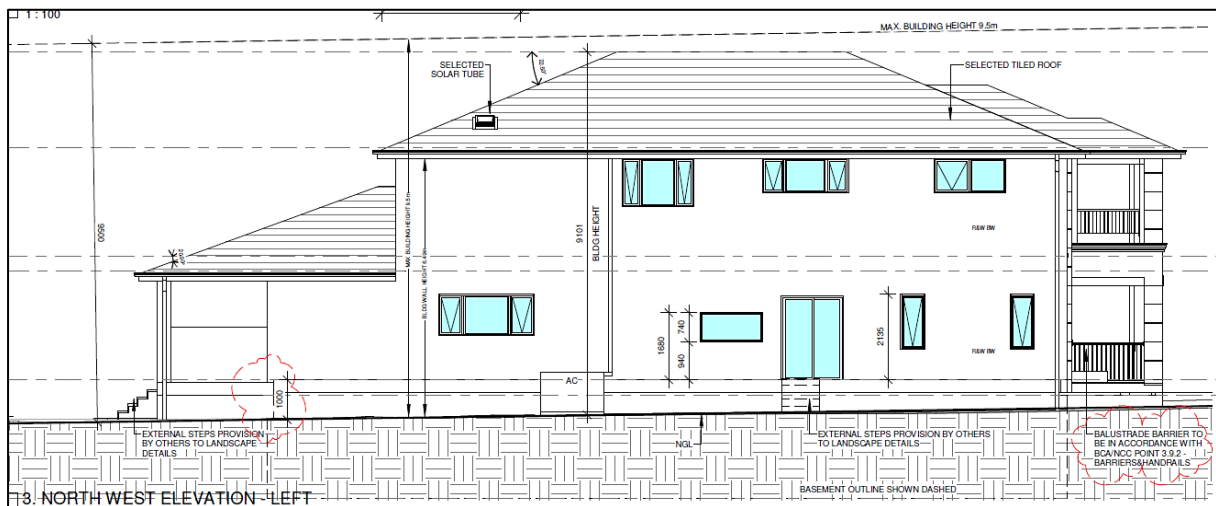


Figure 4: Proposed First Floor Plan



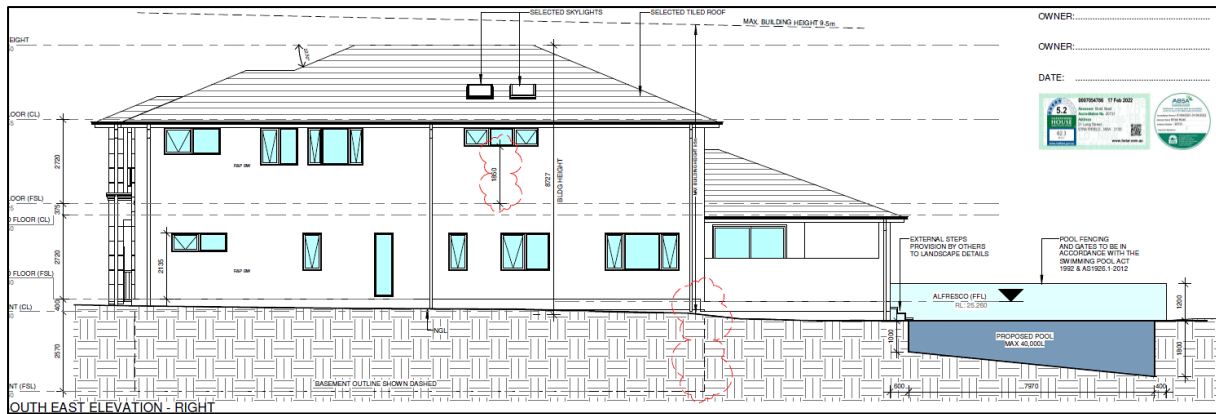


Figure 8: Proposed Eastern Elevation



Figure 9: Proposed Landscape Plan

The Site and Locality

The subject site is legally described as Lot: 3 DP: 755 and commonly known as 21 Long Street, Strathfield. It is located off the northern side of Long Street, between Cross Street and Liverpool Road.

The site is rectangular in shape and has a frontage (south) and rear (north) of 15.2m and side boundary lengths of 50.8m providing an area of 774.2m². The site has a gentle slope from the north western corner (25.31 AHD) towards the south eastern corner (24.34 AHD). There is a flood planning level at RL 24.8 AHD.

The site is occupied by a single storey brick house with a tiled roof. There is a garage structure at the rear as well as a carport and outbuilding (see **Figures 10 to 13**). Behind these structures is a small rear yard comprising of a lawn area. Vehicular access is provided along the western side boundary. There is also a Council drainage pipe running through the north western corner of the site.

The current streetscape is characterised by single dwelling houses of varying ages and architectural designs. Directly adjacent to the east of the subject site is a double storey rendered dwelling at 19 Long Street. Adjoining the other side boundary to the west is a single storey brick dwelling at 23 Long Street. Further to the west at 25 Long Street is also a single storey dwelling, however a rendered double storey dwelling was recently approved (DA 2022/24). Adjoining the rear boundary are two more contemporary two storey rendered dwellings fronting Mintaro Avenue. The surrounding area is characterised by residential properties with commercial activities fronting Liverpool Road to the north east.



Figure 10: Front Façade of the Existing Dwelling, as Viewed from the Street



Figure 11: Rear Yard Facing the Existing Dwelling



Figure 12: Rear Yard Facing the Existing Garage and Outbuilding



Figure 13: Rear Yard, as Viewed from the Rear Boundary

Background

- 21 April 2022** The subject development application (DA2022/75) was lodged with Council.
- 10 May 2022** The application was publically exhibited until **24 May 2022**. One submission was received which will be considered in this report.
- 18 May 2022** Council's Assessment Planner carried out a visit of the subject site.
- 25 May 2022** Additional information was requested for the following:
- Flood Report;
 - Reduced basement extent;
 - Additional information on stormwater pipe;
 - Reduced front fence height;
 - Additional tree in front yard;
 - Consideration of privacy relationship from Rumpus to 19 Long Street; and
 - Various minor inconsistencies and clarifications.
- 6 July 2022** The additional information was received from applicant. This still resulted in a basement protrusion above 1m. Further information (Revision F architectural drawings) was received **22 July 2022** which reduced the maximum protrusion to less than 1m.

Referrals – Internal and External

Development Engineer Comments:

The application was referred to Council's Development Engineer who requested the following amendments:

- Flood Report;
- Amend Stormwater Management Plan to limit impervious area draining to absorption trench to 40m²; and
- Pull back pool area to not cover Council drainage pipe.

These items were requested as part of the Request for Additional Information (Stop the Clock) on 25 May 2022. An amended design and additional information was provided on 6 and 22 July 2022. This was re-referred to Council's Development Engineer and confirmed as suitable, subject to conditions of consent.

Council Tree Management Coordinator Comments:

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

- Landscaping around existing *Araucaria heterophylla*- *Norfolk Island Pine* located along rear boundary:
 - No ground levels changes to occur within 6 metres radius of the trees trunk.
 - Reduce turf around base of trunk and garden edging to be a minimum of 2.5 metre from the base of the trees trunk.

These changes were incorporated into a revised Landscape Plan (Rev E, dated 18 July 2022) and is considered acceptable. Standard conditions of consent relating to arboricultural matters were also provided and are incorporated.

Section 4.15 Assessment – Environmental Planning & Assessment Act (EP&A Act) 1979

The following is an assessment of the application with regard to Section 4.15(1) of the EP&A Act 1979.

(1) *Matters for consideration – general*

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site. The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of the existing 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. Accordingly, 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 (No. 1281134S) 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 of the EP&A Act 1979 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. It appears the historic uses are residential. 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 (SLEP) 2012

The development site is subject to the SLEP 2012.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Max 9.5m	9.27m	YES
4.4 Floor Space Ratio	Max 0.575:1	0.46:1	YES

The proposal complies with the relevant development standards. The gross floor area (GFA) has been calculated as 5.99m² less than the applicant's calculations as the basement storage areas have been excluded. However, the lift and stairs have been counted on the ground floor.

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 design was amended to accommodate these flood levels. 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 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 was reduced at the request of Council and is now contained within the footprint of the ground floor above.

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 a Dilapidation Report for adjoining properties will be imposed as a condition of consent. 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. There is also an existing dwelling on the site.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the SLEP 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 directly relevant to an assessment of the proposed development on the subject site.

(iii) any development control plan,

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

Applicable SCDCP 2005 Controls	SCDCP 2005 Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights (Max):			
Floor to ceiling heights:	3.0m	2.72m	YES
Height to underside of eaves:	7.2m	6.67m	YES
Basement height above NGL:	1.0m	0.9m	YES
No. of storeys:	2	2	YES
Setbacks (Min):			
Front:	9m	10.44m	YES
Eastern side:	1.2m	2m	YES
Western side:	1.2m	2.09m	YES
Combined side setback:	3.5m	4.09m	YES
Rear:	6m	15.89m	YES
Landscaping (Min)			
Total area:	774.2m ² x 43% = 332.9m ²	364m ²	YES
Front setback (measured at 9m):	50% (67.5m ²)	52% (69.7m ²)	YES
Proportion of overall in the rear yard:	50% (166.45m ²)	82% (273.4m ²)	YES

Fencing (Max)			
Overall front fence height:	1.5m	1.2m	YES
Front fence solid component height:	0.7m	0.5m	YES
Piers height:	1m	1.2m	NO (see below)
Side and rear fence:	1.8m	1.8m	YES
Solar Access			
Adjoining POS (min):	3hrs on winter solstice to 50%	>3hrs	YES
Vehicle Access and Parking			
Boundary driveway width (max):	3m	3m	YES
Vehicular crossing (max):	1	1	YES
Driveway setback – side (min):	0.5m	2.5m	YES
No. of parking spaces:	2	2	YES
Basement:			
Basement protrusion (max):	1.0m	0.9m	YES
Basement ramp width (max):	3.5m	3.5m	YES
Internal height (min):	2.2m	2.3m	YES
Ancillary Development			
SWIMMING POOL			
Side/rear setback (min):	1.0m	3.4m	YES

Building Envelope

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building scale, height and floor space ratio;
- Rhythm of built elements in the streetscape;
- Fenestration and external materials; and
- Street edge.

There is an emerging contemporary two storey character in the streetscape consistent with the development standards. This includes the recently constructed adjoining development at 19 Long Street and the recent approval at 25 Long Street (DA 2022/24). The proposed development is consistent with this character, reflecting the building scale, streetscape rhythm and rendered appearance (see **Figure 13**).



Figure 13: Proposed Street Montage Ceiling Height

The proposal generally provides 2.72m floor to ceiling heights which easily comply with the 3m maximum control. However, the void above the foyer and stairway does not comply (see **Figure 14**). The void area is only approximately 15m² which is considered reasonable. As it is centrally located, it will not result in overshadowing impacts on surrounding sites and contributes to a consistent architectural appearance. The proposal remains within a compliant building envelope. Accordingly, the minor non-compliance is considered reasonable in the circumstances.

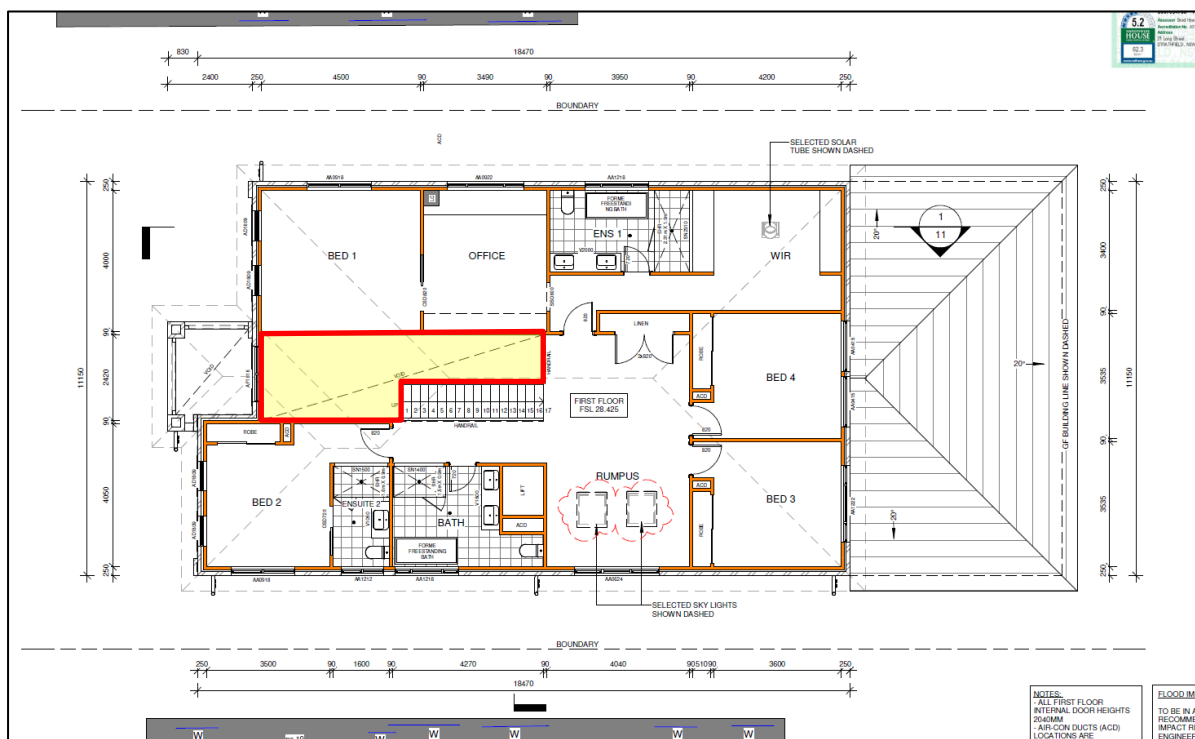


Figure 14: Second Floor Level with Void Highlighted

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. In response to Council's request, an additional tree was proposed in the front yard to comply with 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. Where possible trees have been retained and protected.

Fencing

The proposed front fence will be a maximum of 1.2m which easily complies with the 1.5m SCDP 2005 provision. There will be a 0.5m solid dwarf wall with 0.7m aluminium piers above. There will be 0.3m wide rendered masonry piers at regular intervals with a wider 1.2m component next to the driveway gates (see **Figure 15**). These solid components are anticipated by the SCDP 2005 which states:

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street and do not exceed a height of 1.5m. Where the predominant height of fencing in the street is higher, the solid fence component shall not exceed a height of 1m.

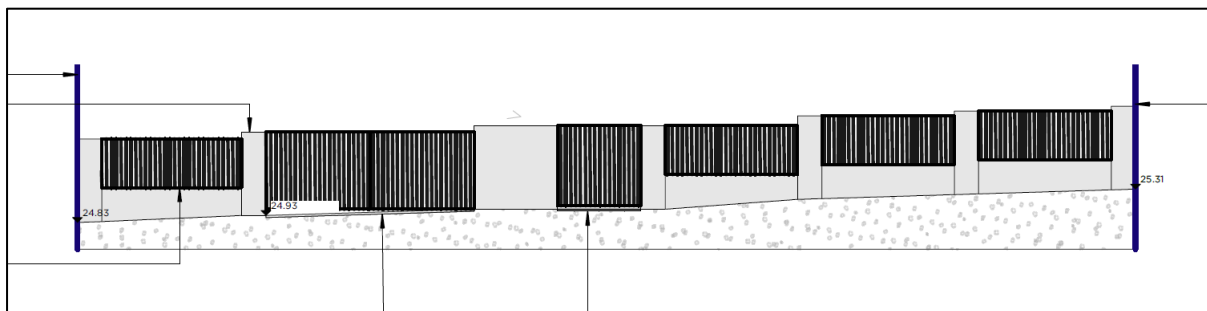


Figure 15: Proposed Front Fencing

However as these elements extend to 1.2m, they exceed the 1m height provision. This is a minor exceedance with creates greater consistency in the fence appearance. The fence will continue to satisfy the relevant objectives within the SCDP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences. Accordingly, the minor exceedance is supported in this instance.

The side and rear fencing is identified as 1.8m on the side and rear colourbond fences which complies with the SCDP 2005.

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 of the development is achieved for a minimum period of 3 hours between 9.00am-3:00pm on the winter solstice, which complies with the SCDP 2005 provision.

Solar access is also maintained to more than 50% of the private open space of the adjoining properties. There will be some overshadowing of 23 Long Street at 9am and 19 Long Street at 3pm, however this almost entirely avoids the rear yards of these properties and will not significantly impact upon amenity.

Privacy

The SCDP 2005 requires windows to be greater than 9m from neighbouring windows or else be obscured, offset or at least 1.7m above the floor level. On the upper levels, windows are either clerestory or service a bathroom and therefore there will not contribute to unacceptable overlooking. In response to a request from Council, the rumpus room was amended to have a window sill height of 1.85m. The applicant has agreed for the bathroom and ensuite windows to be translucent glazing and this has been conditioned.

The only potential significant privacy impact will be from the raised alfresco area at the rear which could facilitate sightlines into the adjoining properties. The floor level of this area is at RL 25.26 while the top of the side boundary fence appears in the order of RL 26.00. Given the alfresco area is proposed to be covered, it is likely to be utilised frequently. The ground of the alfresco area is raised 1m above the existing ground level (see **Figure 16**). To provide a balance between privacy and access from the living area, this area will be conditioned 500mm lower to RL 24.76 in accordance with Section 5.2.3(3) of the SCDP 2005.

As the area will remain raised, a condition of consent requiring a 1.8m privacy screen along the eastern and western boundaries of the alfresco area will be imposed to ameliorate this privacy impact. This is in accordance with Section 7.2.3(2) of the SCDP 2005. The occupants of the dwelling will benefit from the screening as it will provide some relief from the afternoon sun and glare.

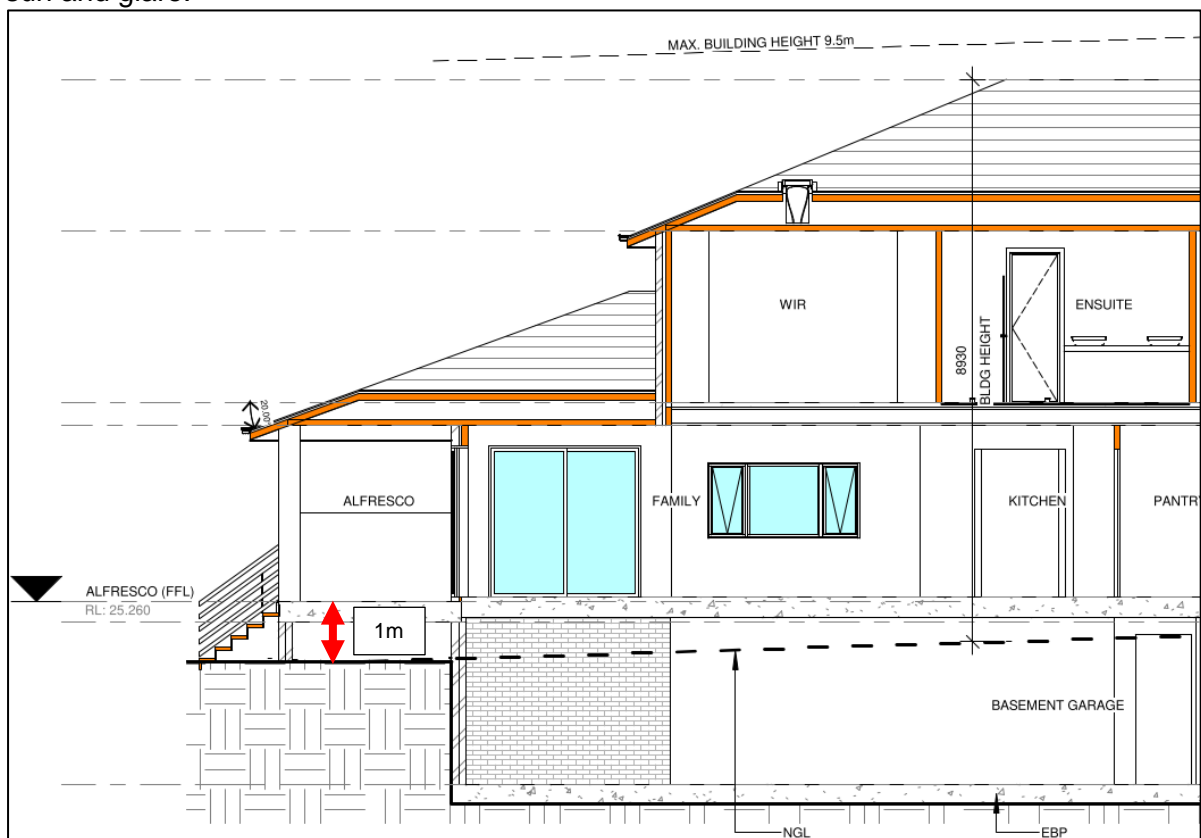


Figure 16: Section showing raised alfresco

The proposed development, as conditioned, 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.

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, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of more than 2.2m.

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 Sediment Control Plan has been submitted with the application and will form part of the conditions of consent. This will ameliorate potential soil disturbances during construction.

There is a Council culvert running through the north western corner of the site. An easement around this culvert has been conditioned.

Access, Safety and Security

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. Accordingly, the proposed development satisfies the relevant objectives and controls of the SCDCP 2005.

Swimming Pools & Associated Enclosures

The pool has been adequately setback from all adjoining boundaries, with a minimum of 3.4m to the eastern boundary. The pool pump equipment has been located in a sound proof enclosure which will be conditioned to comply with the 5dBA noise level as per the SCDCP 2005. The pool coping has been designed to suit the existing ground level of the site. The Landscape Plan shows the pool coping at RL 24.53 which is appropriate given the lawn area will be at RL 24.35. The swimming pool fence/enclosure will comply with the Swimming Pools Act 1992 and relevant standards. The Landscape Plan identifies the pool fence at 1.2m with a self-closing and locking gate as per AS1926.1-2012. The pool depth will vary between 1m and 1.8m which is also considered acceptable. Accordingly, the proposed swimming pool satisfies the relevant objectives and controls with SCDCP 2005.

Waste Management

In accordance with Part H of SCDCP 2005, a Waste Management Plan was submitted with the application. The plan details measures for waste during demolition and construction however does not address the on-going waste generated by the development during its use. Accordingly, a requirement for an updated Waste Management Plan to be provided prior to the issue of the Construction Certificate has been imposed as a condition of consent. With the implementation of this condition, it is considered that the proposal adequately addresses Part H and is satisfactory in this regard.

(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 involves the demolition of existing building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality. Solar access is assessed in greater detail below, while privacy was assessed under the SCDCP 2005.

Solar Access

Solar access to the subject site and the POS of adjoining properties was assessed under the SCDCP 2005 above. However, the potential impacts on the windows of the surrounding properties is also a relevant consideration.

The elevational shadow diagrams demonstrate the proposed dwelling will only overshadow the eastern side windows of 23 Long Street until 10am. Any overshadowing of these windows later in the day is caused by 23 Long Street itself. This is not considered unreasonable, particularly given the compliant building envelope.

Western windows of 19 Long Street facing the subject site will not be impacted until after 1pm. In any event, these do not appear to be primary windows with the dwelling orientated towards the north and east.

Accordingly, the proposal is considered acceptable in regards to solar amenity.

(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.

The application does not propose any structures above or in the direct vicinity of the Council stormwater pipe in the north western corner. An easement around this culvert will be conditioned.

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

In accordance with the provisions of Council's Community Participation Plan (CPP) 2020, the application was placed on neighbour notification for a period of 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received from 23 Long Street raising the following concerns:

1. Location of AC Unit

Comment: The applicant was requested to relocate the AC Unit away from the side setback as part of the additional information request dated 25 May 2022. The applicant has expressed a willingness for a condition to meet the required DB rating once installed. This has been included as a condition of consent. The AC Unit remains set back 1.5m from the boundary. Placing the AC Unit on the alfresco area would not be reasonable in the circumstances. Accordingly, the location of the AC Unit is considered acceptable.

2. Pool Pump Location

Comment: The applicant was requested to provide details on the pool pump location as part of the additional information request dated 25 May 2022. The applicant responded with revised drawings (Revision E) which identified the pool pump along the boundary with 19 Long Street. The pool pump is located behind the building line of 19 Long Street and is considered acceptable.

3. Shadow Diagrams

Comment: The applicant was requested to provide additional details on the shadow diagrams towards 23 Long Street. This information was provided on 5 July 2022. As addressed earlier in this report, the proposal complies with the solar access requirements in the SCDGP 2005. Accordingly, it is not considered reasonable to request the proposed building be moved forward on the site. In any event, this would not significantly improve solar access.

(e) *the public interest.*

The proposed development is of a scale and character that is not antipathetic to the public interest. The works will revitalise an ageing site and thereby improve the visual amenity.

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 \$1,779,231 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	\$17,793
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Conclusion

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

Following detailed assessment it is considered that DA 2022/75 should be **APPROVED**.



Signed:

W van Wyk
Planning Officer

Date: 1 August 2022

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

Report and recommendations have been peer reviewed and concurred with.



Signed:

L Gibson
Senior Planner

Date: 1 August 2022

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

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

DEVELOPMENT DETAILS

(1) Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	02	08.07.2022	F	Buildcraft Group Pty Ltd
Basement	04	08.07.2022	F	Buildcraft Group Pty Ltd
Ground Floor	05	08.07.2022	F	Buildcraft Group Pty Ltd
First Floor	06	08.07.2022	F	Buildcraft Group Pty Ltd
South West & North West Elevations	07	08.07.2022	F	Buildcraft Group Pty Ltd
South East & North East Elevations	08	08.07.2022	F	Buildcraft Group Pty Ltd
Long Section & Cross Section	11	08.07.2022	F	Buildcraft Group Pty Ltd
Sediment Control Plan	12	08.07.2022	F	Buildcraft Group Pty Ltd
Roof Plan	18	08.07.2022	F	Buildcraft Group Pty Ltd
Site Stormwater Management Layout	SW22060 – S1	28.06.2022	C	ALW Design
Stormwater Basement Layout & General Details	SW22060 – S2	28.06.2022	C	ALW Design

Landscape Site Plan	1	18.07.2022	E	Edwards Landscapes Pty Ltd
Sectional Elevations	4	18.07.2022	E	Edwards Landscapes Pty Ltd
Waste Management Plan		08.04.2022		

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(2) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

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

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);

- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

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

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

(3) Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(4) Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(5) Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 6,227.31
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,500.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 17,790.00

General Fees

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

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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

Indexation

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

Timing of Payment

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

Further Information

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

(6) Required Design Changes

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

Window Privacy	The first floor bathroom and ensuite windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing.
Alfresco Height	Drop the floor level of the alfresco area by 500mm to RL 24.76 AHD.
Privacy Screen	A privacy screen shall be provided to the eastern and western boundaries of the ground floor alfresco area and extend to the rear building line. The privacy screen is to be a minimum of 1.8m high from the finished floor level of the alfresco area 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.

(7) Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

(8) Tree Bond

A tree bond (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.

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

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

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

(9) Site Management Plan

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

(10) BASIX Commitments

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

All measures and commitments as detailed in the BASIX Certificate No. 1281134S must be implemented on the plans lodged with the application for the Construction Certificate.

(11) Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

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

- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

(12) Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 19 Long Street, Strathfield.
- (c) 23 Long Street, Strathfield.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the Pre-Construction Dilapidation Report is to be provided to the adjoining properties (subject of the Dilapidation Report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the Principal Certifier.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

(13) Detailed Stormwater Drainage Design

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

(14) Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by ZAIT Engineering Solutions Issue B Report No. 22-3267 dated 20 July 2022.

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

- (a) Minimum floor levels

- (b) Site regrading
- (c) Overland flow path construction
- (d) Protection of the basement from inundation of surface waters

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

(15) Pump-Out System Design for Stormwater Disposal

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

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

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

(16) Stormwater Drainage Plan Details

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

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

(17) Compliance with Swimming Pool Act 1992

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

(18) Structural Details

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

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

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

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

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

(20) **Off Street Parking – Compliance with AS2890**

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

(21) **Landscape Plans**

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

(22) **Tree Removal/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.

(23) **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	21 Long Street/ street tree	6.0 metres
2	Araucaria hetropylla	21 Long Street/ located along rear boundary	7.0 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.

(24) Waste Management Plan (WMP)

Prior to the issue of a Construction Certificate, a revised Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (SCDCP 2005). It must address both construction waste and the ongoing use of the development. A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery. The WMP will continue to apply as a working reference for the life of the development.

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

(25) 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.

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

(26) Demolition & Asbestos

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

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

(27) Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

(28) Demolition Work Involving Asbestos Removal

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

(29) Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

(30) Utility Arrangements

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

DURING CONSTRUCTION

(31) Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

(32) Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

(33) Swimming Pools – Filling with Water

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

(34) Excavation Works Near Tree to be Retained

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

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(35) Drainage Easement

A 2.5m wide drainage easement is to be created over the existing centreline of the boxed culvert drainage system that runs diagonally across the property and identified on the architectural plans. Such easement is to be created and dedicated to Council at no cost, with Strathfield Municipal Council being nominated as the authority benefiting from the easement and as the only authority empowered to vary or modify the terms of the easement.

(36) BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

(37) BASIX Compliance Certificate

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

(38) Minor Development

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

(39) Stormwater Certification of the Constructed Drainage Works (Minor)

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

(40) Vehicular Crossing - Minor Development

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

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

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

(41) Stormwater Drainage Works – Works As Executed

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

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

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

(42) Noise Domestic Air Conditioner and Heat Pump Water Heaters

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the Principal Certifier to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

OPERATIONAL CONDITIONS (ON-GOING)

(43) 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.

(44) 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.

(45) Private Swimming Pools & Spas – Pump Noise

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

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

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

(46) 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.

(47) Entering & Exiting of Vehicles

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(48) Requirement for a Construction Certificate

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

(49) 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.

(50) 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.

(51) 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.

(52) 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](#).

(53) 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.

(54) 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

(55) Clause 75 – BASIX Commitments

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

(56) 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.

(57) 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.

(58) 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](#).

(59) Clause 74 – Protection & Support of Adjoining Premises

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

ADVISORY NOTES

i. 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.

ii. 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.

iii. 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.

iv. **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.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2022/75) 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.

vi. **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).

vii. **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

viii. **Electricity Supply**

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