

IDAP REPORT

Property:	15 Glenarvon Street STRATHFIELD Lot: 219 DP: 11856 DA2022.121
Proposal:	Demolition of all existing structures and construction of a two storey residence with basement parking and swimming pool
Applicant:	G Al Ali
Owner:	Zaher Hamden
Date of lodgement:	22 July 2022
Notification period:	27 July 2022 – 10 August 2022
Submissions received:	2
Assessment officer:	W van Wyk
Estimated cost of works:	\$1,865,881
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

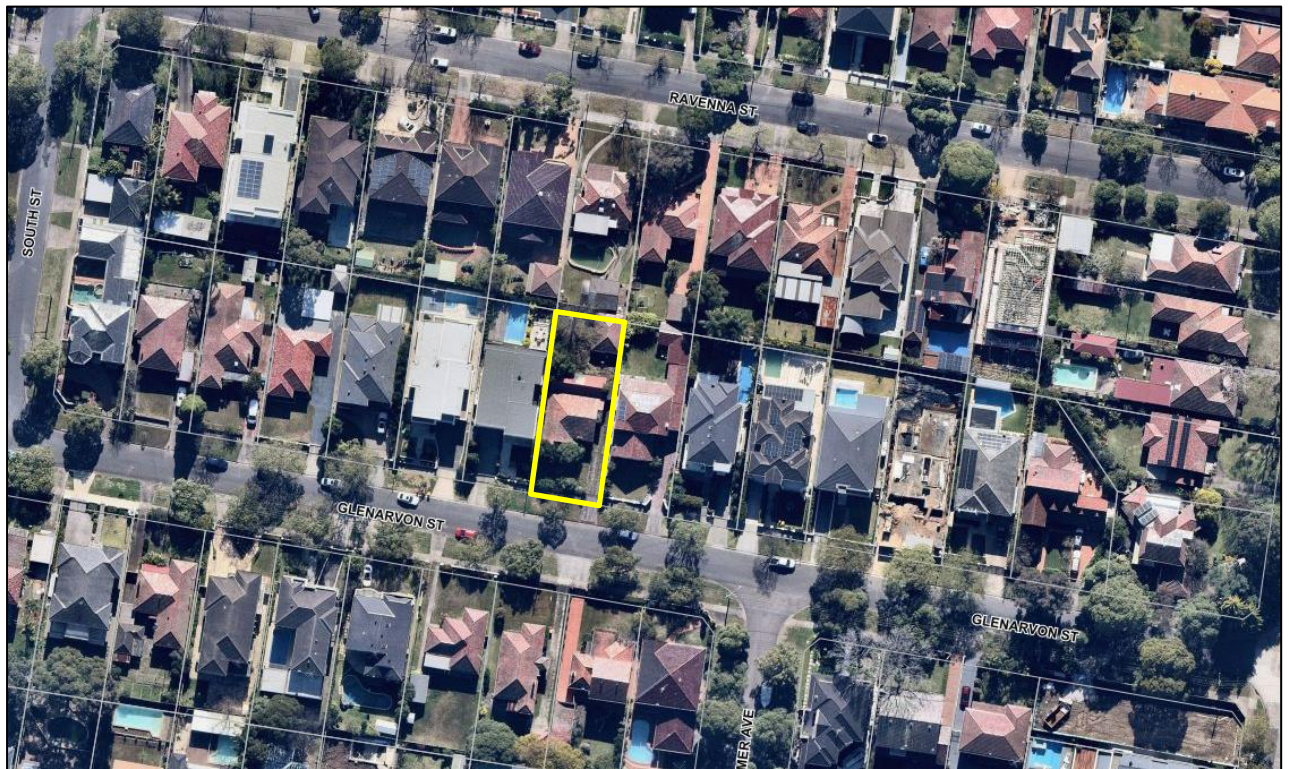


Figure 1: Aerial photograph of the subject site (outlined in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of all existing structures and construction of a two storey residence with basement parking and swimming pool.

Site and Locality

The site is identified as 15 Glenarvon Street, Strathfield and has a legal description of Lot: 219 DP: 11856. 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 15.24m, a depth of 40.24m and an overall site area of 619.7m².

The locality is in a state of transition with contemporary two storey rendered dwellings with flat roofs replacing more traditional single storey brick dwellings with pitched roofs.

Strathfield Local Environmental Plan (SLEP) 2012

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

Strathfield Consolidated Development Control Plan (SCDCP) 2005

The proposed development generally satisfies the provisions of the 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 27 July 2022 to 10 August 2022, where two unique submissions were received raising numerous concerns which will be addressed within the report.

Issues

- Basement size and location;
- Landscaped area;
- Privacy; and
- Building bulk.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act (EP&A) 1979, Development Application (DA) 2022/121 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of all existing structures and construction of two storey residence with basement parking and swimming pool. More specifically, the proposal includes:

Basement level:

- Two car spaces;
- Pump room;
- Storage room;
- Waste storage area; and
- Lift and stair access to the upper levels.

Ground floor level:

- Open plan dining/living/kitchen;
- Secondary living space;
- Internal and external WC;
- Cool room;
- Laundry; and
- Lift and stair access.

First floor level:

- Five bedrooms, three with ensuites and one with WIR;
- Bathroom; and
- Lift and stair access.

External works:

- BBQ and pool area; and
- Terraced landscaping in the front yard.

Further details are provided in **Figures 2-10** below and in the revised architectural set (Rev B, dated 26/08/2022, or as annotated).

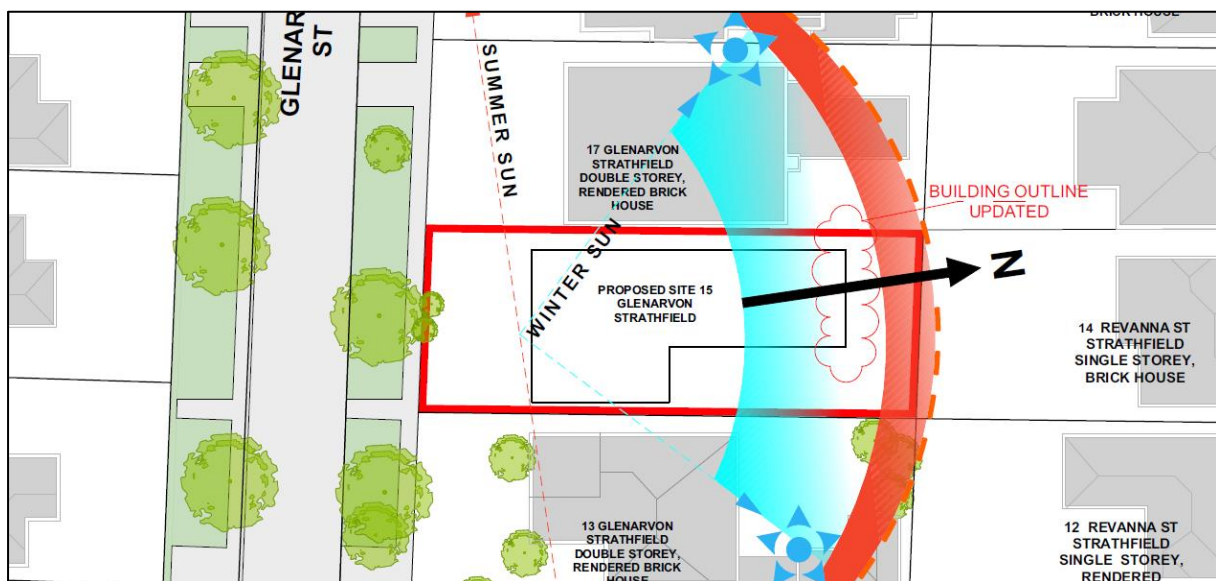


Figure 2: Site Plan (Rev B, 5/09/2022)

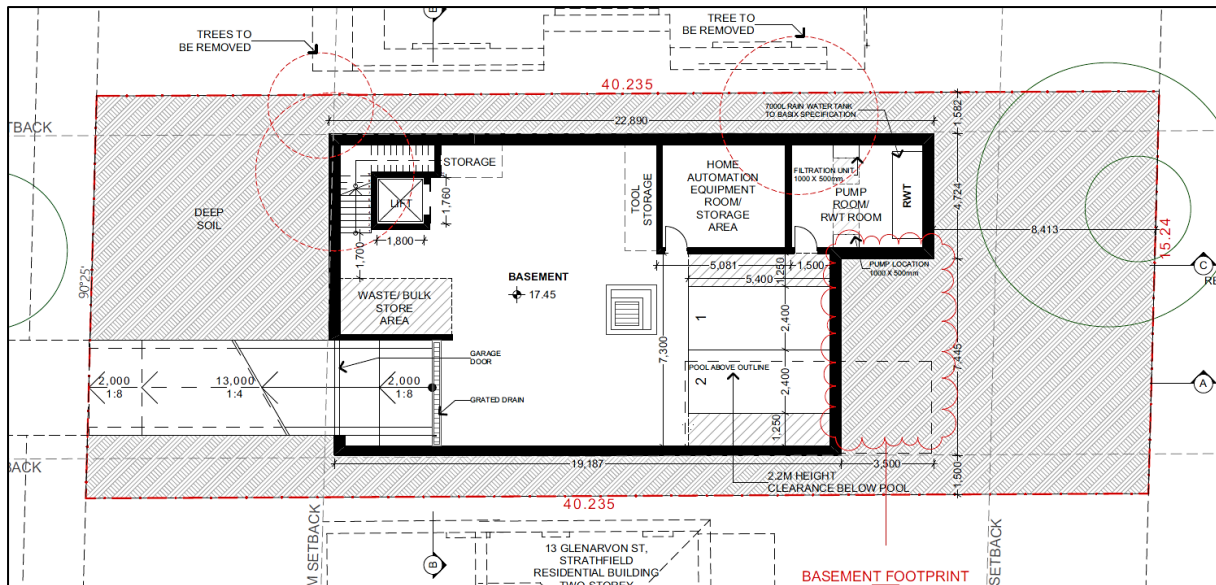


Figure 3: Proposed Basement Plan (Rev C, 5/09/2022)

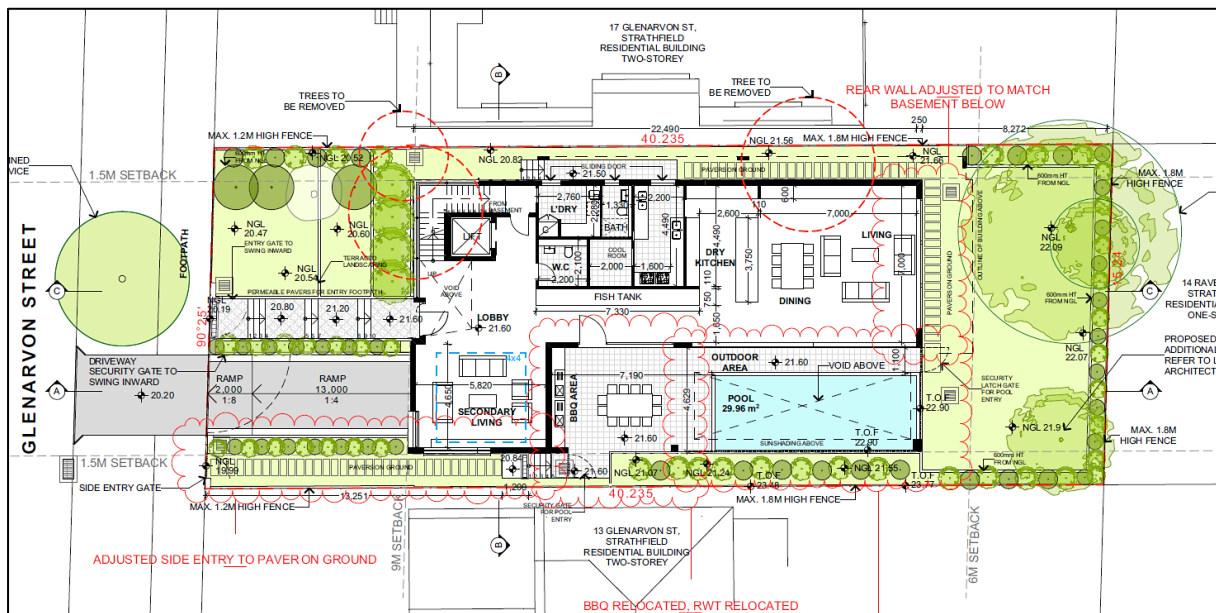


Figure 4: Proposed Ground Floor Plan

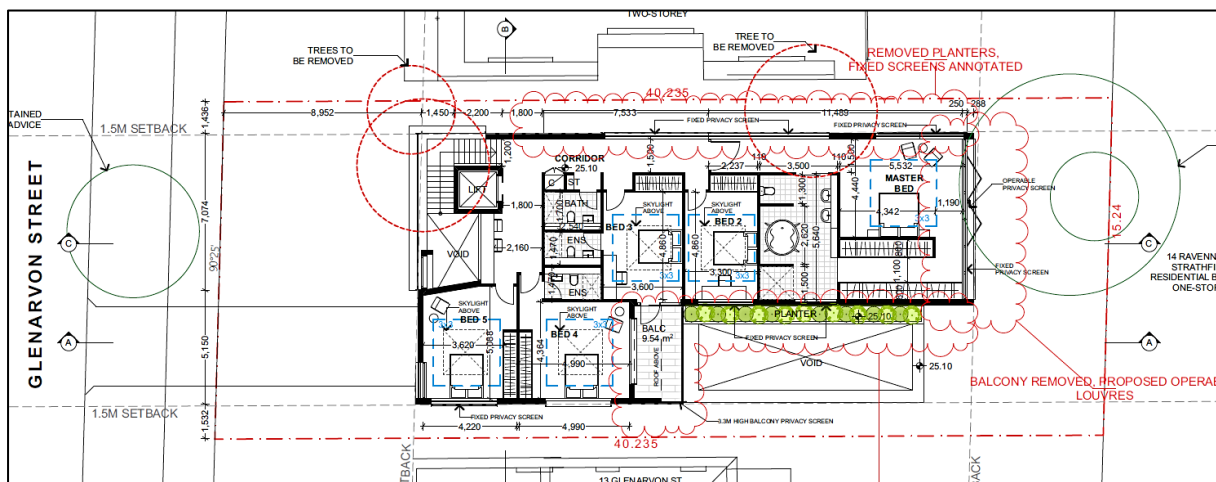


Figure 5: Proposed Second Floor Plan

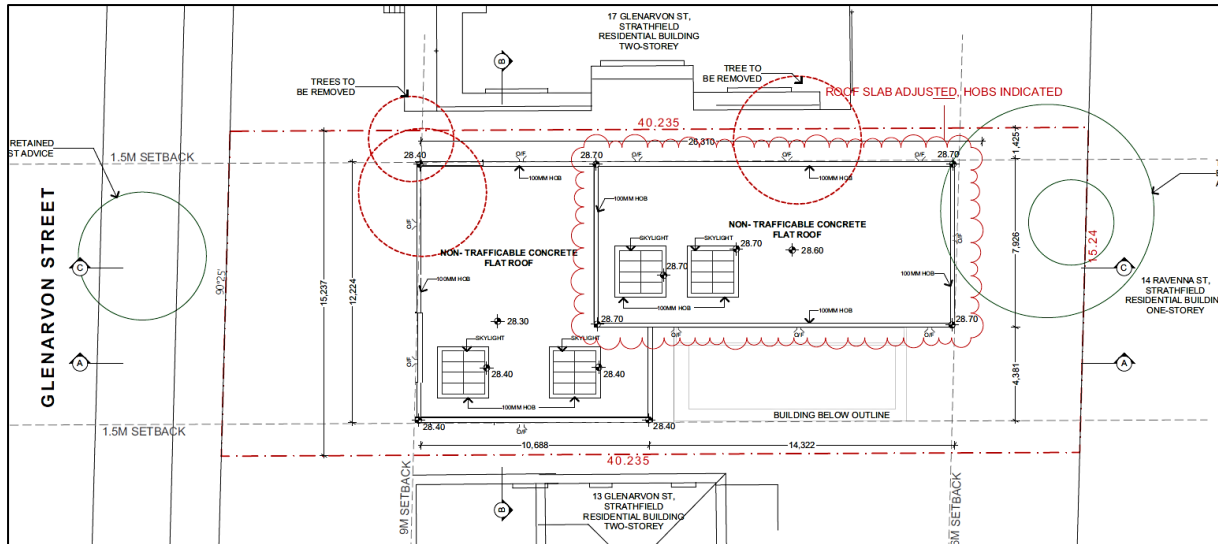


Figure 6: Proposed Roof Plan

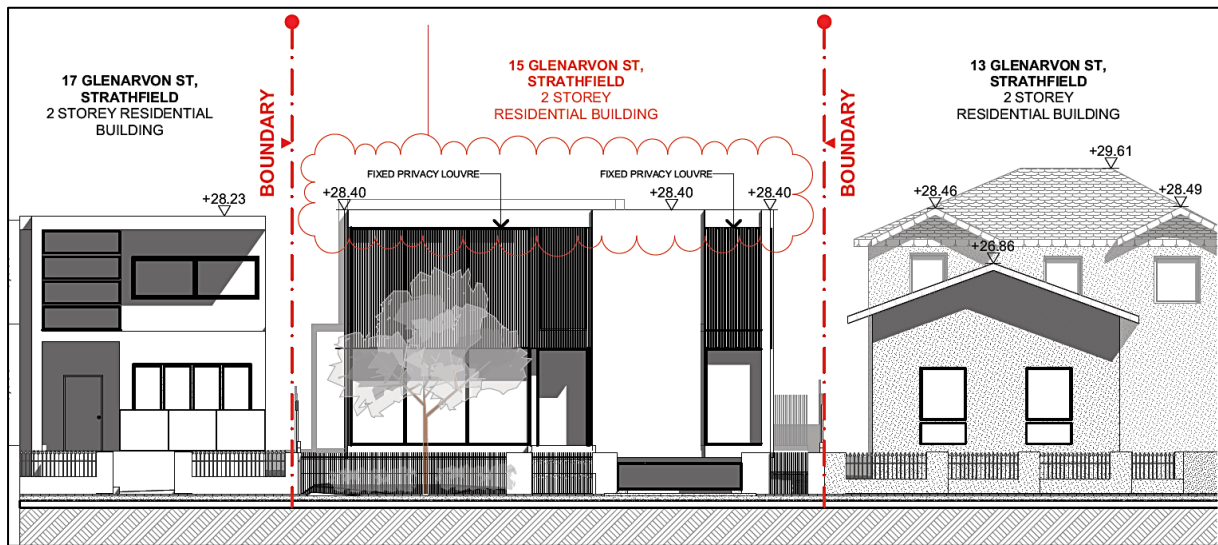


Figure 7: Proposed South Elevation

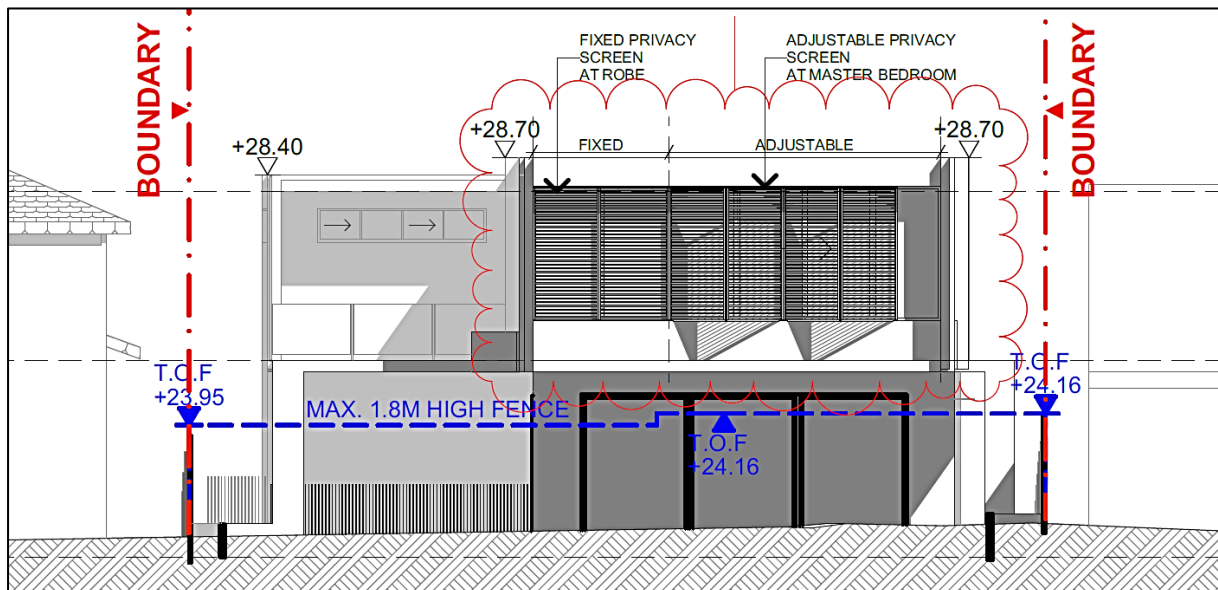


Figure 8: Proposed North Elevation

EASTERN ELEVATION ADJUSTED

Architectural elevation drawing of the eastern side of a building. The drawing shows various levels and features:

- Levels:** +28.40, +28.70, +25.10, T.O.F. +21.40, T.O.F. +21.52, T.O.F. +21.70, T.O.F. +22.78, T.O.F. +23.34, T.O.F. +23.48, T.O.F. +23.77.
- Features:** BALCONY PRIVACY SCREEN, FIXED PRIVACY SCREEN, FIXED GLASS PROTECTED PANEL, MAX. 1.2M HIGH FENCE, MAX. 1.8M HIGH FENCE.
- Dimensions:** 1.800, 3.000, 3.500.
- Boundaries:** GLENARVON STREET, BOUNDARY.

[illegible]

Figure 11: Landscape Plan

The Site and Locality

The subject site is legally described as Lot: 219 DP: 11856 and commonly known as 15 Glenarvon Street, Strathfield. It is located on the northern side of Glenarvon Street between South Street to the west and Wallis Avenue to the east.

The site is rectangular in shape and has a southern street frontage and rear boundary of 15.24m, and side boundaries of 40.24m, providing a total site area of 619.7m². The site is relatively flat, with a slight slope towards the south eastern corner.

The site is occupied by a single storey brick dwelling with a fibro rear extension and deck area (see **Figures 12 and 13**). The dwelling is partially obscured from the street by trees and vegetation within the front yard. The dwelling is somewhat dilapidated. Vehicular access is provided a driveway along the eastern driveway leading to a brick double garage in the north eastern corner (see **Figure 14**). The rear yard generally comprises grass area with a Colorbond and timber fence along the boundaries.



Figure 12: The subject site, as viewed from the street



Figure 13: The rear of the existing dwelling on the subject site, as viewed from the rear yard



Figure 14: The existing garage in the rear yard of the subject site

The current streetscape is in a state of transition with contemporary two storey rendered dwellings with flat roofs replacing more traditional single storey brick dwellings with pitched roofs. The adjoining dwelling at 17 Glenarvon Street is an example of this newer form of housing (see **Figure 15**). The dwelling at the other side, 13 Glenarvon Street, is also two storeys with a rendered façade. However, this dwelling has a pitched roof (see **Figure 16**). This dwelling also has a carport and outbuilding at the rear.



Figure 15: 17 Glenarvon Street, as viewed from the street



Figure 16: 13 Glenarvon Street, as viewed from the street

Background

- 22 July 2022** The subject DA2022/121 was lodged with Council.
- 27 July 2022** The DA was placed on public exhibition until 10 August 2022. Two unique submissions were received which will be considered in this report.
- 28 July 2022** Site visit undertaken by the Assessing Officer.
- 19 August 2022** A Stop the Clock Additional Information Request Letter was sent to the applicant. This covered breaches of controls relating to the following:
- Basement area;
 - Wall height;
 - Landscaped area; and
 - Additional articulation required for southern portion of eastern façade.
- 29 August 2022** The additional information was submitted, including revised architectural drawings (Rev B, 26/08/2022). A further revised site and basement plan was provided on 5 September 2022.

Referrals – Internal and External

Tree Management Coordinator

The proposal was found acceptable on the basis that another tree with a height of 6-8m be provided in the rear yard. A native Frangipani with a mature height of 7-8m was included in the revised Landscape Plan submitted on 29 August 2022 and is considered acceptable. Suitable landscaping conditions of consent will be imposed.

Stormwater Engineer

The application was reviewed by Council's Stormwater Engineer who raised no concerns subject to suitable 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 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 found that all existing trees on the site could be removed, 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 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. There were no historic uses that would trigger further site investigations. It appears the history of the site has been residential. The objectives outlined within Chapter 4 of the SEPP are considered to be satisfied.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN

The development site is subject to the 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. The proposed dwelling is also consistent with the objectives of the zone.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	9m	YES
4.4 Floor Space Ratio	0.625:1 = 387.31m ²	380.38m ²	YES

The proposal complies with the relevant development standards.

Part 5 – Miscellaneous Provisions

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

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 exceeds the footprint of the ground floor above. Courtyards, alfresco areas and swimming pools are excluded from the dwelling footprint. Notwithstanding, the basement area has been reduced from what was initially proposed at the request of Council and provides compliant side setbacks.

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. Further assessment is provided under the SCDCP 2005 below.

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

- (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 (SCDCP) 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDP 2005.

Applicable SCDCP 2005 Controls	SCDCP 2005 Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights (Max):			
Floor to ceiling heights:	3.0m	3m	YES
Flat roof height:	7.8m	7.8m	YES
Wall height:	7.2m	7.15m	YES
No. of storeys:	2	2	YES
Setbacks (Min):			
Front:	9m	8.8m	Yes or acceptable on merit (see below)
Eastern side:	1.2m	1.5m	
Western side:	1.2m	1.5m	
Combined side setback:	3.05m	3m	
Rear:	6m	6m	
Landscaping (Min)			
Total area:	41.5% x 619.7 = 257.2m ²	220.4m ²	No (see below)
Front setback (measured at 9m):	50% (68.9m ²)	61% (83.6m ²)	YES
Proportion of overall in the rear yard:	50% (128.6m ²)	53% (136.8m ²)	YES
Trees in rear setback	1 canopy tree	1 additional tree provided	YES
Fencing (Max)			
Overall front fence height:	1.5m	1.2m	YES
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	3.63m	Conditioned (see below)
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	1m	YES
Basement ramp width (max):	3.5m	3.5m	YES
Internal height (min):	2.2m	2.4m	YES
Ancillary Development			
SWIMMING POOL			
Side/rear setback (min):	1.0m	1.5m	YES

The proposal complies with the majority of SCDCP 2005 provisions. Any non-compliances or qualitative considerations will be addressed below.

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.

The proposal presents a contemporary architectural appearance which is consistent with the emerging character. The neighbouring development at 17 Glenarvon Street also has a contemporary rendered appearance with a flat roof (see **Figure 17**).



Figure 17: Proposed street montage

The proposal provides a transition in height between the adjoining properties. 17 Glenarvon Street has a roof height of RL 28.23 (flat roof) and 13 Glenarvon Street has a roof pitch height at RL 29.61. The proposal will have a height of RL 28.40 at the front façade and 28.70 for the parapet of the rear built form.

At the request of Council, additional articulation was provided to southern portion of the eastern façade, which will be visible from the public domain. The building height was also reduced by 0.3m at the street frontage and the planter boxes along the western side boundary were removed. A condition of consent is recommended to remove the awning structure from this side boundary as well. Each of these design changes will reduce the perceived built form.

In summary, the proposal is considered consistent with the relevant building envelope controls and objectives.

Setbacks

At the request of Council, the proposal was amended to comply with the rear setback. Negligible breaches for the front and (combined) side setbacks remain which are considered acceptable on merit (see **Figure 18**). These will now be discussed.

Accordingly the proposal will provide acceptable setbacks in the circumstances of this particular case.

Landscaping and Open Space

The proposal complies with landscaping within the front and rear setbacks however falls short of the overall landscaped area controls by 36.8m². The overall shortfall will be reduced to 12m² with the proposed condition of consent removing the awnings from the northern side setbacks. These figures do not include the 17m² of landscaping below the master bedroom overhang. The applicant has provided solar diagrams which indicate this area will receive sufficient solar access for the growing of plants. As plants will be able to grow, it is considered reasonable to include this area on merit. If this area was included, the application would comply. Accordingly, the non-compliance can be considered a technical shortfall and remains consistent with the objectives of the control.

At the request for Council, an additional mature tree was included in the rear yard and has been assessed as suitable by Council's Tree Management Coordinator.

Accordingly, the proposal, as conditioned, is considered acceptable in terms of landscaping and open space.

Fencing

The proposed front and side fencing satisfies the relevant objectives and controls within the SCDP 2005. The heights were clarified in the revised drawings at the request of Council. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to 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 and, where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. The Master Bedroom will have an operable privacy screen to the north and a fixed privacy screen to the west. All other windows along the western elevation will also contain a fixed privacy screen. The privacy screens will be angled to the south which will restrict sightlines to bedrooms and living areas of 17 Glenarvon Street whilst still allowing the penetration of sunlight. The west elevation windows will further be frosted to 1.8m from finished floor level.

Balconies are either screened, set back or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling. At the request of Council, the balcony within the rear setback was removed and a privacy screen has been provided from the 9.54m² Bedroom 4 balcony. While the Bedroom 4 balcony exceeds the 2m² control in the SCDGP 2005, with the screening proposed there are unlikely to be privacy impacts. This balcony complies with the side setback, is orientated towards the rear boundary, and services bedrooms which are utilised less frequently than living areas. Accordingly, the balcony will not result in unacceptable visual or aural privacy impacts.

Due to the slope of the site, the external access from the ground floor bathroom and laundry on the northern side setback will be slightly elevated. However, as this is a transitional area, there are unlikely to be significant privacy impacts. As a function of the sloping topography, by the time the paving reaches the area outside the kitchen, it will not be raised above existing ground level.

On the southern boundary at the ground floor, the relocation of the BBQ away from the side boundary will reduce aural privacy impacts. The alfresco area remains raised 0.53m from the existing ground level at the boundary fence (RL 21.07). There is a pool fence at 1.3m from the raised alfresco floor level (RL 21.60) and the boundary fence is 1.8m for this portion (approx. RL 22.87).

Accordingly, there is the potential for overlooking across the side boundary from the BBQ alfresco area. As this area will be covered by the balcony of the level above, it is likely to be utilised frequently. While there will be planters in the setback, landscaping cannot be relied upon as a primary privacy measure. A condition of consent is imposed requiring a 1.8m privacy screen along the eastern boundary of the BBQ area to ameliorate this privacy impact. This will include screening for the steps leading up to the alfresco area. This is in accordance with Section 7.2.3(2) of the SCDGP 2005 and will extend up to the line of the swimming pool.

The proposed development, as conditioned, satisfies the relevant objectives and controls of the SCDGP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

Vehicular Access, Parking and Basements

The proposed development provides the required parking spaces and complies with the vehicular access provisions, with the exception of the driveway width at the street frontage.

The revised basement is less than 1m above natural ground level after being lowered at the request of Council. While there is an exceedance of the building footprint of the dwelling, this is due to the 'L' shaped design rather than an excessive basement space (see **Figure 19**). The 'L' shape is considered a preferred planning outcome as solar access and visual privacy for 13 Glenarvon Street is enhanced compared to a traditional rectangular building envelope.

The applicant has provided details on what the basement rooms will be used for and this is considered acceptable. A condition of consent will reduce the floor to ceiling height of the storage and pump rooms to 2.1m. Accordingly, the basement is accepted on merit notwithstanding a breach of the ground floor footprint.

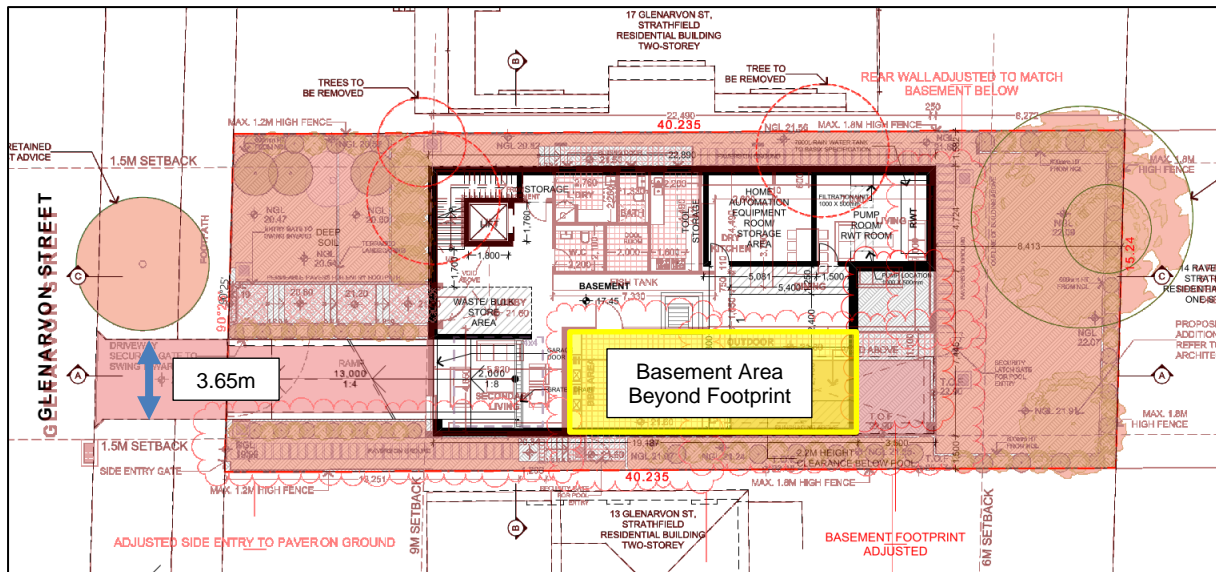


Figure 19: Basement and Ground Floor Plan overlay showing outline of building footprint above

The proposal complies with the 3.5m maximum driveway width within the site, however exceeds the 3m width control at the boundary (see **Figure 19**). This will be reduced to 3m as a condition of consent to comply.

Accordingly the proposal, as conditioned, will be consistent with the relevant parking controls and is considered acceptable in this regard.

Cut and Fill

The proposed development is considered to satisfy the relevant objectives and controls of the SDCDP 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. 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 SDCDP 2005 and complies with Council's Stormwater Management Code. This has been confirmed by Council's Stormwater Engineer. A Soil and Sediment Control 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 SDCDP 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.

Further details were requested as to why a bathroom on the ground level would only be accessible from the outside. The applicant responded as follows:

On the ground floor, there is already provision for a bathroom to be used and accessed from inside. As there is no guest bedroom located on ground level, the internal bathroom does not need a shower. The external bathroom is accessed from the outside for users of the pool, for washing up as well as for the owners for cleaning when gardening in the backyard.

This is considered acceptable in the circumstances and does not create any planning issues.

Ancillary Structures

Retaining Walls

The proposed development satisfies the relevant objectives and controls within SCDCP 2005 and have been kept to a maximum height of 1.2m. All retaining walls greater than 600mm are required to be designed by a suitably qualified engineer.

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately set back from all adjoining boundaries, allowing for screen panting 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.

At the request of Council, additional information was provided on the pool fencing RLs. The swimming pool fence/enclosure will comply with the Swimming Pools Act 1992 and the relevant standards.

Waste Management

At the request of Council, a Waste Management Plan was submitted with the revised 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 of the SCDCP 2005 and is satisfactory.

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

The requirements of Australian Standard AS2601–1991: The Demolition of Structures is relevant to the determination of a DA for the demolition of a building. The proposed development involves the demolition of a building. Should this application be approved, appropriate conditions of consent will 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. Environmental impacts have been assessed under the SCDCP 2005 section above.

(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 existing development on the subject site is also a dwelling.

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

In accordance with the provisions of Council's CPP 2020, 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 objections were received from the same property at 13 Glenarvon Street which will be considered as one unique submission. Another submission as received from 17 Glenarvon Street. The submissions raised the following concerns:

1. Privacy from west facing bedrooms

As discussed above, the proposal provides both frosted glass and fixed privacy screens along the western elevation on the upper level which will restrict sightlines to 17 Glenarvon Street. The proposal is considered acceptable in this regard.

2. Acoustic amenity of air conditioning units

An air conditioning unit is not proposed as part of the application. Air conditioning units classify as exempt development, provided certain setback requirements are met.

3. Use of certifier

Council does not provide building certification services. A private certifying authority will need to be engaged as per the conditions of consent.

4. Accuracy of site calculations

The existing ground line was determined based on the Survey Plan provided. GFA and other calculations were checked by the assessing officer. It is noted that the swimming pool is not counted in GFA. Any non-compliances with Council's controls have been addressed in this report and are considered acceptable subject to conditions.

5. BBQ area amenity

As indicated, the BBQ area has been relocated at the request of Council and will no longer contribute to building bulk at the side boundary. A privacy screen is also proposed to be conditioned which will minimise overlooking impacts. While the BBQ area will be partially covered, the proposed 'L' shaped design away from 13 Glenarvon Street will ensure adequate natural light for both properties.

6. Pool location

The swimming pool setback has been increased in the revised drawings and complies with Council's SCDCP 2005 provisions. Accordingly, the proposal is considered acceptable in this regard.

7. Structural considerations

The pool will need to be constructed in accordance with engineering standards. A condition of consent will require the preparation of Dilapidation Reports for neighbouring properties. Other conditions will also regulate asbestos and geotechnical matters. The Stormwater Plans have been reviewed by Council's Stormwater Engineer and found to be acceptable subject to conditions of consent.

8. Boundary fences

The revised architectural drawings clarify that side boundary fences will be a maximum of 1.8m and comply with the SCDCP 2005 in this regard.

(e) *the public interest.*

The renewal of a dilapidated site to provide housing in accordance with the zone objectives is considered in 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

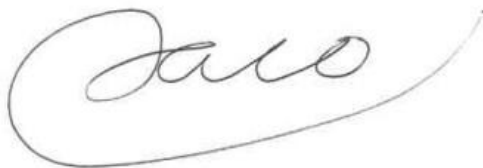
Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Based on the Cost of Works of \$1,865,881 and in accordance with Council's Section 7.12 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	\$18,659.00
--------------------------------	-------------

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 SCDCP 2005. Following detailed assessment, it is considered that DA 2022/121 should be approved.



Signed:
W van Wyk
Planning Officer

Date: 9 September 2022

- ☒ I confirm that I have assessed 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 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;



Signed:
G Choice
Planner

Date: 14 September 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	A-1010	05/09/2022	B	Ghazi Al Ali Architect
Basement Plan	A-1201	05/09/2022	C	Ghazi Al Ali Architect
Ground Floor Plan	A1202	26/08/2022	B	Ghazi Al Ali Architect
Level 01 Plan	A-1203	26/08/2022	B	Ghazi Al Ali Architect
Roof Plan	A-1204	26/08/2022	B	Ghazi Al Ali Architect
Elevations 01	A-1301	26/08/2022	B	Ghazi Al Ali Architect

Elevations 02	A-1302	26/08/2022	B	Ghazi Al Ali Architect
Elevations- Fence	A-1303	26/08/2022	B	Ghazi Al Ali Architect
Sections AA, BB & CC	A-1401	26/08/2022	B	Ghazi Al Ali Architect
Landscape Plan	LPDA 22 – 299 / 2	24/08/2022	C	Conzept Landscape Architects
Landscape Plan – Level 1	LPDA 22 – 299 / 3	24/08/2022	C	Conzept Landscape Architects
Stormwater Concept Design	SW200	09/06/2022	A	SGC Consulting Engineers
Stormwater Concept Design	SW201	09/06/2022	A	SGC Consulting Engineers
Stormwater Concept Design	SW202	09/06/2022	A	SGC Consulting Engineers
Waste Management Plan		29/08/2022		Ghazi Al Ali Architect
Arboricultural Impact Assessment		01/06/2022		NSW Tree Services

(2) Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 28.70 AHD to the parapet of the building.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(3) 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.

(4) 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

(5) 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

(6) Tree Bond

A tree bond 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.

(7) 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.

(8) 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	15 Glenarvon Street	3.12 metres

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

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

- 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 plan

Excavation works near tree to be retained

- (k) 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.
- (l) 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.
- (m) 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.

(9) Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	Number of trees	Location
1	Lagerstromeia indica	1	15 Glenarvon Street Strathfield
2	Celtis sinensis	1	15 Glenarvon Street Strathfield
3	Syzigium australe	1	15 Glenarvon Street Strathfield
4	Ligustrum sp	1	15 Glenarvon Street Strathfield
5	Camellia sasanqua	1	15 Glenarvon Street Strathfield
6	Olea eurapaea	1	15 Glenarvon Street Strathfield

General Tree Removal Requirements

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

All trees permitted to be removed by this consent shall be replaced [3 trees for the trees removed] by species selected from Council's Recommended Tree List and must have a minimum mature height of 6-10 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.

(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. 1310678S must be implemented on the plans lodged with the application for the Construction Certificate.

(11) Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

(12) Stormwater System

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

(13) 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.

(14) 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.

(15) 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/	\$ 6,531.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 18,659.00

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

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.

(16) Required Design Changes

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

Privacy Screen	A privacy screen shall be provided to the eastern boundary of the ground floor alfresco area (including the steps) up to the pool 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 property.
Awning Structure	The awning structure along the western side boundary is to be deleted.
Basement Ceiling Height	The Pump Room / WRT Room and the Home Automation Equipment Room / Storage Area are to have a maximum floor to ceiling height of 2.1m.
Driveway width	The vehicular access driveway width at the front boundary and on Council's verge must be reduced from the proposed 3.63m to 3.00m. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.

(17) 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.

(18) 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.

(19) 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) 13 Glenarvon Street, Strathfield.
- (c) 17 Glenarvon 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.

(20) 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.

(21) 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.

(22) 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.

(23) 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).

(24) 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.

(25) Additional Development Application Fees

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at \$1,865,881.00 and the applicable Development Application Fee on this amount would be \$4,305.04. As a Development Application fee of \$2,859.85 was paid when lodging the application, the difference of \$1,445.19 shall be paid to Council prior to the issue of a 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) 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

(30) 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.

(31) 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.

(32) 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.

(33) 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

(34) 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.

(35) 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.

(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) Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 13 Glenarvon Street, Strathfield.
- (c) 17 Glenarvon Street, Strathfield.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier 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.

OPERATIONAL CONDITIONS (ON-GOING)

(41) 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.

(42) 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.

(43) Private Swimming Pools & Spas – Pump Noise

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

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

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

(44) 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.

(45) 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

(46) Requirement for a Construction Certificate

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

(47) 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.

(48) 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.

(49) 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.

(50) 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](#).

(51) 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.

(52) 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

(53) Clause 75 – BASIX Commitments

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

(54) 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.

(55) 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.

(56) 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](#).

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

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

4. Residential Waste

Council's residential waste collection service comprises one (1) x 120 litre (L) general waste bin, one (1) x 240L recycling bin and one (1) x 240L garden vegetation bin per dwelling for single dwellings, semi-detached and dual occupancy developments. Waste containers should be stored in a suitable place to avoid vandalism, nuisance (odour, vermin) and adverse visual impacts on residents and the streetscape. Waste storage areas should be located to minimise the distance of travel to the collection point, be easily accessible and be of sufficient size to accommodate the necessary waste storage bins in accordance with Appendix C, Section H Waste Minimisation and Management, Strathfield Consolidated Development Control Plan 2005.

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. 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. 2022/121) 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.

7. 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).

8. 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

9. 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.