STRATHFIELD COUNCIL

STRATHFIELD LOCAL PLANNING PANEL MEETING

AGENDA

Strathfield Municipal Council

Notice is hereby given that a Strathfield Local Planning Panel Meeting will be held at Town Hall (Supper Room), 65 Homebush Road, Strathfield on:

Thursday 12 December 2024

Commencing at 4pm for the purpose of considering items included on the Agenda

Persons in the gallery are advised that the proceedings of the meeting are being recorded for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

STRATHFIELD COUNCIL

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TO: Strathfield Local Planning Panel Meeting - 12 December 2024

REPORT: SLPP –Report No. 14

SUBJECT: S8.2-DA2023.159 - 51 SOUTH STREET, STRATHFIELD

DA NO. S8.2-DA2023.159

SUMMARY

Proposal:	Section 8.2 Application to review previous determination to refuse the development for the demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear (DA2023.159).
Applicant:	S Diab
Owner:	S Diab
Date of lodgement:	7 October 2024
Notification period:	11 October 2024 to 26 October 2024
Submissions received:	Nil
Assessment officer:	B.O.
Estimated cost of works:	$2,773,931.00
R2 R	R2 Low Density- SLEP 2012
Heritage:	N/A
Flood affected:	Yes
Is a Clause 4.6 variation proposed?	No
Extent of the variation supported?	N/A
Peer review of Clause 4.6 variation:	N/A
RECOMMENDATION OF OFFICER:	APPROVAL

EXECUTIVE SUMMARY

Background

The subject application is a Section 8.2 Review of Development Application (DA) 2023/159 which was refused by Strathfield Council on 29 July 2024. The refused application sought approval for demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear. The reasons for refusal pertained to non- compliance with the FSR controls, increased risk to flooding, excessive cut and fill, inadequate stormwater drainage arrangements, streetscape impacts, non-compliance with DCP height controls, insufficient setbacks, inadequate landscaping, unreasonable overshadowing impacts and visual privacy impacts.

STRATHFIELD COUNCIL

Proposal

Development consent is being sought for the Section 8.2 Application to review the previous determination to refuse the development for the demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear. The Section 8.2 Review makes the following design changes to the development:

- Reduction of the floor area of the basement level, resulting in reduced FSR
- Minor internal basement reconfiguration
- Increased minimum ground floor side setbacks for the dwelling house
- Visual privacy screens for selected side elevation windows
- Minor increase of landscaped area
- Deletion of rear yard fill and modification to rear external rear stairs
- Side and rear setbacks for the detached pavilion.
- Simplified roof form and reduced maximum building height of the dwelling and the pavilion.
- Reduction of driveway at the front boundary&
- Open style fence to replace refused masonry fence.

Site and Locality

The site is identified as 51 South Street Strathfield and has a legal description of Lot 259 DP 11856. The site is a regular-shaped parcel of land and is located on the western side of South Street marginally south of the T-intersection of South Street and Strathlora Street. The site has a width of 13.7m, a depth of 50.29m and an overall site area of 689.5m^2 by survey calculation.

The locality surrounding the subject site contains a mixture of low-density residential development comprising single and two storey dwellings.

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 standards contained within the SLEP 2012.

Strathfield Consolidated Development Control Plan (SCDCP) 2005

The proposed development generally satisfies the provisions of 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) (from 11 October 2024 to 26 October 2024), where no submissions were received.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023/159 is recommended for approval subject to suitable conditions of consent.

STRATHFIELD COUNCIL

RECOMMENDATION

That Development Application No. DA/23 for demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear at 51 South Street Strathfield be **APPROVED** subject to conditions.

ATTACHMENTS

1. DA2023 159 1 - 51 South Street STRATHFIELD - Standard SLPP Report PDF

SLPP REPORT

Property:	51 South Street STRATHFIELD DA 2023/159
Proposal:	Section 8.2 Application to review previous determination to refuse the development for the demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear (DA2023/159).
Applicant:	S Diab
Owner:	S Diab
Date of lodgement:	7 October 2024
Notification period:	11 October 2024 to 26 October 2024
Submissions received:	Nil
Assessment officer:	Bismark Opoku-Ware
Estimated cost of works:	$2,773,931.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	**Yes – Flood affected**
Is a Clause 4.6 Variation Proposed:	No
Local Planning Panel Criteria	Internal Delegations
RECOMMENDATION OF OFFICER:	Approval subject to conditions

Figure 1: Aerial view of the subject site.

EXECUTIVE SUMMARY

Background

The subject application is a Section 8.2 Review of Development Application (DA) 2023/159 which was refused by Strathfield Council on 29 July 2024. The refused application sought approval for demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear. The reasons for refusal pertained to non-compliance with the FSR controls, increased risk to flooding, excessive cut and fill, inadequate stormwater drainage arrangements, streetscape impacts, non-compliance with DCP height controls, insufficient setbacks, inadequate landscaping, unreasonable overshadowing impacts and visual privacy impacts.

Proposal

Development consent is being sought for the Section 8.2 Application to review the previous determination to refuse the development for the demolition of existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear. The Section 8.2 Review makes the following design changes to the development:

- Reduction of the floor area of the basement level, resulting in reduced FSR
- Minor internal basement reconfiguration
- Increased minimum ground floor side setbacks for the dwelling house
- Visual privacy screens for selected side elevation windows
- Minor increase of landscaped area
- Deletion of rear yard fill and modification to rear external rear stairs
- Side and rear setbacks for the detached pavilion.
- Simplified roof form and reduced maximum building height of the dwelling and the pavilion.
- Reduction of driveway at the front boundary&
- Open style fence to replace refused masonry fence.

Site and Locality

The site is identified as 51 South Street Strathfield and has a legal description of Lot 259 DP 11856. The site is a regular-shaped parcel of land and is located on the western side of South Street marginally south of the T-intersection of South Street and Strathlora Street. The site has a width of 13.7m, a depth of 50.29m and an overall site area of 689.5m^2 by survey calculation.

The locality surrounding the subject site contains a mixture of low-density residential development comprising single and two storey dwellings.

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 standards contained within the SLEP 2012.

Strathfield Consolidated Development Control Plan (SCDCP) 2005

The proposed development generally satisfies the provisions of 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) (from 11 October 2024 to 26 October 2024), where no submissions were received.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023/159 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Background

Council has received an application for the Section 8.2 Application to review previous determination to refuse the development for the demolition of all existing structures and construction of a two-storey dwelling with basement, front fence and pavilion at the rear.

Division 8.2 Reviews – EP&A Act 1979

The application has been lodged under the provisions of Division 8.2- Reviews of the EP&A Act 1979. The original application was refused by Council (Manager – Planning & Place under delegation). Given Council's delegation structure the review is to be made by the Strathfield Local Planning Panel.

Whilst there have been some modifications to the proposal that was refused, Council is satisfied that it is substantially the same development.

The Section 8.2 Review for the 2 storey dwelling with basement includes:

- Reduction of the floor area of the basement level, resulting in reduced FSR
- Minor internal basement reconfiguration
- Increased minimum ground floor side setbacks for the dwelling house
- Visual privacy screens for selected side elevation windows
- Minor increase of landscaped area
- Deletion of rear yard fill and modification to rear external rear stairs
- Side and rear setbacks for the detached pavilion.
- Simplified roof form and reduced maximum building height for dwelling house and pavilion.
- Reduction of driveway at the front boundary &
- Open style fence to replace refused masonry fence

The application was refused by Council on 29 July and given that no appeal to the Land & Environment Court has been made, Council has jurisdiction to determine the application by 29 January 2025.

The application has been notified in accordance with the provisions of Council's Community Participation Plan (CPP).

1. Refusal Reason – Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:

a) Clause 1.2 (a) and (h) – Aims of the Plan.
The aims of the SLEP 2012 seeks to achieve high quality urban form that reflects the existing and desired future character of particular localities and neighbourhoods in Strathfield whilst also restricting incompatible development regarding flooding and its risk. The proposal fails to take into consideration its impact on neighbours including visual amenity, overshadowing, redirection of flood waters and streetscape compatibility.

b) Clause 4.4C – Floor Space Ratio.

The proposed dwelling exceeds the floor space ratio development standard by 13.65%. No written request was made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, and therefore the consent authority cannot determine whether a variation to Clause 4.4C of the SLEP 2012 is well founded. The consent authority has identified that there are not sufficient environmental planning grounds to justify contravening the development standard.

c) Clause 5.21 – Flood Planning
The clause seeks to ensure development does not adversely affect flood behaviour including increases in potential flood affectation of other development or properties. The proposal results in artificially raising the existing ground levels to a maximum height of 700mm and has failed to adequately demonstrate that the new works will not result in any diversion of the overland flow path.

d) Clause 6.2 – Earthworks.
The proposal seeks to fill the rear portion of the site to a maximum height of 700mm which is considered excessive and inappropriate given the flood affected nature of the land.

e) Clause 6.4 – Essential Services.
The proposal includes excessive fill which alters the direction of flows through the site resulting in inadequate stormwater drainage. As such, the proposal fails to demonstrate adequate arrangements have been made to ensure efficient stormwater drainage of the proposed development.

2. Refusal Reason - Development Control Plan

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of the Strathfield Consolidated Development Control Plan 2005 in terms of the following:

a) Section 2.2.1- Streetscape Presentation & Section 2.2.3 - Building forms.
The proposal fails to satisfy the architectural design and streetscape presentation objectives and controls required under Section 2 of Part A which seek to ensure new development achieves appropriate composition and articulation of building elements, ensures new development is sympathetic with the streetscape and protects and retains the amenity of adjoining properties. The proposal results in undue amenity impacts on adjoining residents in addition to lacking compatibility with existing development in the streetscape which includes not impacting ground flows through the site.

b) Section 4.2.2 – Building Height
The proposal fails to satisfy the maximum wall height provided by Section 4.2.2.4 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires a maximum external wall height of 7.2m. This adds additional and unnecessary visual scale and bulk to the proposed development resulting in an incompatible built form as viewed from the streetscape in addition to additional visual and amenity impacts to the southern adjoining property.

c) Section 4.2.2.5 - Internal Floor to Ceiling Height.
The proposal fails to satisfy the maximum internal floor to ceiling height requirement provided by Section 4.2.2.5 of Part A of the Strathfield Consolidated Development Control Plan 2005, which requires a maximum floor to ceiling height of 3m. This adds

unnecessary visual bulk to the proposed development resulting in both visual and amenity impacts to the adjoining property to the south.

d) Section 4.2.3 – Setbacks.
The proposal fails to satisfy the minimum setback requirements as per Section 4.2.3.2 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the development to provides a combined setback of 20% as well as a minimum 1.2m setback either side. This reduces opportunities for view corridors to be maintained between dwellings and ensuring impacts to adjoining dwellings, particularly to the southern neighbour, are minimised where possible.

e) Section 5.2.1- Landscaped area.
The proposal fails to satisfy the control and objectives of Section 5.2.1 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the adequate landscaping suited to the size of the allotment to be provided. The proposal results in a 1.01% (6.94sqm) departure from the minimum landscaping requirements which demonstrates that the landscape design is inappropriate to the size and scale of the development.

f) Section 5.2.4 – Fencing.
The proposal fails to satisfy the fencing controls of Section 5.2.4 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires front fencing to attain a height of no more than 1.5m and to be visually permeable to enable casual surveillance.

g) Section 6.2.1- Sunlight access.
The proposal fails to satisfy the objectives of Section 6 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires development to minimise overshadowing to adjoining properties. The excessive void to the rear of the dwelling combined with insufficient setbacks and exceedance beyond the prescribed FSR controls result in adverse overshadowing impacts to the southern adjoining neighbour which could easily be mitigated with a more considered design.

h) Section 7.2.1, 7.2.2, 7.2.3 – Privacy.
The proposal fails to satisfy the objectives of Section 7 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the siting and design of the buildings to minimise amenity impacts. The proposal poses several inconsistencies and lacks detail in the plans regarding windows, openings and screening structures which prevents a fair and accurate assessment of overlooking to be undertaken.

i) Section 8.2.1 Driveway and Grades.
The proposal fails to satisfy the controls of Section 8.2.1 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires the width of driveways to be 3m at the property boundary. The proposed 3.4m driveway at the front property boundary is excessive and reduces opportunities for permeable surfaces and landscaping to be utilised which assist in softening the built form and providing consistency in the streetscape.

j) Section 8.2.3 – Basements.
The proposal fails to satisfy the objectives and controls of Section 8.2.3 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires basements to be efficient safe and convenient including demonstrating compliance with the relevant gradient and headroom requirements. The proposal fails to adequately demonstrate compliance with the relevant standards pertaining to the ramp grades and headroom clearances.

k) Section 9.2 - Altering natural ground level (cut and fill).
The proposal fails to satisfy the objectives of Section 9 of Part A of the Strathfield Consolidated Development Control Plan 2005 which requires existing ground levels to be maintained and cut and fill minimised as much as possible to reduce site disturbance. The proposed fill to a maximum height of 700mm across the turfed area to the rear of the site results in unnecessary site disturbance, introduces opportunities for overlooking into adjoining properties and poses a risk to prevailing overland flows across the site potentially creating a greater hazard for the flood affected site and surrounding properties.

l) Section 10.2.1 – Stormwater Management and Flood Prone Areas.
The proposal fails to satisfy the objectives and controls of Section 10.2.1 of Part A under the SCDCP 2005 which seeks to appropriately manage stormwater and overland flow to minimise damage to occupants and property. The excessive fill to the rear of the site and the lack of information surrounding the rear retaining wall and flood levels cannot demonstrate that the proposal will not redirect flood waters through the site.

m) Section 12.2.2- Outbuildings.
The proposed outbuilding is of a design and location that fails to satisfy the objectives and controls of Section 12 of Part A of the Strathfield Consolidated Development Control Plan 2005 which seeks to ensure ancillary development maintains the amenity of surrounding dwellings. The nil setback to the site's northern side property boundary impacts upon a sense of openness from being achieved by adjoining neighbours.

3. Refusal Reason – Impacts on the Environment

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:

a) Natural environment – the proposal results in excessive fill on the site and could adversely impact the stormwater and overland flow resulting in damage to occupants and property.

b) Built environment – the proposal results in an overly bulky development which imposes on the visual and solar access amenity for adjoining residents.

4. Refusal Reason – Suitability of the site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is of a design that is not suitable for the site and has little regard for its relationship with adjoining developments. This is namely due to the excessive fill above existing grade and the development's failure to comply with the prescribed FSR, setbacks, wall heights, landscaping, visual privacy and solar access requirements applying to the site as per Council's controls. landscaping and visual privacy requirements applying to the site as per Council's controls.

5. Refusal Reason – Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest for the following reasons:

a) The proposed development will result in negative impacts on adjoining residents, due to impacts regarding privacy, overshadowing, bulk and scale implications and risk to affecting flow of flood waters through the site and to adjoining properties.

b) The proposal involves numerous variations and non-compliant matters that are unacceptable and fail to demonstrate merit. Insufficient, inaccurate and contradictory information has been submitted preventing a full and fair assessment of impacts from being made.

c) The non-compliance with SLEP 2012 and SCDCP undermine Council's development standards and are likely to set an undesirable precedent.

Proposal

The Section 8.2 Review makes the following design changes to the development:

- Reduction of the floor area of the basement level, resulting in reduced FSR
- Minor internal basement reconfiguration
- Increased minimum ground floor side setbacks for the dwelling house
- Visual privacy screens for selected side elevation windows
- Minor increase of landscaped area
- Deletion of rear yard fill and modification to rear external rear stairs
- Side and rear setbacks for the detached pavilion.
- Simplified roof form and reduced maximum building height for dwelling house and pavilion.
- Reduction of driveway at the front boundary &
- Open style fence to replace refused masonry fence

Below is a description of each level and comparison of plans submitted against the refused plans, with a description of the changes.

Basement level:

- Two (2) car parking spaces with turn bay;
- 2x storage rooms, bin room, switch room, plant room and
- Lift and stairwell.

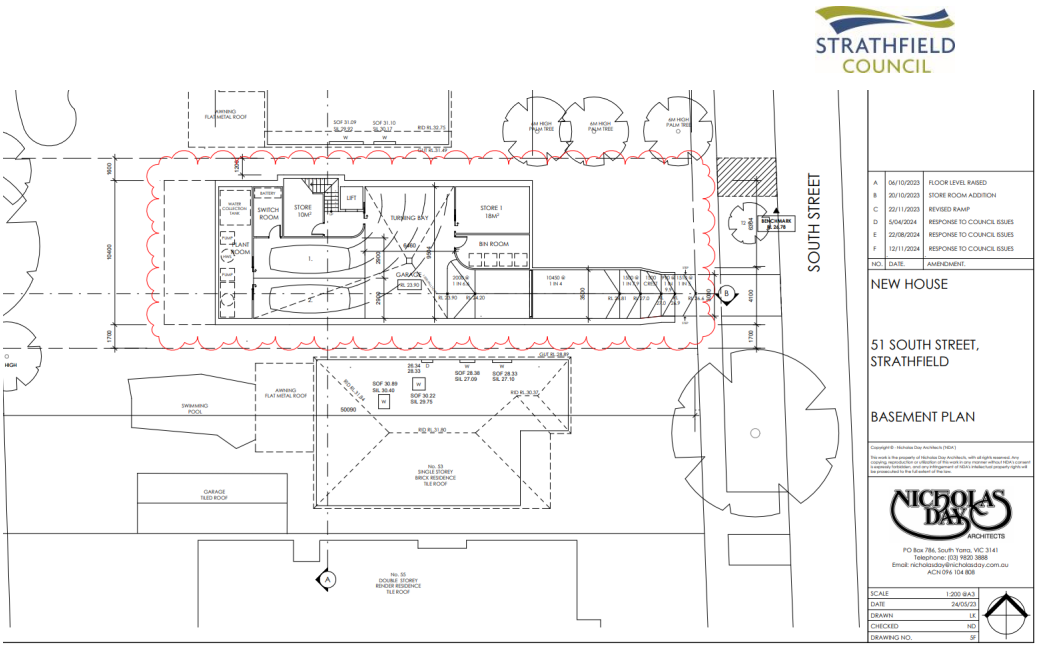

Figure 2: 8.2 Review basement level.

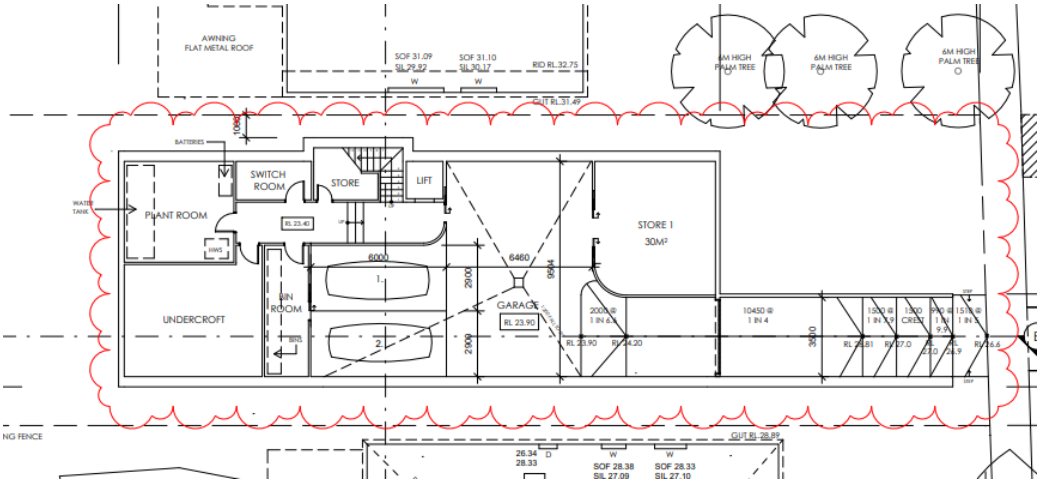

Figure 3: Refused basement level.

<u>Planner's comment:</u> The 8.2 application proposes changes to the basement level. The floor area is reduced by approximately 10sqm, deleting the undercroft and introducing minor internal reconfiguration. Notably, the 8.2 Review basement has no areas included in the gross floor area. The proposed basement is maintained within the ground floor building footprint and maintains a maximum vertical projection of 988mm from existing ground level to the floor above at the front section of the dwelling house.

Ground floor level:

- Study/guest room with ensuite;
- Foyer;
- Laundry;
- Kitchen with butler's pantry;
- Living room;
- Dining room

- Powder rooms; and
- Lift and stairs to lower and upper levels

Detached pavilion with enclosed toilet area

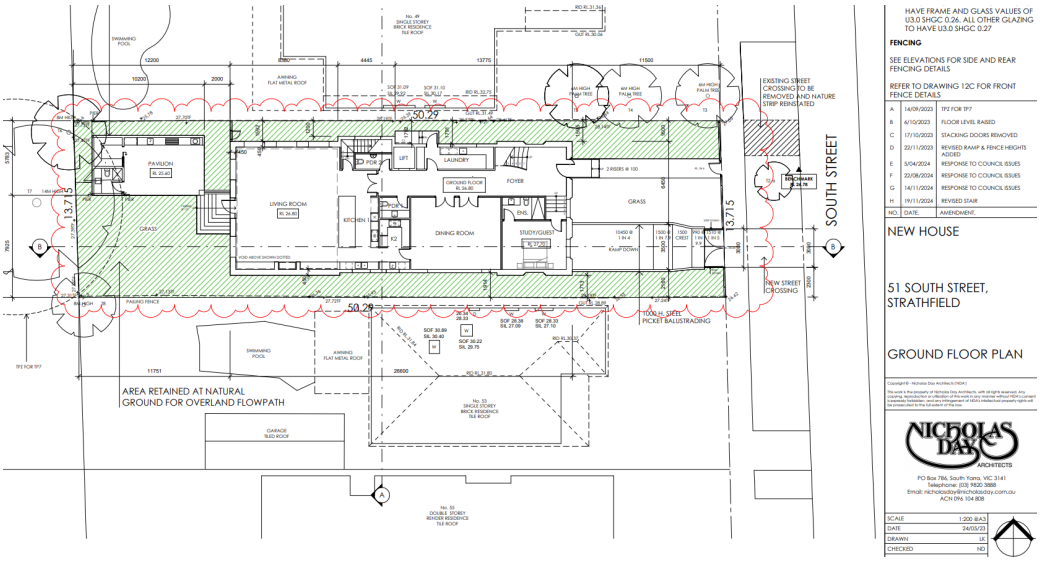

Figure 4: 8.2 Review ground floor plan.

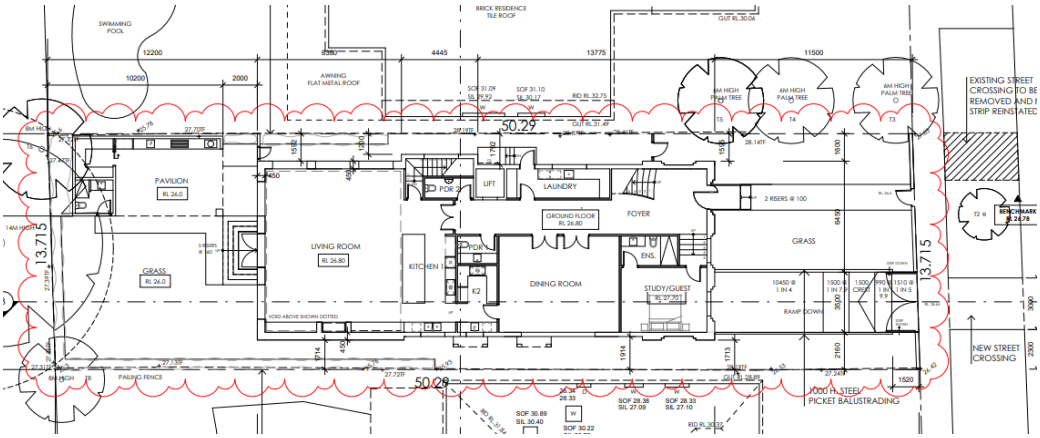

Figure 5: Refused ground floor level.

<u>Planner's comment:</u> The ground floor level drawing for the 8.2 Review proposes no changes in terms of internal room layout. However, it is noted that increased setbacks are proposed for the detached pavilion. The 8.2 Review maintains the minimum southern side setback of 1.713m and 1.2m northern side setback for the dwelling house. However, 1.2m side and rear setbacks are introduced for the pavilion. The amended external works remove the paved pathway leading to the pavilion and modify the rear stairs into the dwelling house. Furthermore, the 8.2 Review proposes a 3m driveway width at the lot boundary which complies with the provisions of the SCDCP 2005. Notably, a 3.5m driveway was proposed in the refused development application which formed a reason for refusal.

First floor level:

- Four bedrooms each with ensuite and wardrobes.

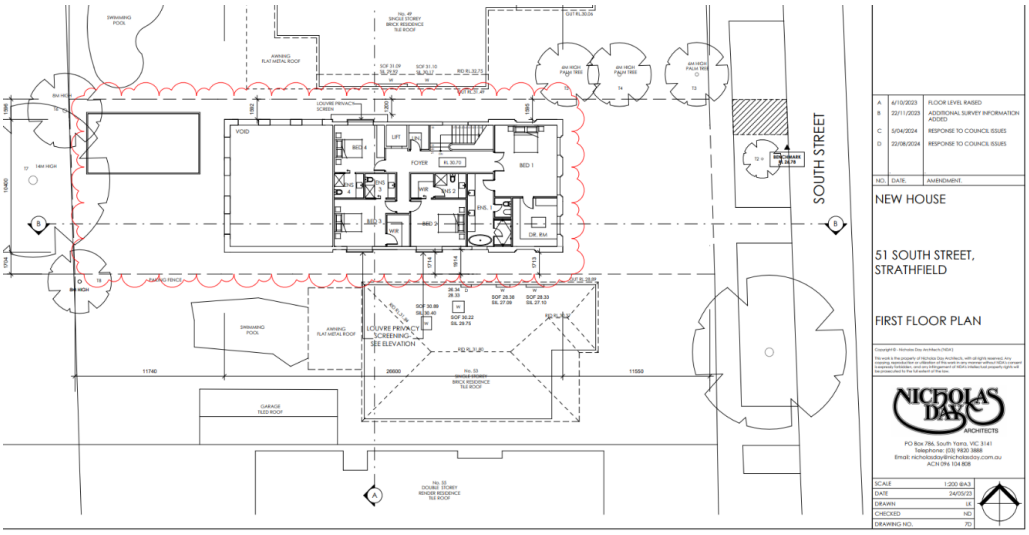

Figure 6: 8.2 Review first floor level plan.

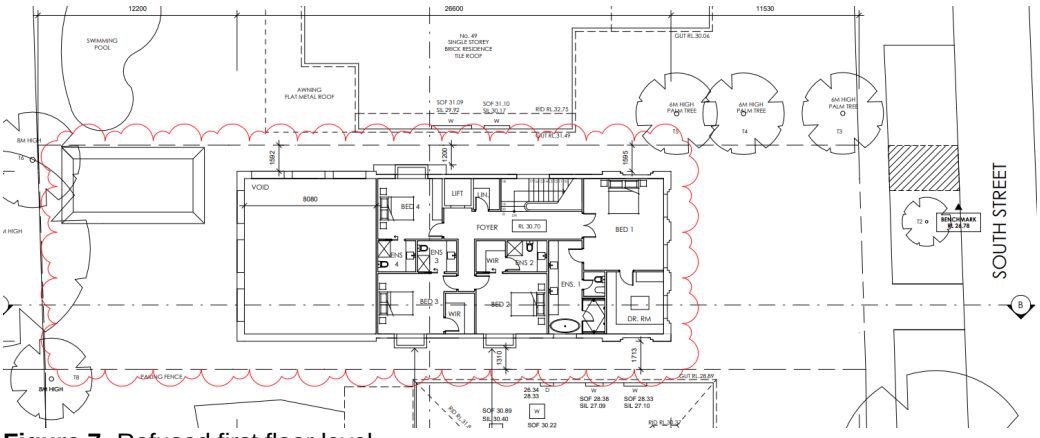

Figure 7: Refused first floor level.

<u>Planner's comment:</u> The 8.2 Review first floor plan shows that the minimum southern first floor setback has been increased to 1.7m from 1.3m in the refused development application. The new setbacks comply with the minimum combined setback (20% of site width) control of 2.743m under the SCDCP 2005. Accordingly, a combined side setback of 2.9m is proposed which complies with the SDCP 2005. The simplified flat roof form proposed in the 8.2 Review and new setbacks improve amenity for neighbouring dwellings. No internal room layout changes are made.

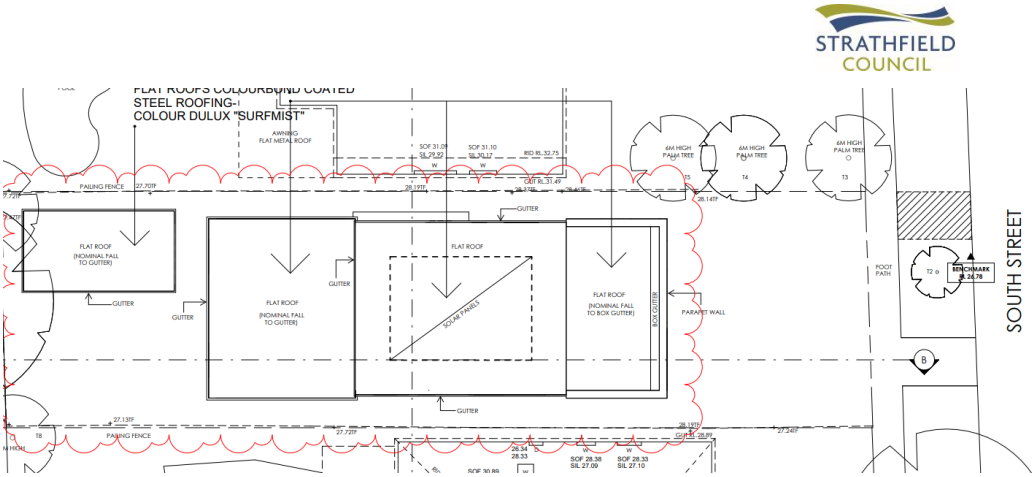

Figure 8: 8.2 Review roof plan

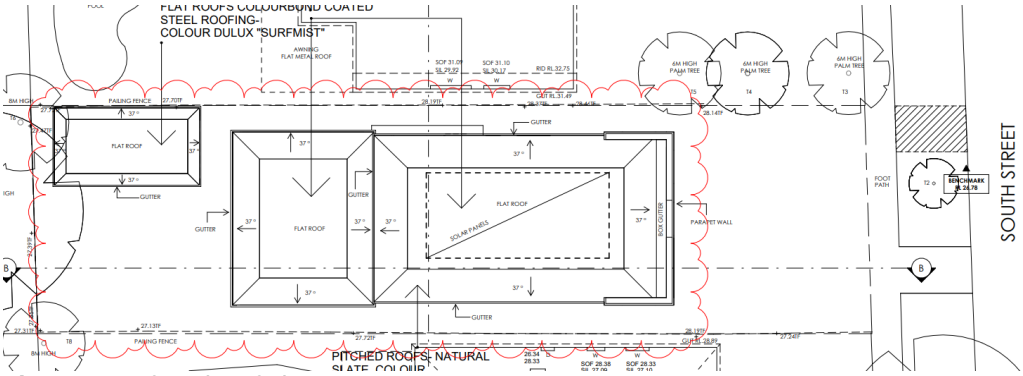

Figure 9: Refused roof plan.

Planner's comment: The 8.2 Review roof plan shows that a simplified flat roof form is proposed for the dwelling house and the detached pavilion. Also, 1.2m side and rear setbacks are provided for the pavilion. The new setbacks afford adjoining developments to the north and west visual relief and improved amenity for adjoining developments.

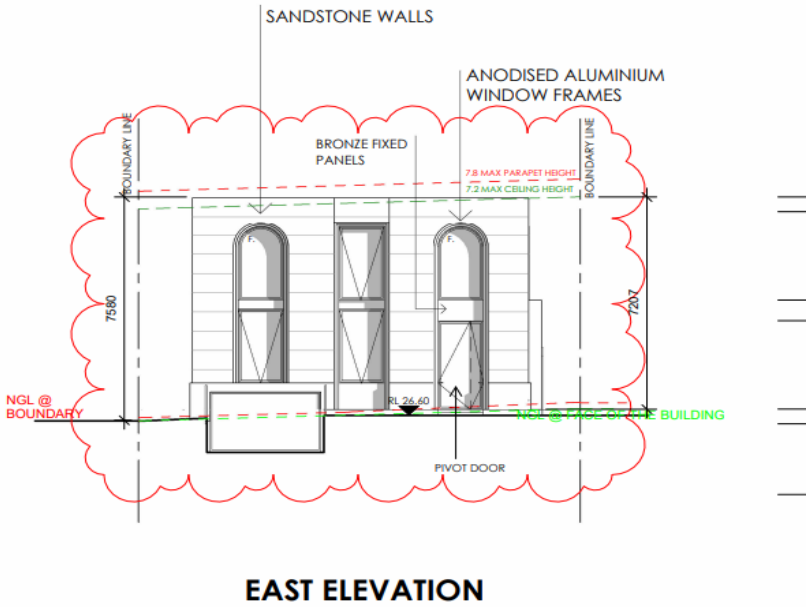

Figure 10: 8.2 Review east (front) elevation plan.

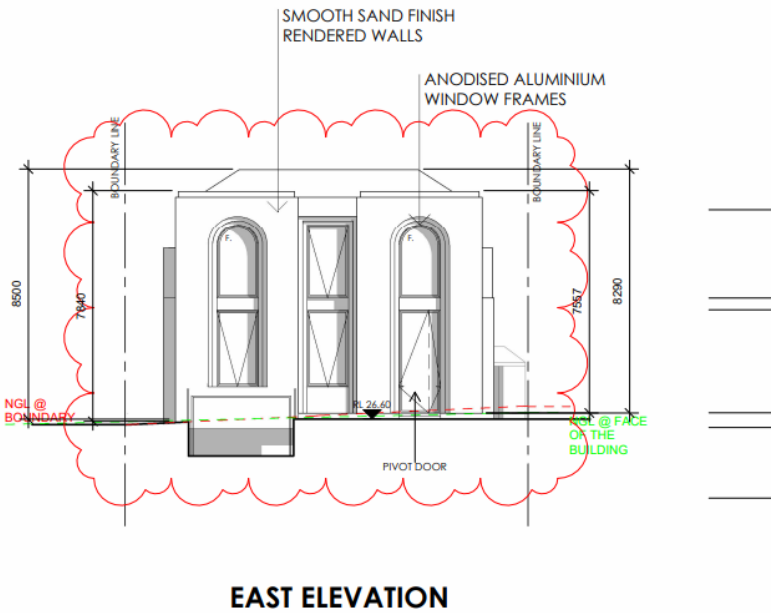

Figure 11: Refused east (front) elevation plan.

Planner's comment**:** The Section 8.2 east (front) elevation shows a simplified flat roof form which minimises the visual bulk of the building. Furthermore, the drawing shows a reduced front top of parapet height of 7.2m from the refused 7.55m.

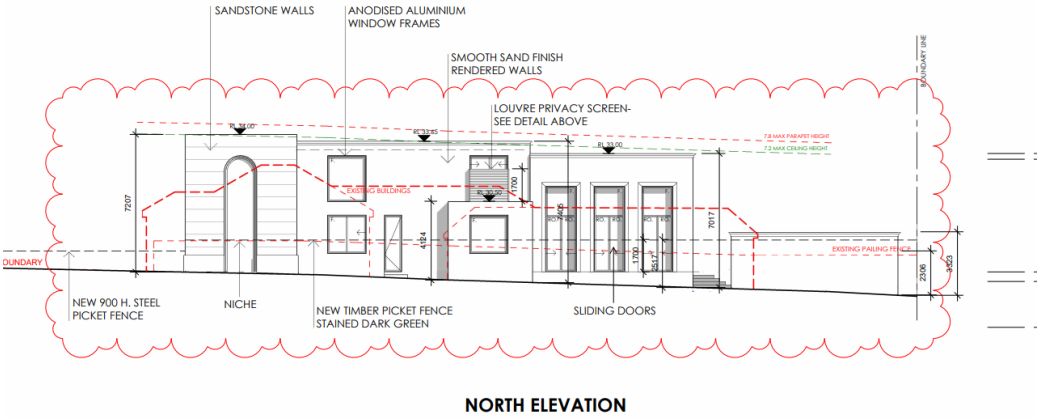

Figure 12: 8.2 Review north elevation plan.

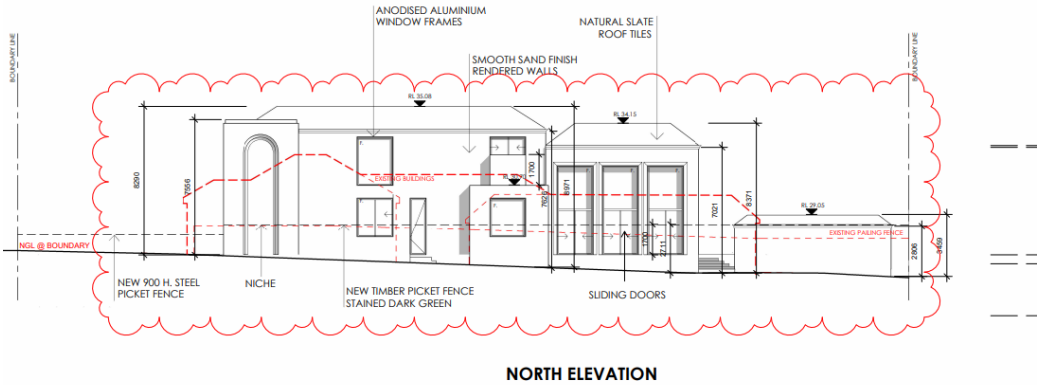

Figure 13: Refused north elevation plan.

Planner's comment: The 8.2 Review north elevation plan shows a simplified flat roof form. Furthermore, the drawing shows a reduced roof pitch height from the refused height of 8.97m to 7.4m. The reduced building height and simplified roof form in combination with the northern side setback for the pavilion minimises visual bulk on the northern adjoining development. The plan include louvred privacy screens attached to the window of Bedroom 4 to protect privacy.

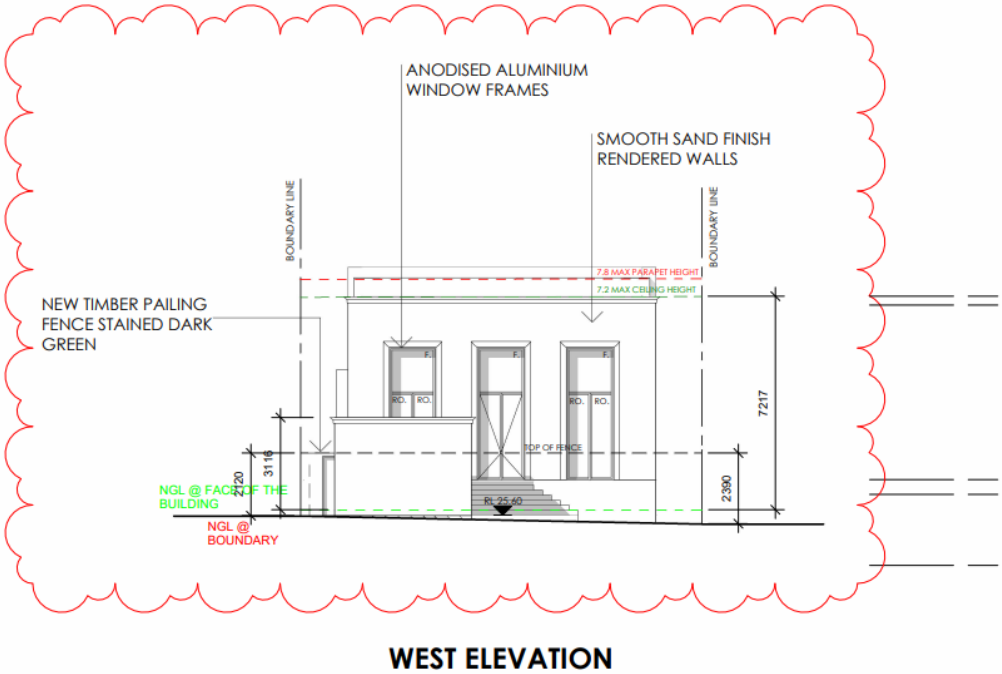

Figure 14: 8.2 Review west (rear) elevation plan.

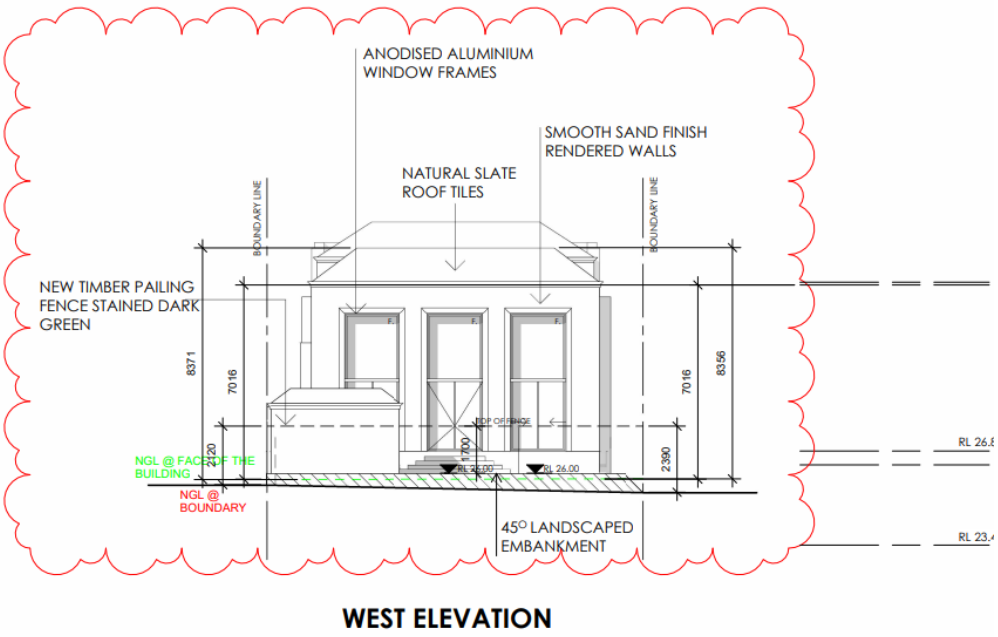

Figure 15: Refused west (rear) elevation plan.

Planner's comment: The west elevation for the Section 8.2 shows a simplified flat roof form for the dwelling house and the detached pavilion. Furthermore, the 700mm depth of fill proposed in the rear yard is deleted from the Section 8.2. The new flat roof form reduces the building height and minimises visual bulk impacts on adjoining developments. The deletion of the rear fill appropriately minimises earthworks on the site, reduces risk associated with diversion of the overland flow path and facilitates an appropriate stormwater drainage arrangement for the site.

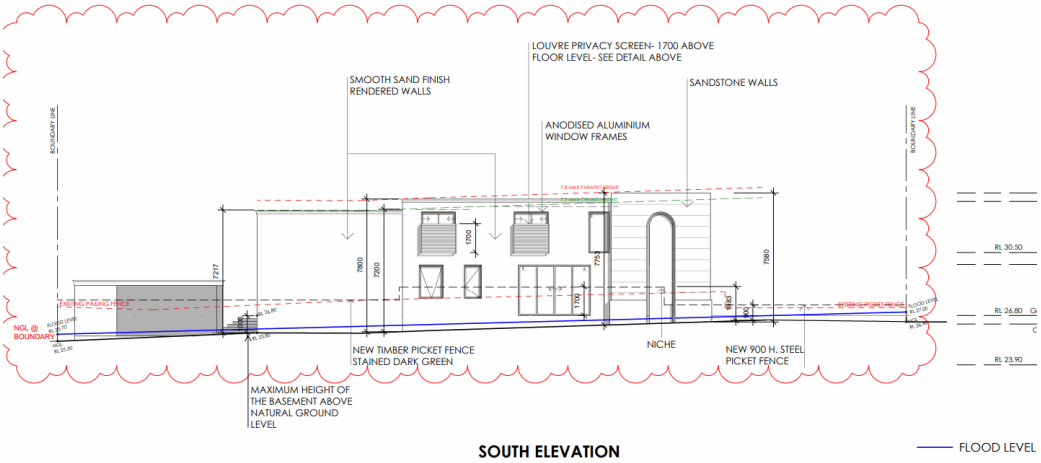

Figure 16: 8.2 Review south elevation plan.

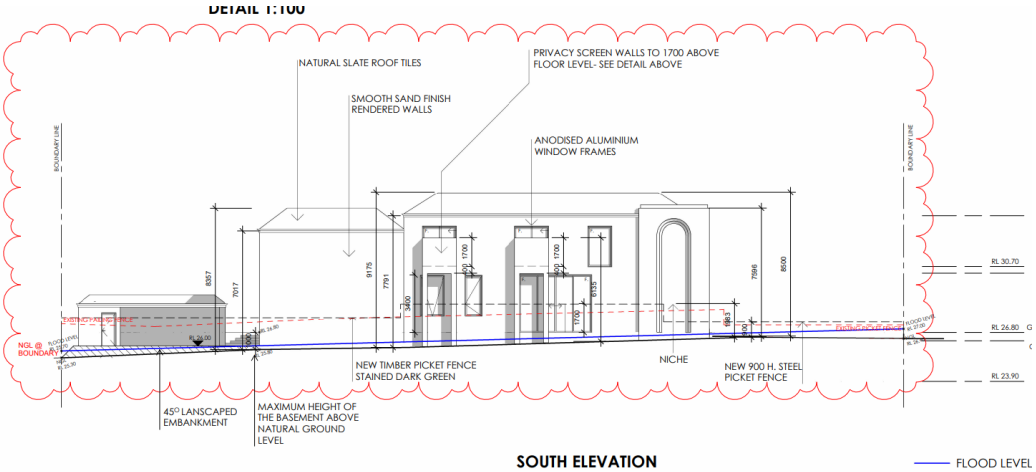

Figure 17: Refused south elevation plan.

Planner's comment: The Section 8.2 south elevation shows a simplified flat roof form and deleted privacy walls. The drawing shows a reduced roof pitch height from the refused 9.17m to 7.8m. The reduced building height and simplified roof form in combination with the deleted privacy walls results in increased southern side setbacks, minimise visual bulk and overshadowing impacts on the southern adjoining development. The provision of louvered privacy screens for Bedroom 2 and 3 windows also ameliorates overlooking impacts on the adjoining property. The Section 8.2 south elevation plan further shows that the fill proposed in the rear yard has been deleted. This appropriately minimises earthworks on the site, reduces

risk associated diversion of the overland flow path and facilitates an appropriate stormwater drainage arrangement for the site.

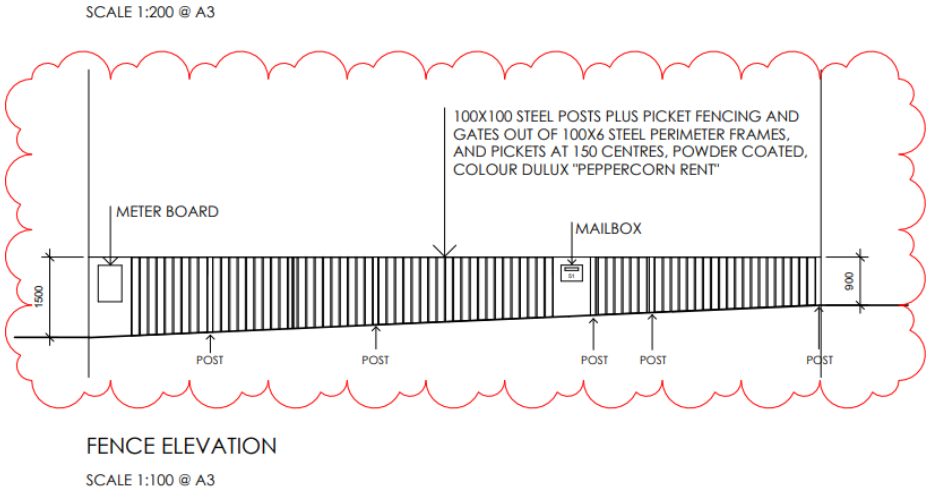

Figure 18: 8.2 Review front fence.

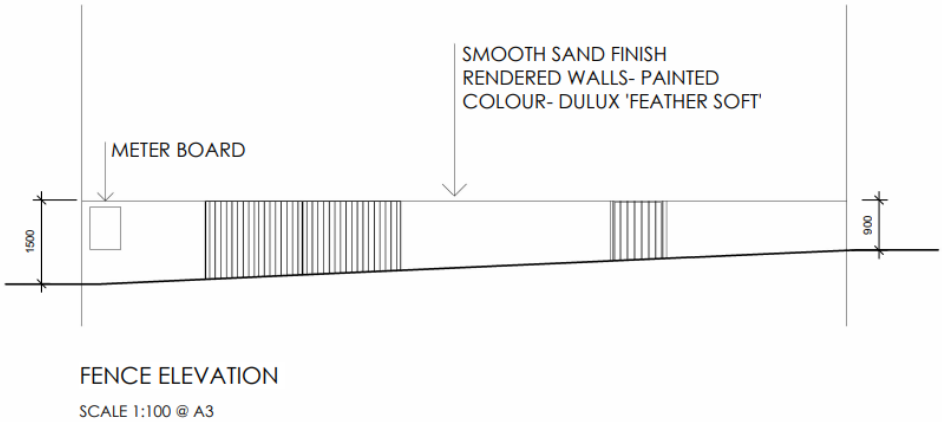

Figure 19: Refused front fence.

<u>Planner's comment:</u> The front fencing proposed in the Section 8.2 application has been amended to provide an open style fencing for visual permeability to enable casual surveillance with exceptions to sections where a letterbox and meter board is incorporated and gate. The achieves a maximum height of 1.5m and has been amended. The new front fence is considered acceptable.

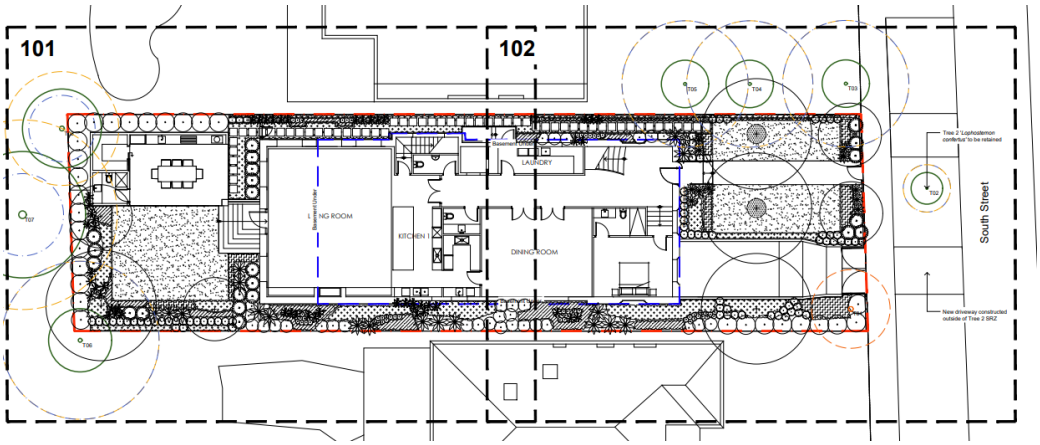

Figure 20: Section 8.2 Review landscape plan.

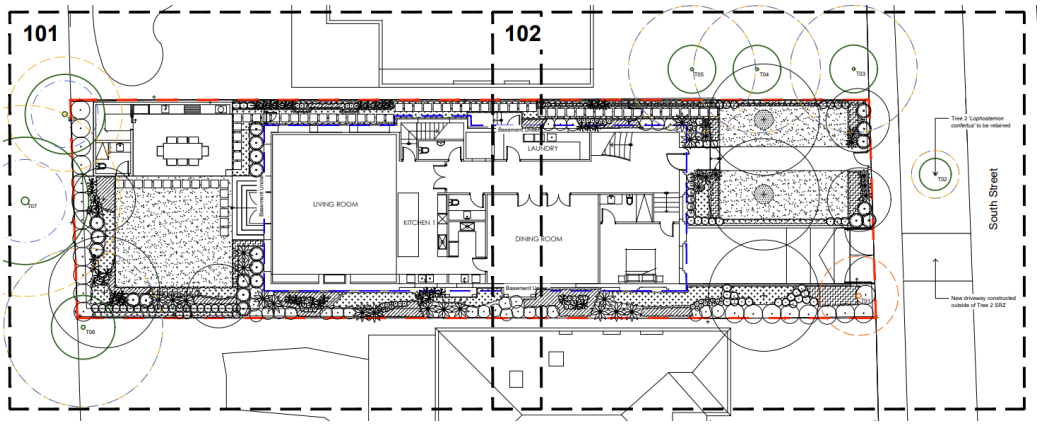

Figure 21: Refused landscape plan.

Planner's comment**:** The landscaped plan in the 8.2 Review shows additional hedging provided along the northern elevation where building setbacks have been introduced for the pavilion. The paved pathway leading to the pavilion is deleted and the rear stairs into the dwelling house the is modified to respond to site levels, having deleted the rear yard fill. The modified amended landscape plan results in a landscaped area that is compliant with the provisions of the SCDCP 2005. The tree planting scheme from the refused development application which removes 1x site tree and retains site and trees is maintained in the 8.2 Review application.

The Site and Locality

The subject site is legally described as Lot: 259 DP: 11856 and is commonly known as 51 South Street, Strathfield. The site is located on the western side of South Street approximately south-west of the T-intersection of South Street with Strathlora Street.

The site is rectangular in shape and has a frontage width of 13.72m to the east, a rear boundary of 13.72m to the west and a side boundary length of 50.29m. The site comprises a total site area of 689.5m^2. The site slopes from the rear toward the front of the site to a maximum fall of 1.4m.

The site is occupied by a single storey hipped tiled roof dwelling with rendered exterior walls. (see **Figure 23**). Vehicular access is provided to the site via a driveway that extends along the site's northern side boundary. A carport immediately adjoins the dwelling's northern elevation wall providing a nil setback to the northern side boundary. A secondary dwelling structure and in-ground swimming pool is located in the rear yard (see close up image of the site in **Figure 22**).

Figure 22: Closer aerial image of the subject site.

Figure 23: Front facade of existing dwelling.

Figure 24: Front facade of an adjoining property.

Figure 25: Front facade of an adjoining property.

Background

Date	Comment
29 July 2024	DA 2023/159 was refused by Strathfield Council under delegation.
7 October 2024	The subject Section 8.2 review application was lodged with Council.
11 October 2024	The application was placed on public exhibition until 26 October 2024. No submissions were received.
11 November 2024	Council's Assessing Officer carried out a site inspection
20 November 2024	Applicant submitted final drawings in the NSW Planning Portal in response to landscape area discrepancy in drawings.

Referrals – Internal and External

Development Engineer

The amended plans were referred to Council's Development Engineer who recommended that the development be supported subject to conditions of consent. It is noted that the issues raised by Council's Development Engineer in the refused development application in relation to the geotechnical investigation report, the levels of the driveway crest and overland flowpath from adjacent properties have now been addressed and the proposal is supported, subject to conditions.

Tree Management Officer

The amended plans were referred to Council's Tree Management Officer (TMO) for review. The development includes removal of 1x site tree, identified as a Callistemon viminalis (Tree 2). The tree is regarded as a low amenity tree to the local area canopy cover and its removal is supported by Council's TMO. Council's TMO comments generally accept the submitted Aboricultural Impact Assessment (AIA) report .

Council's TMO supports the development subject to conditions of consent.

Traffic Engineer

The amended plans were referred to Council's Traffic Engineer who supported the application subject to 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.

The proposed development as modified results in the removal or loss of 1x Callistemon viminalis subject to the provision of this SEPP. No objection was raised to the removal of the tree.

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

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate has been issued in accordance with the standards of State Environmental Planning Policy (Sustainable Buildings) 2022 and the commitments required by this certificate (Certificate No. 1427389S_04, issued 1 October 2024) have been satisfied and included on the development plans.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land applies to the subject site 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. Accordingly, 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

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Refused DA	S8.2 Review	Compliance/ Comment
4.3 Height of Buildings	9.5m	9.08m	7.8m	Yes
4.4/C Floor Space Ratio	0.60:1(413.7sqm)	0.68:1 (413.7sqm)	0.59:1 408.1sqm	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of Clause 5.10 are not applicable.

Flood Planning

The subject site has been identified as being flood affected. The application was referred to Council's Development Engineer who reviewed the development proposal based on the flooding characteristics and topography of the site, the proposed stormwater system, the Flood Assessment Statement by SGC dated 27 November 2023 and the flood addendum report dated 1 October 2024, the Report by Geotechnical Consultants Australia Revision A dated 26 September 2024, and the finished ground and floor levels of the development. Following review, Council's Engineer advised that, subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of Clause 5.21.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramp and ancillary works. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been kept to a minimum and all ancillary works have been limited to what is required to provide access to and from the basement. It is noted that the amended plans show that the basement footprint has been reduced by approximately 10sqm, deleting the under-croft area and reducing plant room size.

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 affect the existing and likely amenity of adjoining properties. There is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. Accordingly, the proposed excavation works are considered to satisfactorily address the objectives of this Clause 6.2.

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 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	Refused DA	S8.2 Review	Compliance/ Comment
	Building Envelope			
Heights (max): Maximum height of dwelling in accordance with SLEP 2012 for height	9.5m	9.08m	7.8m	Yes

Maximum height to the top of parapet for flat roof dwellings	7.8m	9.08m	7.8m	Yes
Maximum height of the parapet external wall above the uppermost ceiling level	0.8m	0.7m	0.5m	Yes
Maximum height of external wall from existing ground level to underside of the uppermost ceiling level	7.2m	7.7m	7.2m	Yes
Maximum internal floor to ceiling heights:	3.0m	6m (void)	6m (void)	**No - However, considered acceptable on merit**
Maximum Number of storeys	2 storeys	2 storeys	2 storeys	Yes
Setbacks (min):				
Front:	9m	11.5m	11.5m	Yes
Side: (north)	1.2m (min)	1.2m	1.2m	Yes
Side: (south)	1.2m (min)	1.31m	1.7m	Yes
Combined side setback:	2.743m (20%)	2.51m	2.9m	Yes
Rear:	6m	11.7m	11.7m	Yes
Detached pavilion:	Side & Rear: 0.5m	Nil	1.2m	Yes
Landscaping				
Overall area (min):	(689.5sqm x 41.5%) = 286.14sqm	40.49% (279.2sqm)	42.1% (290.3sqm) proposed.	Yes
Front yard area (min):	50% of front yard should be maintained as landscaped area.	60.55% (99.6sqm)	61.6% of the front yard (97.9sqm) is maintained as landscaped area.	Yes
Rear area (min):	50% of overall landscaped area behind the building line to the rear boundary.	66.3% (185.1sqm)	66.3% (192.4sqm) of the landscaped area is located behind the building line to the rear of the site.	Yes

	Fencing			
Height (max): Solid component (max): Side and rear (max):	1.5m 0.7m 1.8m	1.5m 1.5m 2.5m	1.5m Elements of the fence have masonry elements that exceed 700mm. 2.5m height proposed to the side	Yes **No – However considered acceptable on merit.** **No – However considered acceptable on merit.**
Solar Access				
POS or habitable windows on subject site (min):	Minimum 3hrs to habitable windows and to 50% of POS between 9am and 3pm during mid-winter	3hrs to habitable windows and to habitable rooms	>3 hours of sunlight access to habitable and 50% of POS will be achieved.	Yes
Adjoining POS (min):	Minimum 3hrs to 50% of POS during mid-winter.	3 hours to southern adjoining POS.	Yes – Minimum of 3 hours of sunlight access achieved during mid-winter between 9am to 3pm.	Yes
Vehicle Access and Parking				
Boundary driveway width (min): Vehicular crossing (max): Driveway setback – side (min): No. of parking spaces:	3m 1 0.5m 2	3.4m 1 2.16m 2	3m proposed 1 provided 2.16m proposed 2 spaces proposed.	Yes Yes Yes Yes
Basement: Vertical protrusion (max): Ramp width (max): Internal height (min): Horizontal protrusion:	 1.0m 3.5m 2.2m Within GF footprint	 1m 3.5m 2.2m Within GF footprint	 988mm at the front section of the building. 3.5m proposed 2.2m proposed The basement footprint is located wholly	 Yes Yes Yes Yes

			within the ground floor building footprint.	
	Ancillary Development			
Outbuildings (Detached pavilion): Area (max): Height (max): Side/rear setback (min):	 40sqm 3.5m 0.5m	 40sqm 3.47m Nil	 40sqm proposed. 3.3m 1.2m	 Yes Yes Yes

Streetscape and Character

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

- Rhythm of built elements in the streetscape,
- Fenestration and external materials, and
- Street edge.

The proposed dwelling addresses South Street and incorporates a clearly identifiable entry from the public domain. The mass and scale of the proposed works is in keeping with the character of the street. The streetscape is characterised as low density residential in nature, comprising of various architectural styles, incorporating single storey and double storey detached dwellings with generous front yard landscaping and street trees.

The proposed dwelling is of masonry construction with smooth render and sandstone finishes to the walls, anodised aluminium, painted steel finish to the gates and colourbond coated steel to the roof. The dwelling is designed with articulated building facades which incorporates design elements including windows, recessed and framed elements. The dwelling façades also include different materials and finishes which complement the presentation of the dwelling within the streetscape.

The proposal satisfies the building height objectives, setback controls and assists in providing a restrained built form when viewed from South Street. The entry includes a clearly defined entry door.

The street elevation is characterised by a series material and finishes including masonry-built form, bronze fixed panels and anodised vertical proportioned aluminium window frames, providing visual interest. This is further complemented and defined at ground level and upper levels by a window glazing and front fencing. The development is considered to be appropriately designed and serves visual amenity and architectural interest.

Building Envelope

The proposed development satisfies the objectives and majority of the controls within Part A of the SCDCP 2005 relating to building envelope. The development is of reasonable bulk and scale for the lot and is unlikely to detrimental impact on neighbouring properties.

The non-compliant floor to ceiling height of 6m is due to a void located above the rear living area. The size of the void is reasonable as it provides direct natural light and ambient light to

the building, which improves the overall solar access to the development. The bulk impact of the development is considered acceptable as the FSR, building height, wall height as well as front, side and rear setbacks are all compliant. The development incorporates articulation elements at the front to modulate the building and enhance architectural interest.

The presentation on South Street is appropriate and positively contributes to the streetscape. The building envelope is considered acceptable in this regard.

Landscaping and Open Space

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

Fencing

The development proposes 1.5m high steel post and picket front fence at the South Street frontage. Whilst the maximum height of the fence complies with the 1.5m maximum front fence height in the SCDCP 2005, the masonry components exceed 700mm height limit set in the SCDCP.

The front fence runs approximately 13m on the South Street frontage, noting that the non-compliant masonry component totals a length of 1.4m of the length. The variation is considered to be minor, recognising that the variation is proposed to incorporate essential facilities for the dwelling: mailbox and meter board of a meter.

The overall design and typology of the fencing is considered to be sympathetic to the existing and desired character of the locality and is compatible in height and style of neighbouring fences. The design outcome serves to break up the fence along the frontage and is complemented by a landscaped edge at the street which breaks up the overall massing resulting in a positive landscape contribution at the private and public interface. In this regard, the proposed fence will continue to promote and enable an outlook towards South Street for visual permeability that promotes natural surveillance and safety and will not obscure or diminish the appearance and presentation of the building and landscaping features which will continue to be viewed from the streetscape. The proposed front fence height is consistent in this regard.

The development proposes a replacement side fence which achieves a maximum height of 2.5m to respond to site levels. The SDCP limits side and rear fence heights to a maximum 1.8m. Recognising that the proposed fence will match the height of the existing front yard fence, it is considered that the streetscape has an established line of elevated fencing. The fence height will appear as a 1.7m when viewed from the rear of the subject site. 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 east-west orientation of the site and its spatial relationship (north-south) with the neighbouring development (south) at 53 South Street, site opportunities to strictly comply with the solar access requirements for adjoining developments are generally limited.

Notwithstanding, the development complies with key controls for height and setbacks, providing a form and building proportion that complies with achieving 3 hours of sunlight

access requirements for the windows of habitable rooms and private open space during the winter solstice.

It is noted that the north-facing windows for 51 South Street will be overshadowed between 9am to 3pm during winter solstice. However, the windows servicing the principle living areas at 53 South Street are located to the south and will receive sufficient direct sunlight from 9am to 12pm during the winter solstice.

Further, it is noted that at least 50% of the private open space of the subject site and the neighbouring property will receive a minimum of 3 hours of direct sunlight during the winter solstice.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are generally 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 development does not incorporate any upper floor balconies so as to not impact on the amenity or privacy of the adjoining dwellings. A design change condition is imposed to provide obscured glazing for the northern elevation first floor window associated with the stairs to minimise privacy impacts on adjoining development.

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 a maximum of 988mm above existing ground level, does not extend beyond the ground floor above. The basement has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m. The basement is limited in size and is acceptable on the lot.

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 reduce site disturbance. Notably, the fill depth of 700mm proposed in the refused development application is deleted from the proposal. Existing trees and shrubs have been retained where possible, ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

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

Access, Safety and Security

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

Ancillary Structures

Outbuildings

The proposed pavilion complies with the height, setbacks and area controls in the SCDCP 2005.

PART H – Waste Management

In accordance with Part H of SCDCP 2005, a Waste Management Plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately addresses Part H.

(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 a building. As the application is recommended for approval, appropriate conditions of consent are imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The proposal is not considered to have a significant impact on the natural and built environment nor any negative social or economic impacts on the locality.

(c) the suitability of the site for the development,

The size, shape, topography and vegetation of the site and its relationship to adjoining developments is suitable for the proposed dwelling house use as anticipated by the zoning. The proposal retains the existing use.

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

In accordance with the provisions of Council's Community Participation Plan (CPP), 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. No submissions were received.

(e) the public interest.

The proposed development is of a scale and character that does not conflict with the public interest. The public interest is served through the consistent application of planning controls. The proposal is generally consistent with what is anticipated by the planning controls and can therefore be considered in 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. 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 $ 2,773,931, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	$27,739.31

Conclusion

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

Following detailed assessment it is considered that DA 2023/159 should be:

Reasons for approval

1. The development facilitates the orderly economic development of the land.
2. The proposed dwelling provides good design quality and is considered suitable for the subject site.
3. There are no unreasonable environmental impacts.
4. The proposal was assessed against each of the mandatory relevant considerations of Section 4.15 of the EP&A Act 1979 in the assessment report and found to be acceptable.
5. The application is considered in the public interest.

GENERAL CONDITIONS

1	**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**
	1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work unauthorized to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

2	**Erection of signs**
	1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorized entry to the work site is prohibited. 3. The sign must be— a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3	**Fulfilment of BASIX commitments**
	It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled— 1. BASIX development, BASIX optional development, if the development application was accompanied by a BASIX certificate.
	Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

4	**Notification of Home Building Act 1989 requirements**
	1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— a. for work that requires a principal contractor to be appointed— i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

5	**Shoring and adequacy of adjoining property**
	1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying.
	Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

6	**Approved plans and supporting documentation.**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Description	**Reference No.**	**Date**	**Revision**	**Prepared By**
Demolition Plan	4A	22 November 2023	A	Nicholas Day Architects
Basement Plan	5F	12 November 2024	F	Nicholas Day Architects
Ground Floor Plan	6H	19 November 2024	H	Nicholas Day Architects
First Floor Plan	7D	22 August 2024	D	Nicholas Day Architects
Roof Floor Plan	8C	22 August 2024	C	Nicholas Day Architects
North and East Elevations	9E	22 August 2024	E	Nicholas Day Architects
South and West Elevations	10F	14 November 2024	F	Nicholas Day Architects
Sections A and B	11E	22 August 2024	E	Nicholas Day Architects
Streetscape Elevation and Front Fence Details	12C	22 August 2024	C	Nicholas Day Architects
Landscape Deep Soil Diagram	Job No. SS23-5185, Drawing No. 001	19 November 2024	E	Site Image Landscape Architects
Landscape Masterplan	Job No. SS23-5185, Drawing No. 100	19 November 2024	E	Site Image Landscape Architects
Landscape Plan	Job No. SS23-5185, Drawing No. 101	19 November 2024	E	Site Image Landscape Architects
Landscape Plan	Job No. SS23-5185, Drawing No. 102	24 September 2024	C	Site Image Landscape Architects
Landscape Details	Job No. SS23-5185, Drawing No. 501	11 April 2024	B	Site Image Landscape Architects
Approved Documentation				

Description	Reference No.	Date	Revision	Prepared By
Waste Management Plan				
Basix Certificate	1427389S_04	1 October 2024	-	EcoResults

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

7	**Infrastructure Development Contributions**
	Council has identified that the development will be subject to the imposition of Development Contributions. In accordance with Council's relevant Contributions Plan, the following monetary contributions are required.

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2010	$27,739.31
TOTAL CONTRIBUTIONS	**$27,739.31**

Indexation

The above contributions will be indexed at the time of payment to reflect inflation, in accordance with the indices provided by the relevant Development Contributions Plan. Indexation will be based on the CPI of **139.8** used to calculate the above contribution amount.

Please contact council prior to the payment of s7.11 or s7.12 Contributions to confirm the indexed contribution payable and the form of payment that will be accepted by Council.

Timing of Payment

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

A copy of the current Development Contributions Plans may be viewed on Council's website www.strathfield.nsw.gov.au.

Condition reason: To enable the provision of public amenities and services required and anticipated as a consequence of increased demand resulting from the development.

8	**Building Height**
	The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 34 AHD to the ridge of the building.
	Condition reason: To ensure the approved building height is complied with.

9	**Section 138 Roads Act 1993 & 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 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 Separate activity approvals for (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; Separate activity approvals for (h)-(l) 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.
	Condition reason: To ensure the protection of existing public infrastructure and adjoining properties.

10	**Vehicular Crossing – Minor Development**
	Constructing a vehicular crossing and footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works. This approval must be obtained from Council by completing and submitting a works permit application. The approval for a new or modified vehicular crossing will contain the plans and specifications required to construct the crossing and footpath. These works must be completed prior to the issue of an Occupation Certificate.
	Condition reason: To ensure appropriate vehicular access to the site can be achieved

11	**Road Opening Permit**
	A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TFNSW in the case of State roads, for every opening of a public reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of works in the road.
	Condition reason: To protect Council roads and footpaths and to ensure any works are to the relevant standards.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

12	**Design amendments**
	Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: a) The glazing of the first floor northern elevation window associated with the stairs shall be obscured glazing to protect privacy.
	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development

13	**Long Service Levy**
	Before the issue of the relevant construction certificate, the long service levy of $6,934.83 as calculated at the date of this consent, must be paid to the Long Service Corporation of Council under the *Building and Construction industry Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the certifier.
	Condition reason: To ensure the long service levy is paid

14	**Payment of security deposits**
	Before the issue of the relevant construction certificate, the applicant must: a) make payment of $19,656 for a security deposit and $145 for Administration Fee to the consent authority, and b) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed

15	**Basix Commitments**
	The approved BASIX Certificate must be submitted to the Principal Certifier with the application for a Construction Certificate. All measures and commitments as detailed in the BASIX Certificate No. 1427389S_04, dated 1 October 2024 must be implemented on the plans lodged with the application for the Construction Certificate.
	Condition reason: To comply with statutory requirements.

16	**Low Reflectivity Roof**
	Roofing materials must be low glare and reflectivity. Details of finished external materials must be provided to the Principal Certifier.
	Condition reason: To minimise excessive glare and reflectivity on the streetscape.

17	**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's Stormwater Management Code and AS/NZS 3500.3: 2015 (as amended), prepared by a suitably qualified professional engineer specialising in hydraulic engineering, must be submitted for approval to the Principal Certifier with the Construction Certificate.
	Condition reason: To ensure stormwater drainage system is adequately designed.

18	**Erosion and sediment control plan**
	Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier. a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time)
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

19	**Dial Before Your Dig**
	The applicant must contact Home | Before You Dig Australia (BYDA) to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" must be forwarded to Council's Engineers for their records.
	Condition reason: To ensure the protection of services and utility.

20	**Structural Details**
	Engineer's details for all reinforced concrete work, structural beams, columns & other structural members must be prepared by a suitably qualified practising Structural Engineer. These details are to be submitted to the Principal Certifier for approval. A copy must be forwarded to Council where Council is not the Principal Certifier.
	Condition reason: To ensure works are structurally sound.

21	**Off Street Parking – Compliance with AS2890**
	All driveways, access ramps, vehicular crossings and car parking spaces must 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).
	Condition reason: To ensure adequate vehicular access can be achieved and complies with relevant standards.

22	**Construction Site Management Plan**
	Before site work commences, a construction site management plan must be prepared, and provided to the certifier The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

23	**Waste Management Plan – an approved document of this consent**
	Before the issue of a construction certificate, a waste management plan for the development must be provided to the certifier.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction

24	**Tree Bond**
	A tree bond (calculated in accordance with Council's adopted Fees and Charges) and administration fee of $145 must be paid to Council, prior to the issue of a Construction Certificate. Tree number | Species Name | Height | Bond Fee Tree 2 | *Lophostemon confertus* | Under 5 meters | $3331.00 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 a bank cheque, credit card or bank guarantee. An administration fee applies to all bonds 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.
	Condition reason: To ensure the protection of trees to be retained on Council's Road Reserve.

25	**Landscape Plans**
	All landscape works must be carried out in accordance with the approved landscape plans.
	Condition reason: To ensure provision and maintenance of quality landscaping.

26	**Tree Removal/Pruning Prohibited**
	The removal or pruning (branches or roots) of any trees on the subject property (excluding those approved for removal in these conditions or species on Council's exempt species list), Council's public footway, public reserves or on neighbouring properties must not be undertaken other than in accordance with the express provisions of this consent.
	Condition reason: To ensure tree preservation and environmental amenity.

STRATHFIELD COUNCIL

27 **Tree Protection and Retention**

The following trees are to be protected throughout the course of all demolition and construction works. Tree protection is to be in place prior to commencement of demolition works.

Tree No.	Tree Species	Location of Tree
Tree 2	Lophostemon confertus	Council nature strip

All works within Tree TPZ is to be by hand tools only as per the Aboricultural Method Statement of the AIA Report.

A Project 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.

No services shall be installed within the Tree Protection Zone of the tree unless approved by Council. Tree protection fencing 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.

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 Project Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

A protective fence consisting of a fully supported chainmesh fence 1.8 metres height x 2 metres clear of the base of the tree at any one point must be erected around the street tree unless otherwise specified in AS4970-2009. The fence is to extend up to the back of the kerb and to the edge of the footpath. No soil, fill, building materials or waste should be placed or disposed of within the protection area.

Should replacement or repair of the public footpath or vehicle crossing within the Tree Protection Zone area of a street tree be required, Council's Urban Forest Supervisor is to be notified (with minimum 24hrs notice) of the intent to undertake the works and is to attend a site inspection after the existing footpath has been lifted but prior to any preparation works for laying of the new path. No street tree roots are to be cut without the Approval of Council. Failure to comply with this condition may result in the **forfeiting of the Tree Bond** should the street tree's health or structure be compromised.

Condition reason: To ensure the protection of trees to be retained on and neighbouring the site.

STRATHFIELD COUNCIL

28

Tree Removal
Council Approves removal of Tree 1, *Callistemon viminalis* as part of the subject development.

Reason: Tree removal

Tree removal
Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
Tree 1	Callistemon viminalis	1	Front of the allotment

No Permission is granted for the removal of any other trees on site.

General Tree Removal Requirements
All tree removal work must be undertaken by a minimum Certificate 3 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), 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).

Condition reason: To maintain adequate tree canopy and preservation of environmental amenity.

29.

Pump-Out System Design for Stormwater Disposal

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

(a) The pump system must 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 must 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 must 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 suitably qualified professional engineer specialising in hydraulic engineering must be provided to the Principal Certifier for approval with the Construction Certificate application.

Condition reason: To ensure suitable stormwater disposal method.

30	**Geotechnical Report**
	The applicant must submit a Geotechnical Report, prepared by a suitably qualified professional engineer specialising in geotechnical engineering. The Geotechnical Report must address dilapidation reports, all site works and construction. This is to be submitted to the Principal Certifier and Council (where Council is not the Certifier) before the issue of the Construction Certificate and must include: (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks, stabilization works and any excavations. (b) Dilapidation Reports on the adjoining properties including, but not limited to 49 South Street, Strathfield and 53 South Street, Strathfield prior to any excavation of site works. The Dilapidation Report must include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the Principal Certifier and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents must be provided with the report five (5) working days prior to any works on the site. (c) On-site guidance by a vibration specialist during the early part of excavation. (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report must detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts. (e) Sides of the excavation must be piered prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
	Condition reason: To ensure structural safety and integrity of adjoining properties.

31	**Compliance with Flood Study**
	The development must be designed to conform to the recommendations and conclusions of the submitted flood study prepared by SGC dated 27 November 2023 and its addition dated 1 October 2024 This must include, but not be limited to, any recommendations for the following: (a) Minimum floor levels (b) Fencing (c) Site regrading (d) Overland flow path construction (e) Protection of the basement from inundation of surface waters Evidence from a suitably qualified professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to must be submitted to the Principal Certifier with the Construction Certificate application.
	Condition reason: To mitigate flood risk and associated damage.

BEFORE BUILDING WORK COMMENCES

32	**Demolition & Asbestos**
	The demolition work must 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 must 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 must 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 or Regulation that a license is not required. All demolition work including the removal of asbestos, must be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)
	Condition reason: Safety, amenity and protection of public infrastructure and the environment.

33	**Demolition Notification Requirements**
	The following notification requirements apply to this consent: (a) The builder must notify adjoining residents five (5) working days prior to demolition. Such notification will be a clearly written note giving the date demolition will commence, contact details of the builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification must 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 builder must 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 must be erected in a prominent visible position (from street frontage) on the site. The sign must be erected prior to demolition work commencing and will remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
	Condition reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

34	**Payment of fees**
	Before any site work commences, the following must be paid to council and written evidence of these payments provided to the certifier. a) inspection fees b) Any other as specified in council's fees and charges at the payment date.
	Condition reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.

35	**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
	Condition reason: To ensure safety, amenity and protection of public infrastructure and the environment.

36	**Utility Arrangements**
	Arrangements must be made with utility authorities in respect to the services applied those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas will be at the applicant's expense.
	Condition reason: To ensure adequate provision of services is available.

37	**Erosion and sediment controls in place**
	Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan which was provided to the principal certifier are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

38	**Tree protection measures**
	Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.
	Condition reason: To protect and retain trees

39	**Dust Control**
	Where a dust nuisance is likely to occur, suitable screens and barricades must be erected during the demolition, excavation and building works. Water sprays must be used on the site to reduce the emission of dust. Screening must consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence or the like and must be modified as required should it fail to adequately control any dust nuisance.
	Condition reason: To protect environmental amenity.

DURING BUILDING WORK

40	**Hours of work**
	Site work must only be carried out between the following times – For building construction and delivery of machinery and materials from 7:00am to 5:00pm on Monday to Saturday (excluding Public Holidays) For demolition, excavation and/or construction works that involve heavy machinery, noisy trades, or the like from 7:00am to 5:00pm on Monday to Friday (excluding Public Holidays) Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area during construction.

41	**Ground Levels and Retaining Walls**
	The ground levels of the site must not be excavated, raised or filled and retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
	Condition reason: To maintain existing ground levels and protect existing overland flow.

42	**Physical Connection of Stormwater to Site**
	Work must not proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's stormwater drainage pipes into South Street.
	Condition reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters

43	**Cost of Work to be Borne by the Applicant**
	The applicant must pay the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc, and where plant and vehicles enter the site, the footway must be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction must be maintained in a state of good repair and condition throughout the course of construction.
	Condition reason: To protect Council's roads, reserves and public infrastructure.

44	**Responsibility for changes to public infrastructure**
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure

45	**Obstruction of Road or Footpath**
	The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
	Condition reason: To maintain public safety.

46	**Construction Management Plan**
	The builder must ensure that the approved Construction Traffic Management Plan is to be strictly complied with and kept on site at all times during construction works.
	Condition reason: To provide safe access to and from the site and protection of public infrastructure and the environment.

47	**Procedure for critical stage inspections**
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection

48	**Registered Surveyors Report** A report must be submitted to the Principal Certifier at each of the following applicable stages of construction: (a) Set out before commencing excavation. (b) Floor slabs or foundation wall, before formwork or commencing brickwork. (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey. (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans. (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries. (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge. Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.
	Condition reason: To ensure buildings are sited and positioned in the approved location

49	**Implementation of the site management plans while site work is being carried out:**
	a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work

50	**Tree Removal on Private Land**
	The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent must be removed in accordance with AS4373 - 2007 and the Amenity Tree Industry Code of Practice (SafeWork NSW, August 1998).
	Condition reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007

51	**Tree protection during work**
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the construction site management plan required under this consent, b) the relevant requirements of AS 4970 Protection of trees on development sites, c) Sections of council's relevant development control plan (in force as at the date of determination of this consent) and d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
	Condition reason: To protect trees during the carrying out of site work

52	**Waste management**
	While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste

53	**Connection to the Network**
	Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council before the commencement of any work.
	Condition reason: To protect Council assets.

54	**Electricity Supply to Development**
	The electricity supply to the Development must be underground.
	Condition reason: Minimise impact on streetscape and amenity from new allotments.

55	**Noise and Vibration requirements**
	While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5dB above background noise, when measured at a lot boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction

56	**Soil management**
	While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier is not required. b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

57	**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 the issue of any Occupation Certificate.
	Condition reason: Statutory compliance.

58	**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.
	Condition reason: Statutory compliance.

59	**Completion of Landscape Works and Tree Works**
	The approved landscape works have identified that the side setback area between the dwelling and boundary be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area must be maintained as landscaped area and must only be used for growing plants, grasses and trees and must not include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems).
	Condition reason: To ensure compliance with the minimum landscape area requirements

60	**Completion of Landscape Works and Tree Works**
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)

61	**Minor Development**
	Internal driveways and parking spaces must be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.
	Condition reason: To ensure parking spaces are constructed appropriately.

62	**Stormwater Certification of the Constructed Drainage Works (Minor)**
	The constructed stormwater system must be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.
	Condition reason: To ensure appropriate provision have been made for the disposal and management of stormwater generated by the development.

63	**Vehicular Crossing – Minor Development**
	The vehicular crossing and footpath works must be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Engineering Design Services and in accordance with Council's Driveway Specifications. Any existing vehicular crossing and laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas must 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 any Occupation Certificate.
	Condition reason: To ensure appropriate access to the site is achieved.

64	**Release of securities**
	When Council receives an occupation certificate, an application may be lodged to release the securities held in accordance with Council Policy.
	Condition reason: To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction

65	**Repair of infrastructure**
	Before the issue of an occupation certificate: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified

66	**Removal of waste upon completion**
	Before the issue of an occupation certificate: a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored

67	**Electricity Supply**
	Prior to the issue of any Occupation Certificate, evidence must be provided demonstrating that the development has been connected to the Ausgrid network.
	Condition reason: To ensure adequate provision of services.

68	**Completion of public utility services**
	Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.
	Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

69	**Restriction to User and Positive Covenant for Stormwater Management System**
	Prior to the issue of any Occupation Certificate, the applicant must register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.). Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant must register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration. The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.
	Condition reason: To ensure the approved stormwater disposal system is maintained to an appropriate operational standard

70	**Maintenance Schedule – On-site Stormwater Management**
	A Maintenance Schedule for the proposed on-site stormwater management measures must be prepared by a suitably qualified professional hydraulic engineer and submitted to Council. The Maintenance Schedule must outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
	Condition reason: To ensure the approved stormwater disposal system is maintained at its designed capacity.

71	**Post-construction dilapidation report**
	After completion of all site work, a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site

72	**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 plans submitted to Council detailing: (a) Compliance with conditions of development consent relating to stormwater. (b) The structural adequacy of the Pump-Out tank. (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations. (d) Pipe invert levels and surface levels to Australian Height Datum. 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.
	Condition reason: Stormwater Management.

73	**Requirements Prior to the issue of the Occupation Certificate**
	The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate: (a) All the stormwater/ drainage works must be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate. (b) Construct any new vehicular crossings required. (c) Replace all redundant vehicular crossing laybacks with kerb and guttering, and replace redundant concrete with turf. (d) Works-as-Executed plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete, must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
	Condition reason: To ensure works are carried out in accordance with approved plans.

OCCUPATION AND ONGOING USE

74	**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, fertilising, pest and disease control, replacement of dead or drying plants and any other operations required to maintain healthy trees, plants and turfed areas.
	Condition reason: To ensure the amenity of landscaping is maintained.

75	**Greywater System**
	In order to conserve and re-use water, Council encourages all development 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 must ensure that it complies with the Plumbing Code of Australia. Th system must be maintained at all times and must not result in any adverse amenity impacts on the subject premises and surrounding properties.
	Condition reason: Encourage water conservation and re-use.

76	**Maintenance of wastewater and stormwater treatment device**
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition reason: To protect sewerage and stormwater systems

77	**Entering and Exiting of Vehicles**
	All vehicles must enter and exit the premises in a forward direction.
	Condition reason: Safety and traffic management.