

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 16 May 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.





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**TO:** Strathfield Local Planning Panel Meeting - 16 May 2024  
**REPORT:** SLPP – Report No. 8  
**SUBJECT:** S8.2-DA2023.111 - 36 BAREENA STREET STRATHFIELD  
**DA NO.** S8.2-DA2023.111 – 36 Bareena Street STRATHFIELD

**SUMMARY**

<b>Proposal:</b>	Section 8.2 Application to review previous determination to refuse the development for the demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool.
<b>Applicant:</b>	S Wu & Steve Wu Architects Pty Ltd
<b>Owner:</b>	A Jelliffe
<b>Date of lodgement:</b>	4 March 2024
<b>Notification period:</b>	8 March 2024 – 22 March 2024
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	Niroshini Stephen
<b>Estimated cost of works:</b>	\$1,596,100.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 variation proposed?</b>	No
<b>Extent of the variation supported?</b>	N/A
<b>Peer review of Clause 4.6 variation:</b>	N/A
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

**EXECUTIVE SUMMARY**

**Background**

The subject application is a Section 8.2 Review of Development Application (DA) 2023/111 which was refused by Strathfield Council on 7 December 2023. The refused application sought approval for demolition of existing dwelling and structures, construction of a new two storey dwelling house with basement and swimming pool. The reasons for refusal pertained to façade articulation, excavation, bulk and scale and privacy.

**Proposal**

The design has been revised and development consent is being sought for demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool.

## Site and Locality

The site is identified as 36 Bareena Street, Strathfield and has a legal description of Lot: 95 DP: 14613. The site is a regular shaped parcel of land and is located on the eastern side of Bareena Street. The site has a width of 15.24m, a depth of approximately 41.15m and an overall site area of 622.1m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of single and two storey dwelling development.

## Strathfield Local Environmental Plan (SLEP) 2012

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

## Strathfield Consolidated Development Control Plan (SCDCP) 2005

The proposed development generally satisfies the provisions of 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 8 March 2024 to 22 March 2024, where no submissions were received.

## Issues

- Front setback
- Total landscaped area
- Driveway width and basement horizontal protrusion

## Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023/111 is recommended for approval subject to suitable conditions of consent.

## RECOMMENDATION

That Development Application No. S8.2-DA2023.111 for demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool at 36 Bareena Street, Strathfield be **APPROVED**, under the provision of Division 8.2 of the Environmental Planning & Assessment Act 1979, subject to the following conditions.

## ATTACHMENTS

1. S8.2 - DA2023.111 - 36 Bareena Street STRATHFIELD - SLPP Report (PDF)



## SLPP REPORT

<b>Property:</b>	36 Bareena Street STRATHFIELD DA 2023/111
<b>Proposal:</b>	Section 8.2 Application to review previous determination to refuse the development for the demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool.
<b>Applicant:</b>	S Wu & Steve Wu Architects Pty Ltd
<b>Owner:</b>	A Jelliffe
<b>Date of lodgement:</b>	4 March 2024
<b>Notification period:</b>	8 March 2024 – 22 March 2024
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	N Stephen
<b>Estimated cost of works:</b>	\$1,596,100.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>Local Planning Panel Criteria</b>	Internal Delegations
<b>RECOMMENDATION OF OFFICER:</b>	Approval

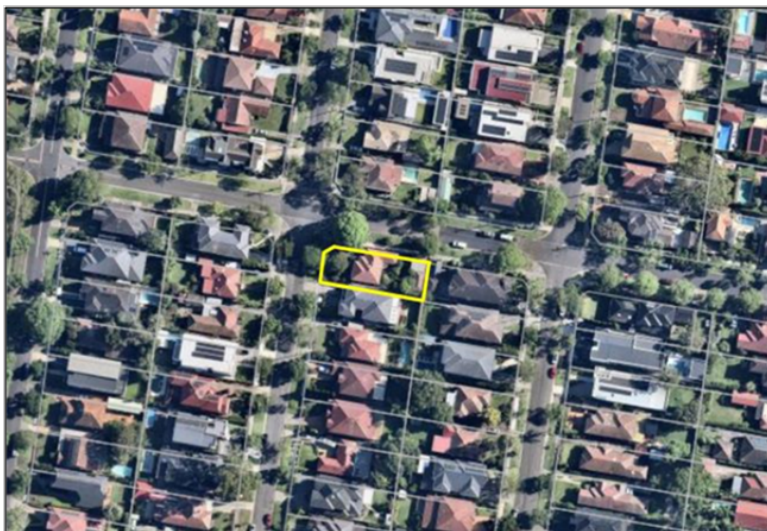


Figure 1: Aerial view of the subject site (outlined in yellow)



## **EXECUTIVE SUMMARY**

### **Background**

The subject application is a Section 8.2 Review of Development Application (DA) 2023/111 which was refused by Strathfield Council on 7 December 2023. The refused application sought approval for demolition of existing dwelling and structures, construction of a new two storey dwelling house with basement and swimming pool. The reasons for refusal pertained to façade articulation, excavation, bulk and scale and privacy.

### **Proposal**

The design has been revised and development consent is being sought for demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool.

### **Site and Locality**

The site is identified as 36 Bareena Street, Strathfield and has a legal description of Lot: 95 DP: 14613. The site is a regular shaped parcel of land and is located on the eastern side of Bareena Street. The site has a width of 15.24m, a depth of approximately 41.15m and an overall site area of 622.1m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of single and two storey dwelling development.

### **Strathfield Local Environmental Plan (SLEP) 2012**

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

### **Strathfield Consolidated Development Control Plan (SCDCP) 2005**

The proposed development generally satisfies the provisions of 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 8 March 2024 to 22 March 2024, where no submissions were received.

### **Issues**

- Front setback
- Total landscaped area
- Driveway width and basement horizontal protrusion

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, Development Application (DA) 2023/111 is recommended for approval subject to suitable conditions of consent.



## REPORT IN FULL

### Proposal

Council has received an application for the Section 8.2 review of the previous determination to refuse the development for demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool. The revised proposal includes:

#### **Basement level:**

- Three parking spaces
- Cellar
- Bathroom
- Storage
- Lift and stair access to upper levels

#### **Ground floor level:**

- Open plan living / kitchen / dining room
- Guest bedroom with ensuite
- Home office
- Bathroom
- Pantry with sink and stovetop
- Laundry
- Lift and stair access

#### **First floor level:**

- Four bedrooms, each with ensuite and three with walk in wardrobes
- Front and rear balconies
- Lift and stair access

#### **External works:**

- Alfresco with BBQ
- Swimming pool
- Lawn area
- Inset planter

The key changes between the refused and proposed designs are:

- Gym deleted from basement and additional storage provided
- Reduction in size of basement
- Increases to sections of the northern setback to the secondary street frontage
- Deletion of northern wall of first floor rear facing balcony
- Increases to sections of the southern side setback
- Addition of window to guest bedroom and bedroom 3 on the southern side elevation
- Reduction in size of alfresco and increased separation provided to southern side boundary
- Relocation of vehicular crossing and driveway
- Reduction in driveway width
- Resuscitation zone provided to the west of the swimming pool

**Figures 2-17** below are excerpts from the amended architectural package submitted as part of the Section 8.2 review and the refused drawings.



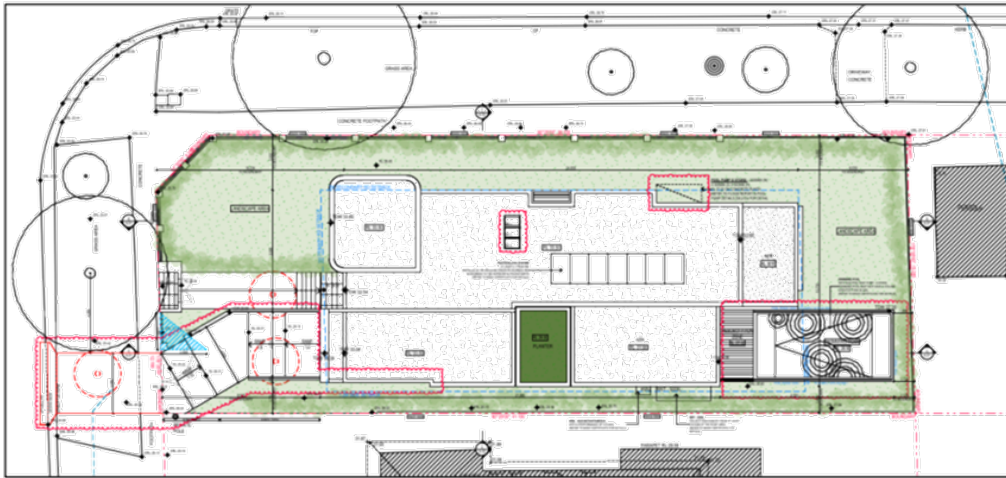


Figure 2: Proposed Site Plan

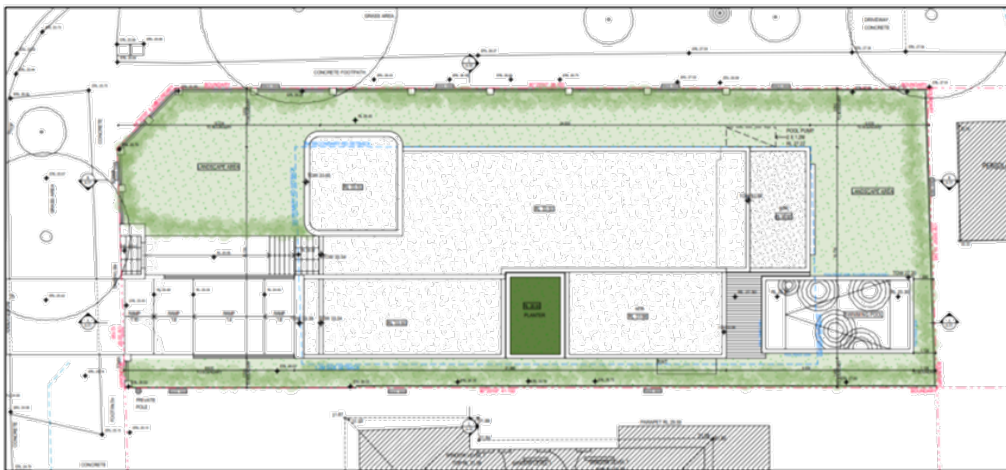


Figure 3: Refused Site Plan

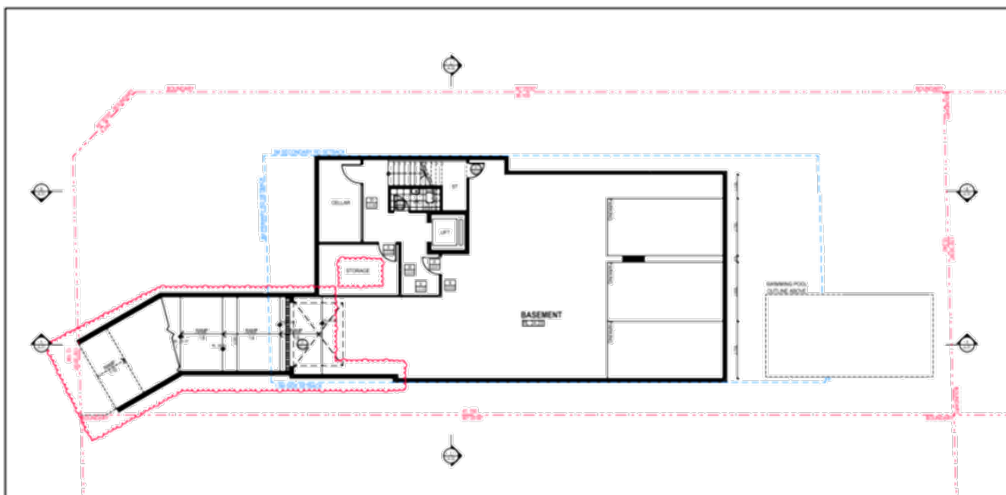


Figure 4: Proposed Basement Plan

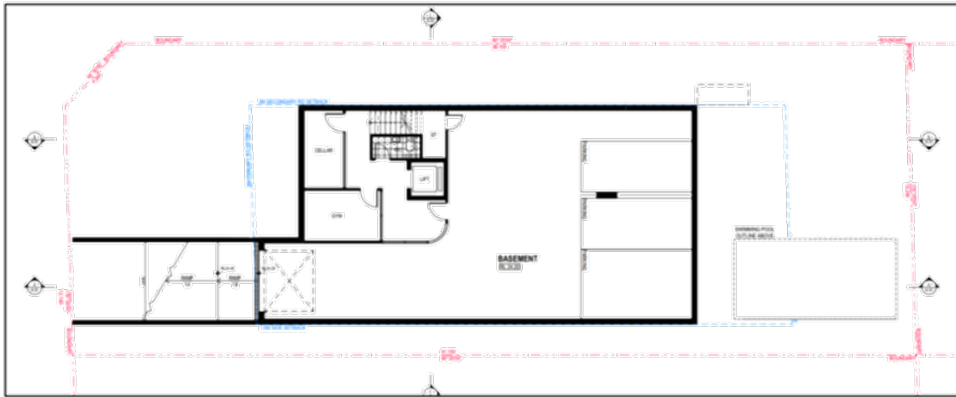


Figure 5: Refused Basement Plan

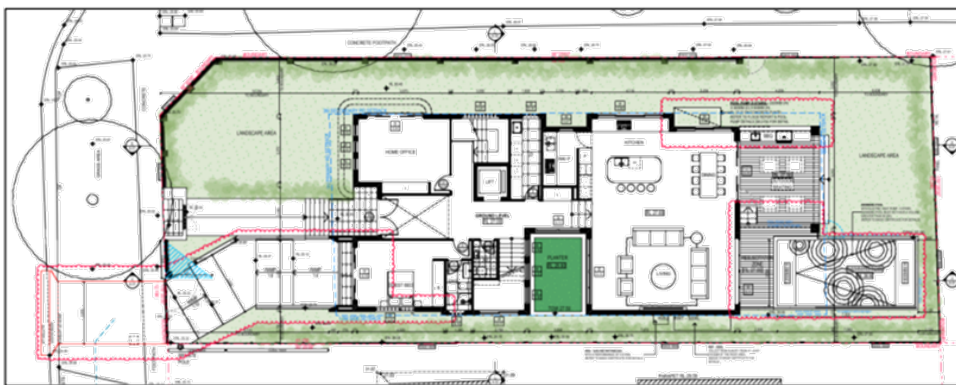


Figure 6: Proposed Ground Floor Plan



Figure 7: Refused Ground Floor Plan

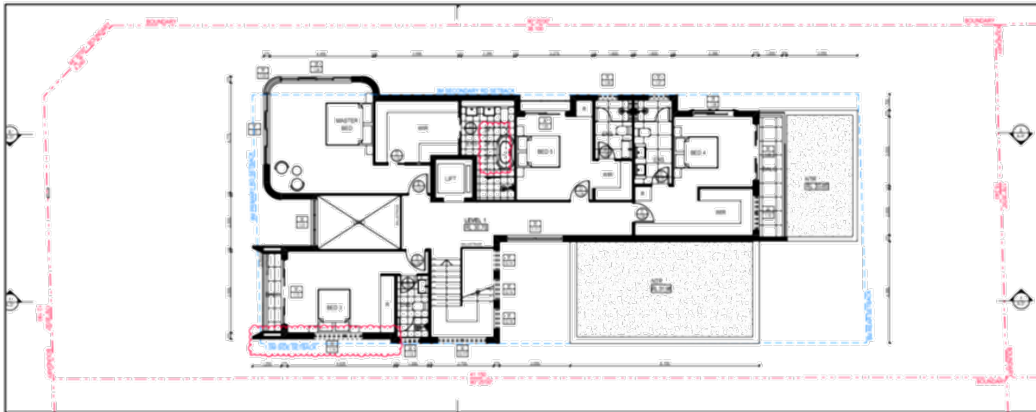


Figure 8: Proposed First Floor Plan



Figure 9: Refused First Floor Plan

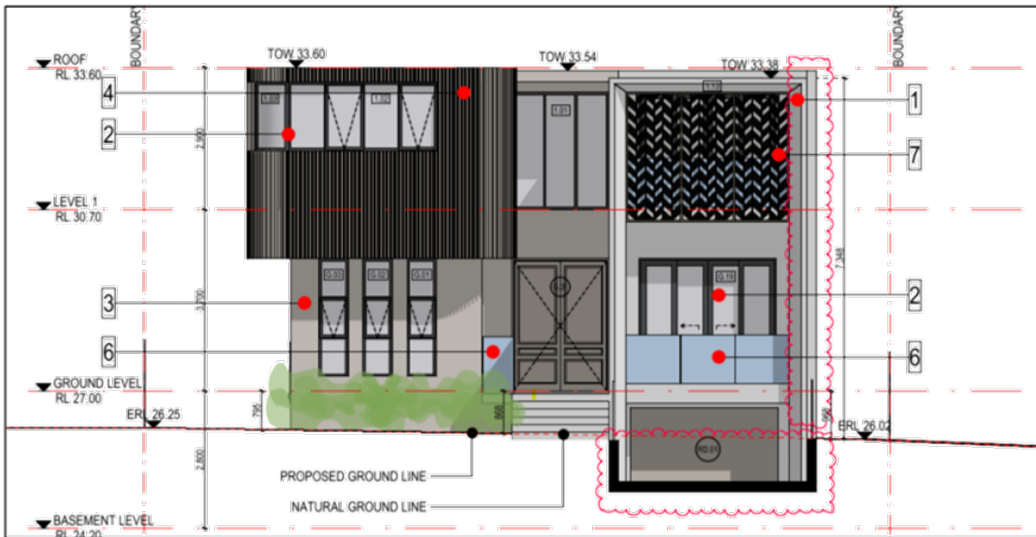


Figure 10: Proposed Bareena Street (West) Elevation



Figure 11: Refused Bareena Street (West) Elevation

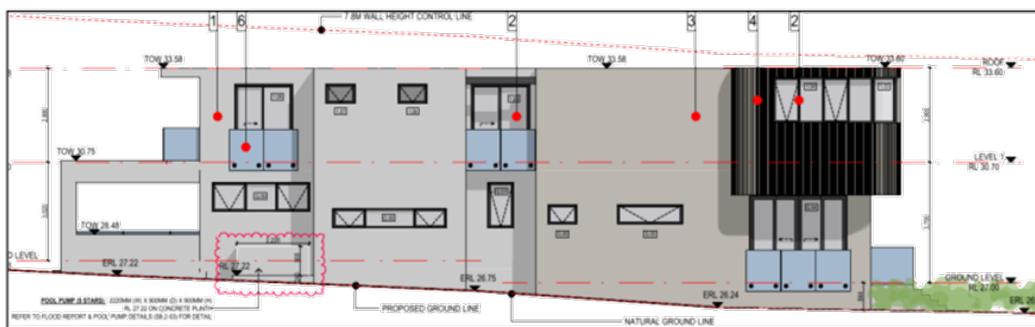


Figure 12: Proposed Ada Avenue (North) Elevation

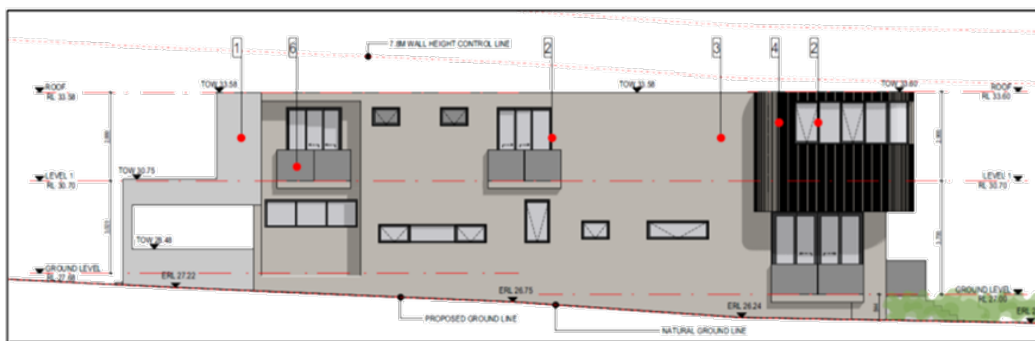


Figure 13: Refused Ada Avenue (North) Elevation

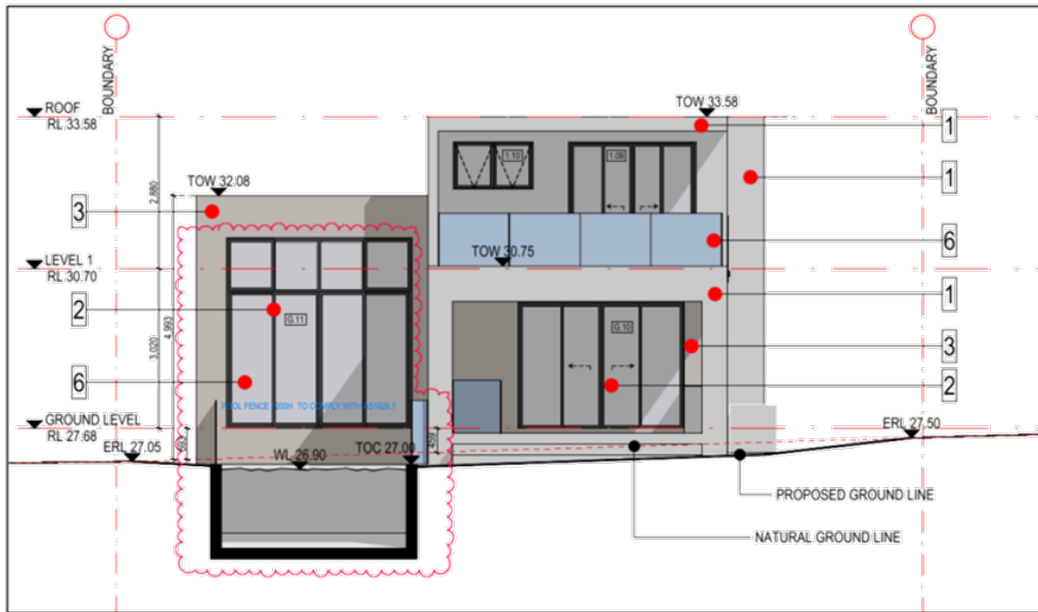


Figure 14: Proposed East Elevation

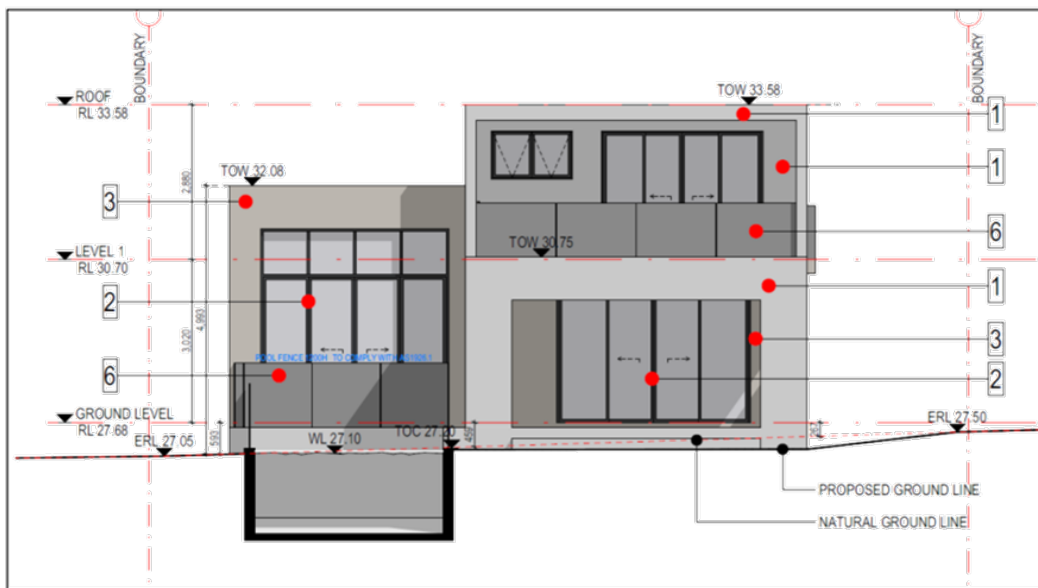


Figure 15: Refused East Elevation

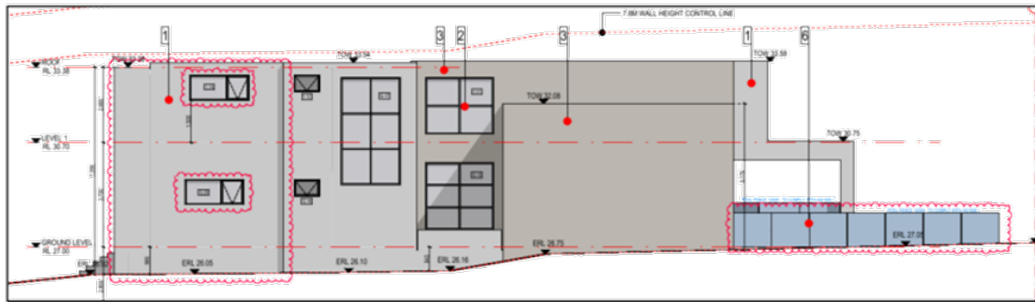


Figure 16: Proposed South Elevation

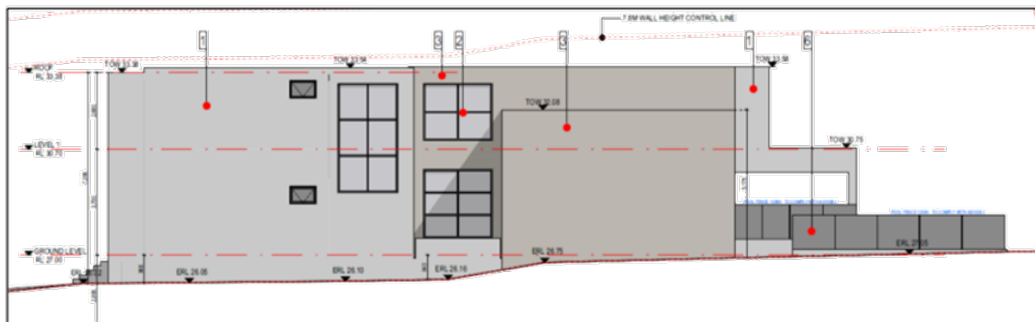


Figure 17: Refused South Elevation

**The Site and Locality**

The subject site is legally described as Lot: 95 DP: 14613 and commonly known as 36 Bareena Street, Strathfield. It is located on the south eastern corner of Bareena Street and Ada Avenue.

The site is rectangular in shape and has a primary frontage of 12.19m (excl. splay) to Bareena Street to the west, a secondary frontage of 38.1m (excl. splay) to the north to Ada Avenue, a southern boundary of 41.15m and an eastern boundary of 15.24m, resulting in a total area of 622.1m<sup>2</sup>. The site slopes from the north eastern corner to the south western corner by approximately 2.39 metres.

The site is occupied by a single storey brick dwelling with a pitched roof (see **Figure 18** and **19**). The rear yard comprises of dense landscaped areas with concrete walkways. Vehicular access is provided to the site via an existing driveway from Ada Avenue to an existing detached carport located at the rear of the site (see **Figure 20**). Behind the carport is a shed (see **Figure 21**).



**Figure 18:** Front elevation of existing dwelling facing Bareena Steet



**Figure 19:** Existing development on the subject site, as viewed from the secondary street frontage (Ada Avenue)



**Figure 20:** Existing vehicular access and parking along Ada Avenue



**Figure 21:** Existing shed at the rear of the site

To the east of the site is 35 Myrna Road which contains a two storey dwelling (see **Figure 22**). The dwelling is located higher than the subject site and has a pergola and outbuilding against the shared boundary. Vehicular access is from the primary frontage to Myrna Road.





**Figure 22:** 35 Myrna Road, as viewed from Ada Avenue

To the south of the site is 38 Bareena Street which contains a two storey dwelling with a basement (**Figure 23**).



**Figure 23:** 38 Bareena Street, as viewed from the street

The locality surrounding the subject site contains a mixture of single and two storey dwellings. While not in the majority, there are examples of contemporary rendered dwellings with flat roofs in the streetscape.



## **Background**

**7 December 2023** DA 2023/111 was refused by Strathfield Council for the following reasons:

### **1. Inconsistent with Local Environmental Plan**

The proposal is inconsistent with the objectives and provisions of the following clauses of the Strathfield Local Environmental Plan 2012:

- a) Clause 5.22 Flood planning – habitable room (gym) below flooding freeboard Level
- b) Clause 6.2 Earthworks - due to the excessive excavation

This is a relevant consideration under section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

### **2. Inconsistency with Development Control Plan**

The proposal breaches a number of controls in the Strathfield Consolidated Development Control Plan 2005 which is a relevant consideration under section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979. Some of the breaches are acceptable on a merits basis, however breaches with insufficient merits remain including:

- a) Addressing the street under Objective (D) of Part A2.1 and Control (2) of Part A2.2.3
- b) Bulk of alfresco and privacy screen above under Part 2.2.2(1)
- c) Articulation under Objective (B) of Part A2.1 and Control (1) of Part A2.2.3
- d) Raised alfresco under Part A7.2.3(1),(2)
- e) Driveway width at property boundary under Part A8.2.1(2)
- f) Basement footprint under Part A8.2.3(1)

### **3. Likely impacts**

The proposal results in unacceptable likely impacts (s 4.15(1)(b)) of the Environmental Planning and Assessment Act 1979) including:

- a) Privacy impact from raised alfresco area near the southern side boundary
- b) Environmental and construction impact from excessive excavation

### **4. Suitability of the site**

The site is not considered suitable for the proposed development due to the flooding site constraint and the extent of excavation proposed.

### **5. Public interest**

The proposal is not considered in the public interest (s 4.15(1)(e) of the Environmental Planning and Assessment Act 1979) due to:

- a) The undesirable secondary street presentation and driveway gate width
- b) The excessive excavation
- c) Safety concerns around the swimming pool where pool fencing is proposed above the coping and there is no space for a resuscitation zone



- d) The proposal falls short of Crime Prevention Through Environmental Design principles in relation to the public domain as the proposal does not adequately address the secondary street

#### 6. Insufficient information

The proposal does not provide the following information necessary to approve the application:

- a) Revised Arborist Report which considers the proposed stormwater and services connections arrangement and the final driveway location. This is necessary for a full assessment against the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the Strathfield Consolidated Development Control Plan 2005
- b) Revised BASIX Certificate reflecting the final design
- c) Hot water system shown on the architectural drawings as required in the BASIX Certificate
- d) Demonstrate the pool pump equipment and accompanying electrical equipment will be above the 1 in 100 year flood level as required by the Interim Flood Prone Lands Policy
- e) Indicate the levels of the top of the walls adjacent to the driveway leading into the basement. These are not to be lower than the level of the crest in order to protect the basement from flooding

- 4 March 2024** The subject Section 8.2 review application was lodged with Council.
- 8 March 2024** The application was placed on public exhibition until **22 March 2024** during which time no submissions were received.
- 20 March 2024** Council's Assessing Officer undertook a site inspection.
- 26 March 2024** Additional information for the following was requested:
- Gym to be removed from basement level and pool pump to be relocated to satisfy requirements of flood report
  - Further articulation to be provided to southern façade
  - Alfresco to be amended to address visual privacy impacts
  - Width of driveway to be reduced
  - Resuscitation zone to be provided to swimming pool
  - Landscaped area to be increased
  - Plans to be consistent with BASIX Certificate
  - Relocation of vehicle crossover to reduce impacts to tree T4 TPZ
  - Required canopy trees to be provided
- 3 April 2024** Additional information was formally submitted by the Applicant
- 4 April 2024** Landscape plan was formally submitted by the Applicant
- 11 April 2024** Owner's consent was provided by the Applicant

#### Referrals – Internal and External

**Tree Management Officer**



The amended plans were referred to Council's Tree Manage Officer. No issues were raised subject to conditions of consent including the landscape plan to be revised to provide two (2) canopy trees in the front yard and one (1) canopy tree in the rear yard. The canopy trees should be a species that is itemised on the selected Council's suggested tree species list. A written note is also to be placed on the Stormwater Management Plan by MBC Engineering dated 03/04/2024 requiring "excavation of the Stormwater connection to kerb between Tree 3 and Tree 4 is to be by hand using non-destructive methods. Site Project Arborist to be present during excavation and installation of the Stormwater connection to kerb. Project Arborist to provide written certification for OC."

**Stormwater Engineer**

The amended plans were referred to Council's Development Engineer. No issues were raised subject to conditions of consent.

**Traffic Engineer**

The amended plans were referred to Council's Traffic Engineer. No issues were raised 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 POLICIES**

Compliance with the relevant State Environmental Planning Policies is detailed below:

<b>STATE ENVIRONMENTAL PLANNING POLICY</b>	<b>COMPLIES</b>
State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> <li>• Chapter 2 – Vegetation in non-rural areas</li> </ul>	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021 <ul style="list-style-type: none"> <li>• Chapter 4 – Remediation of land</li> </ul>	Yes

**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 proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order



to ensure the protection of these trees. Further, no objection was raised to the removal of two (2) trees on the site subject to replacement planting. Relevant consent conditions will be imposed. Accordingly, the aims and objectives outlined within the SEPP are considered to be satisfied.

It is noted a revised Arborist Report which considers the proposed stormwater and services connections arrangement and the final driveway location was not provided with DA2023/111 and this formed a reason for refusal of the application.

As part of the Section 8.2 application, an updated Arborist Report was submitted and considered acceptable by Council's Tree Management Officer. The amended plans show the driveway has been relocated closer to the southern side boundary to minimize impacts to Tree T4. The relocation of the driveway is considered acceptable by Council's Tree Management Officer.

#### **STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022**

A BASIX Certificate has been issued in accordance with the standards of State Environmental Planning Policy (Sustainability Buildings) 2022 and the commitments required by this certificate have been satisfied and included on the development plans.

It is noted a revised BASIX Certificate was not issued for the final revised design and the hot water system was not shown on the architectural drawings for DA2023/111 and this formed reason for refusal of the application.

As part of the Section 8.2 application, a BASIX Certificate has been submitted which is consistent with the architectural plans and the hot water system has been shown on the 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 demolition of the existing dwelling house and associated structures, and construction of a two-storey dwelling house with basement and swimming pool is a permissible form of development with Council's consent.

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	7.54	YES
<b>4.4C</b> Floor Space Ratio	0.6:1 (373m <sup>2</sup> )	0.57:1 (355.1m <sup>2</sup> )	YES



It is noted that the third basement parking space as well as any portions of the basement not for access or storage are included in the gross floor area. The enclosed street facing balcony has been included in the gross floor area.

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

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

### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

It is noted a gym, which constitutes habitable floor area, was located below the flooding freeboard requirements in the plans submitted under DA2023/111 and this formed reason for refusal of the application. As part of the Section 8.2 application, the gym has been deleted from the proposal.

## **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 largely 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. 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.

It is noted that the refused development incorporated a basement that extended beyond the ground floor footprint and in combination with bulk and scale above ground, was considered excessive. Therefore excessive excavation formed a reason for refusal. As part of the Section 8.2 application, the proposal has been amended so that the basement is largely contained within the footprint of the dwelling at ground level. A minor section breaches the ground floor footprint where the southern ground floor planter is located. This is considered acceptable as the breach is setback approximately 19.4 metres from the front boundary and will not result in



impacts to the streetscape. The proposal has been reviewed by Council's Development Engineer and no issues were raised.

**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	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Heights (max):</b> Floor to ceiling heights:	3.0m	Max 3m (except voids)	NO, see below
Height to underside of eaves:	7.2m	7.2m	YES
Parapet height:	0.8m	0.4m	YES
Overall height for flat roof dwelling:	7.8m	7.54m	YES
Number of storeys/levels:	2	2	YES
<b>Setbacks (min):</b> Primary Front:	9m	8.6m	NO, see below
Secondary Frontage:	3m where entry from secondary frontage, otherwise on merit	Access from Bareena Street, therefore on merit. Generally 3m with small area 2.2m at corner which is acceptable	YES
Side: South	1.2m (min)	1.5m	YES
Rear:	6m	6m	YES
<b>Landscaping</b>			
Overall area (min):	41.5% (258m <sup>2</sup> )	39% (243.5m <sup>2</sup> )	NO, see below
Front yard area (min):	50% (66m <sup>2</sup> )	50.7% (66.9m <sup>2</sup> )	YES



Rear area (min):	50% of overall landscape requirement (129m <sup>2</sup> )	66% (172.4m <sup>2</sup> )	YES
<b>Fencing</b>			
Height (max):	1.5m	1.5m	YES
Solid component (max):	0.7m	0.7m	YES
Secondary frontage (max):	1.8m	1.8m	YES
Side and rear (max):	1.8m	1.8m	YES
<b>Solar Access</b>			
POS or habitable windows on subject site (min):	3hrs to habitable windows and to 50% of POS	>3hrs	YES
Adjoining POS (min):	3hrs	>3hrs	YES
<b>Vehicle Access and Parking</b>			
Boundary driveway width (min):	3m	3.3m	NO, see below
Vehicular crossing (max):	1	1	YES
Driveway setback – side (min):	0.5m	Ranges from 0m to 1.8m	NO, see below
No. of parking spaces:	2	3	NO, counted to GFA
<b>Basement:</b>			
Vertical protrusion (max):	1.0m	966mm	YES
Ramp width (max):	3.5m	3.5m	YES
Internal height (min):	2.2m	2.4m	YES
Horizontal protrusion:	Within GF footprint	One protrusion	NO, see below
<b>Ancillary Development</b>			
<b>Swimming Pool:</b>			
Side/rear setback (min):	1.0m	1m	YES

**Streetscape and Visual Appearance**

The proposed development is assessed against the objectives and controls within the SCDCP 2005 relevant to:

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

The reasons for refusal include concerns the secondary street frontage presentation to Ada Avenue does not sufficiently address the street. The plans submitted with the Section 8.2 application show improvements to the northern façade with a varied front setback to Ada Avenue, compared to the flat continuous setback in the refused design. The front setback to Ada Avenue now varies from 2.2 metres to 3.7 metres. The varied front setback breaks up the massing and provides visual interest. Also essential to the refusal was the blank wall at the rear of the dwelling sheltering the first floor rear balcony from views to the street. The plans submitted with the Section 8.2 application show the northern wall of the rear facing first floor balcony has been deleted. The deletion of the wall reduces the bulk of the first floor and allows passive surveillance to Ada Avenue.

The reasons for refusal include concerns with the blank walls along the southern façade. The plans submitted with the Section 8.2 application show a varied southern side setback is





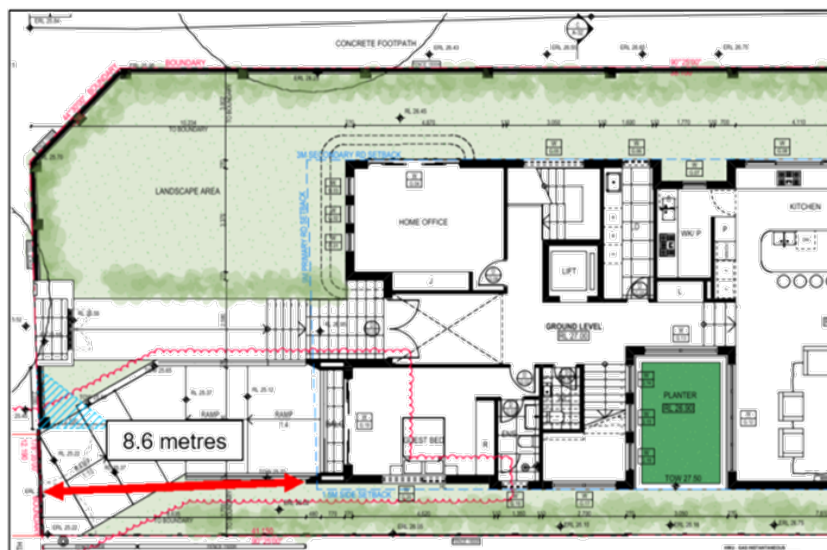
proposed. The southern side setback varies from 1.5 metres to 5.9 metres. The varied side setback breaks up the massing and provides visual interest. Additional windows have also been provided to guest bedroom and bedroom 3 to reduce the appearance of a blank wall.

The contemporary rendered design with flat roof is acceptable, reflecting an emerging streetscape character that appears consistent with several nearby examples. The primary street frontage elevation to Bareena Street is well articulated and suitable in the streetscape.

**Building Envelope**

The proposal complies with the height controls with the exception of the floor to ceiling height of the voids. Two voids are proposed. The first is at the entry and is only 8.2m<sup>2</sup>. This void will enhance the sense of entry and will not readily contribute to the overall building bulk, being set in from the rest of the front façade. The second void is over the living area has an area of 31.2m<sup>2</sup>. A floor to ceiling height of 3.6m is proposed. The shadow diagrams show the void does not contribute to additional overshadowing impacts to the neighbouring property and is considered acceptable in this regard.

Control 4.2.3.1(1) requires the primary street setback to be 9 metres. The proposal has a front setback of 8.6 metres and does not comply with the control. The non compliance is associated with a section of the guest bedroom balcony (**Figure 24**) and bedroom 3 balcony (**Figure 25**). The non compliance is considered minor being 400mm and is associated with a small section of the balconies. The remainder of the proposal complies with the front setback requirement, including at any point from the main building wall line. The non compliance is considered acceptable in this regard.



**Figure 24:** Front setback of guest bedroom balcony notated on ground floor plan



**Figure 25:** Front setback of bedroom 3 balcony notated on first floor plan

The proposal complies with the side and rear setbacks controls. The proposed dwelling features numerous breaks in the built form and a gross floor area below the floor space ratio standard, allowing for a moderated building envelope.

#### Landscaping and Open Space

Control 5.2.1(1) requires the minimum landscaped area for the lot to be 41.5% (258m<sup>2</sup>). The proposed total landscaped area is 39% (243.5m<sup>2</sup>) and does not comply with the control requirement. Control 5.2.1(1) specifies side setback areas between the boundary and house that are 1.5 metres or less in width should not be included as landscaped area. A section of the southern side setback has not been included in the calculation due to a technical interpretation of the DCP and an extra 1mm would mean that it is included and the proposal would comply.

The non compliance is considered acceptable as the extent of hard paved areas has been minimized across the site. The hard paved areas are associated with the front pathway and driveway which allow pedestrian and vehicle access from the street. The proposal satisfies the objectives of 'Section 5 – Landscaping' as adequate deep soil planting is retained and a functional private open space area is provided. The deep soil area provided can accommodate large canopy trees. The non compliance is considered acceptable in this regard.

As discussed above, the impact from the stormwater and service connections and driveway location were not detailed in the Arborist Report and formed a reason for refusal. As part of the Section 8.2 application, an updated Arborist Report was submitted and considered acceptable by Council's Tree Management Officer. The amended plans show the driveway has been relocated closer to the southern side boundary to minimize the impact to Tree T4. The relocation of the driveway is considered acceptable by Council's Tree Management Officer.

#### Fencing

The proposed front and side fencing satisfies the relevant objectives and controls within SDCDP 2005. The fencing along the secondary street frontage is at 1.5m and includes inserts above 0.7m until the rear private open space where it increases to 1.8m. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.



### **Solar Access**

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Despite the west – east orientation of the site the shadow diagrams show the southern property at No. 38 Bareena Street receives 3 hours of solar access to 50% of the principal private open space between 9am and 12pm. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

### **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.

#### Southern side elevation

- The guest bedroom (G.20), ensuite window (G.18), bedroom 3 window (1.14) and ensuite window (1.12) are offset from adjoining property windows.
- The internal stairs window (G.17) and corridor windows (G.13 and 1.11) align with adjoining property windows. The internal staircase and corridors are a transition space where occupants do not spend extended periods of time and will not result in adverse visual privacy impacts.

#### Eastern rear elevation

- The living and dining windows have an increased separation of 10.3 metres from the rear boundary. The increased separation ensures there are no adverse visual privacy impacts.
- Bedroom 4 and the walk in wardrobe have an increased separation of 10.3 metres from the rear boundary. The increased separation ensures there are no adverse visual privacy impacts.

The alfresco is 6 metres from the rear eastern boundary. The neighbouring property to the east (No. 35 Myrna Road) is sited higher than the subject site and the alfresco is unlikely to result in adverse overlooking impacts.

The visual privacy impacts from the alfresco area to the southern side boundary formed a reason for refusal. As part of the Section 8.2 application, the deck has been amended to provide an increased separation of 6.3 metres from the southern side boundary. The increased separation minimises adverse visual privacy impacts. The deck is elevated 600mm above the existing ground level. The proposed 1.8 metre high boundary fence will restrict overlooking from the alfresco.

The ground floor guest bedroom balcony and first floor bedroom 3 balcony orientate to the street and do not result in privacy impacts to the neighbouring property to the south. The dimensions of the rear facing balcony area 1m (depth) x 5.2m (length). The dimensions of the balcony do not comply with Control 7.2.3(3) which requires small upper floor rear balconies should measure no more than 1m in depth by 2m in length. The balcony is associated with a bedroom and has a reduced depth of 1m and is unlikely to be used for extended periods. The balcony is considered acceptable in this regard.



### **Vehicular Access, Parking and Basements**

The basement has been kept to less than 1m above existing ground level. The basement maintains an internal clearance height of more than 2.2m and provides sufficient room for vehicles to ingress and egress in a forward direction.

The driveway width being 3.8 metres at the property boundary formed reason for refusal of the application. The plans submitted as part of the Section 8.2 application show the width of the driveway at the property boundary has been reduced to 3.3 metres. The proposal is non compliant with Control 8.2.1(2) which requires the width of driveways at the property boundary to be 3m. The non compliance is considered minor being 300mm and the width of the driveway has been supported by Council's Traffic Engineer.

It is noted that the refused development incorporated a basement that extended beyond the ground floor footprint and in combination with bulk and scale above ground, was considered excessive. Therefore excessive excavation formed a reason for refusal. As part of the Section 8.2 application, the proposal has been amended so that the basement is largely contained within the footprint of the dwelling at ground level. A minor section breaches the ground floor footprint where the southern ground floor planter is located. This is considered acceptable as the breach is setback approximately 19.4 metres from the front boundary and will not result in impacts to the streetscape. The size of the basement is largely contained within the ground floor footprint and is considered acceptable in this regard.

Three (3) parking spaces are proposed and non compliant with Control 8.2.2(1) which requires (2) car parking spaces to be provided. The three (3) parking spaces are contained within the basement and will not be visible from the street. The car parking spaces do not result in adverse streetscape impacts and the non compliance is considered acceptable.

A section of the driveway is proposed to be constructed on the southern side boundary and does not comply with Control 8.2.1(10) which requires a driveway should be set back a minimum of 0.5 metres from side boundaries to provide for landscaping between the driveway and side boundary. The driveway has been located adjacent to the southern side boundary to ensure street tree T4 is not impacted. The non compliance only extends for 2.1 metres and is considered acceptable.

### **Cut and Fill**

The extent of excavation formed a reason for refusal. As discussed above, the basement is largely contained within the footprint of the dwelling at ground level and the extent of excavation is considered acceptable. The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

### **Water and Soil Management**

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

### **Access, Safety and Security**

The inadequate address to the secondary street and privacy screen to the first floor rear balcony formed reasons for refusal. As part of the Section 8.2 application, the proposal has



been amended to provide a varied front setback. The front setback to Ada Avenue varies from 2.2 metres to 3.7 metres. The varied front setback breaks up the massing and provides visual interest. Sufficient windows are proposed to provide street surveillance. The northern wall of the rear facing first floor balcony has been deleted. The deletion of the wall reduces the bulk of the first floor and allows passive surveillance to Ada Avenue. The proposal provides separate pedestrian and vehicle access and is consistent with the access, safety and security controls in the SCDCP 2005.

### **Ancillary Structures**

#### Swimming Pools, Spas & Associated Enclosures

The location of the pool pump and electrical equipment being below the 1 in 100 year flood level formed reason for refusal. The pool fencing being located above the coping and no resuscitation area being provided also formed reason for refusal.

The pool pump is shown on the plans as being above the flood level are there are no concerns with the location of the pool pump. Pool fencing is shown on the plans and will comply with the swimming pools act and relevant standards. A resuscitation zone has been shown on the plans. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site.

### **PART H – Waste Management**

In accordance with Part H of SCDCP 2005, a Waste Management Plan was submitted with the application. The plan details measures for waste during demolition and construction. It is considered that this plan adequately addresses Part H and considered satisfactory.

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

The requirements of Australian Standard AS2601–1991: The Demolition of Structures is relevant to the determination of a development application for the demolition of a building. The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

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 \$1,596,100.00 and in accordance with Council's Section 7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$15,961.00
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**Conclusion**

The application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EP&A Act 1979, including the provisions of the SLEP 2012 and SCDCP 2005. Following detailed assessment it is considered that DA 2023/111 should be approved.



**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**GENERAL CONDITIONS**

<b>1</b>	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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 authorised to be carried out by the consent commences.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. This section does not apply—             <ol style="list-style-type: none"> <li>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</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>2</b>	<p><b>Erection of signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>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—             <ol style="list-style-type: none"> <li>a. showing the name, address and telephone number of the principal certifier for the work, and</li> </ol> </li> </ol>



	<ul style="list-style-type: none"> <li>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</li> <li>c. stating that unauthorised entry to the work site is prohibited.</li> </ul> <p>3. The sign must be—</p> <ul style="list-style-type: none"> <li>a. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>b. removed when the work has been completed.</li> </ul> <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> <li>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</li> <li>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ul>
	<p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>3</p>	<p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> <li>1. BASIX development,</li> <li>2. BASIX optional development, if the development application was accompanied by a BASIX certificate.</li> </ul> <p><b>Condition reason:</b> Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>4</p>	<p><b>Notification of Home Building Act 1989 requirements</b></p> <ul style="list-style-type: none"> <li>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</li> <li>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—             <ul style="list-style-type: none"> <li>a. for work that requires a principal contractor to be appointed—                 <ul style="list-style-type: none"> <li>i. the name and licence number of the principal contractor, and</li> <li>ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ul> </li> <li>b. for work to be carried out by an owner-builder—                 <ul style="list-style-type: none"> <li>i. the name of the owner-builder, and</li> <li>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.</li> </ul> </li> </ul> </li> <li>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.</li> </ul>





	<p>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.</p>																																																																	
	<p><b>Condition reason:</b> Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>																																																																	
<p>5</p>	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="331 613 1115 1787"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>Job No. 2221 Dwg No. S8.2 – 11/A</td> <td>Issue A</td> <td>Floor plan – demolition</td> <td>SWA Group</td> <td>13/02/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 12/C</td> <td>Issue C</td> <td>Floor plan – site/site analysis/roof</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 13/C</td> <td>Issue C</td> <td>Floor plan – basement (overall)</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 14/C</td> <td>Issue C</td> <td>Floor plan – ground (overall)</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 15/C</td> <td>Issue C</td> <td>Floor plan – Level 1 (overall)</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 16/C</td> <td>Issue C</td> <td>Floor plan – basement</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 17/C</td> <td>Issue C</td> <td>Floor plan – ground</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 17-1/C</td> <td>Issue C</td> <td>Floor plan – ground (pool)</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 18/C</td> <td>Issue C</td> <td>Floor plan – Level 1</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 19/C</td> <td>Issue C</td> <td>Floor plan – site, roof</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> <tr> <td>Job No. 2221 Dwg No. S8.2 – 19-1/C</td> <td>Issue C</td> <td>Floor plan – site, roof (pool)</td> <td>SWA Group</td> <td>27/03/2024</td> </tr> </tbody> </table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	Job No. 2221 Dwg No. S8.2 – 11/A	Issue A	Floor plan – demolition	SWA Group	13/02/2024	Job No. 2221 Dwg No. S8.2 – 12/C	Issue C	Floor plan – site/site analysis/roof	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 13/C	Issue C	Floor plan – basement (overall)	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 14/C	Issue C	Floor plan – ground (overall)	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 15/C	Issue C	Floor plan – Level 1 (overall)	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 16/C	Issue C	Floor plan – basement	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 17/C	Issue C	Floor plan – ground	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 17-1/C	Issue C	Floor plan – ground (pool)	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 18/C	Issue C	Floor plan – Level 1	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 19/C	Issue C	Floor plan – site, roof	SWA Group	27/03/2024	Job No. 2221 Dwg No. S8.2 – 19-1/C	Issue C	Floor plan – site, roof (pool)	SWA Group	27/03/2024
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Job No. 2221 Dwg No. S8.2 – 21/C	Issue C	Elevations – west & east	SWA Group	27/03/2024
Job No. 2221 Dwg No. S8.2 – 22/C	Issue C	Elevations – north & south	SWA Group	27/03/2024
Job No. 2221 Dwg No. S8.2 – 23/C	Issue C	Elevations – fence details – 01	SWA Group	27/03/2024
Job No. 2221 Dwg No. S8.2 – 24/B	Issue B	Elevations – fence details – 02	SWA Group	27/02/2024
Job No. 2221 Dwg No. S8.2 – 31/C	Issue C	Sections A & B	SWA Group	27/03/2024
Job No. 2221 Dwg No. S8.2 – 32/A	Issue A	Sections C	SWA Group	13/02/2024
Job No. 2221 Dwg No. S8.2 – 53/A	Issue A	Pool pump details	SWA Group	27/03/2024
Job No. 2221 Dwg No. DA- 71/B	Issue B	Window schedule P1	SWA Group	27/03/2024
Job No. 2221 Dwg No. DA- 72/B	Issue B	Window schedule P2	SWA Group	27/03/2024
Job No. 2221 Dwg No. DA- 73/B	Issue B	Window schedule P3	SWA Group	27/03/2024
Job No. 2221 Dwg No. DA-74	Issue A	Door schedule P1	SWA Group	13/02/2024
Job No. 2221 Dwg No. DA-75	Issue A	Door schedule P2	SWA Group	13/02/2024
Dwg No. L01/1- K26812	Revision C	Landscape planting plan	Michael Siu Landscape Architects	4/04/2024
Job No. 2023405 Sheet No. S1	Issue 3	Stormwater drainage plan	MBC Engineering	03/04/2024
Job No. 2023405 Sheet No. S2	Issue 3	Stormwater drainage plan	MBC Engineering	03/04/2024
Job No. 2023405 Sheet No. S3	Issue 3	Stormwater drainage plan	MBC Engineering	03/04/2024



Job No. 2023405 Sheet No. S4	Issue 3	Stormwater drainage plan	MBC Engineering	03/04/2024																												
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<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>																																
6	<p><b>Infrastructure Development Contributions</b></p> <p>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.</p> <table border="1"> <thead> <tr> <th colspan="2">DEVELOPMENT CONTRIBUTIONS</th> </tr> </thead> <tbody> <tr> <td>Strathfield Section 94A Indirect Development Contributions Plan 2010</td> <td>\$15,961.00</td> </tr> <tr> <td><b>TOTAL CONTRIBUTIONS</b></td> <td><b>\$15,961.00</b></td> </tr> </tbody> </table>				DEVELOPMENT CONTRIBUTIONS		Strathfield Section 94A Indirect Development Contributions Plan 2010	\$15,961.00	<b>TOTAL CONTRIBUTIONS</b>	<b>\$15,961.00</b>																						
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	<p><u>Indexation</u></p> <p>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.</p> <p>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.</p> <p><u>Timing of Payment</u></p> <p>The contribution must be paid and received by Council prior to the issue of the Construction Certificate.</p> <p>A copy of the current Development Contributions Plans may be viewed on Council’s website <a href="http://www.strathfield.nsw.gov.au">www.strathfield.nsw.gov.au</a>.</p> <p><b>Condition reason:</b> To enable the provision of public amenities and services required and anticipated as a consequence of increased demand resulting from the development.</p>
7	<p><b>Road Opening Permit</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect Council roads and footpaths and to ensure any works are to the relevant standards.</p>
8	<p><b>Section 138 Roads Act 1993 &amp; Section 68 Local Government Act 1993</b></p> <p>Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.</p> <p>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.</p> <p>An application is required to be lodged and approved prior to the commencement of any of the following works or activities.</p> <ol style="list-style-type: none"> <li>1. If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.</li> <li>2. Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;</li> <li>3. Establishing a “works zone”;</li> <li>4. Placing or storing materials or equipment;</li> </ol>



	<ol style="list-style-type: none"> <li>5. Placing or storing waste containers or skip bins;</li> <li>6. Stormwater &amp; ancillary to public infrastructure on private land</li> <li>7. Erecting a structure or carrying out work</li> </ol> <p>Separate activity approvals for (1)-(7) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.</p> <ol style="list-style-type: none"> <li>1. Pumping water from the site into the public road;</li> <li>2. Constructing a vehicular crossing or footpath;</li> <li>3. Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);</li> <li>4. Stormwater &amp; ancillary works in the road reserve; and</li> <li>5. Pumping concrete from a public road;</li> </ol> <p>Separate activity approvals for (1)-(5) must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.</p> <p>The relevant Application Forms for these activities can be downloaded from Council’s website <a href="http://www.strathfield.nsw.gov.au">www.strathfield.nsw.gov.au</a></p> <p>For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.</p> <p><b>Condition reason:</b> To ensure the protection of existing public infrastructure and adjoining properties.</p>
9	<p><b>Vehicular Crossing – Minor Development</b></p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure appropriate vehicular access to the site can be achieved</p>

**BUILDING WORK  
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**



10	<p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b. Provisions for public safety;</li> <li>c. Pedestrian and vehicular site access points and construction activity zones;</li> <li>d. Details of construction traffic management including:             <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>e. Details of bulk earthworks to be carried out;</li> <li>f. The location of site storage areas and sheds;</li> <li>g. The equipment used to carry out works;</li> <li>h. The location of a garbage container with a tight-fitting lid;</li> <li>i. Dust, noise and vibration control measures;</li> <li>j. The location of temporary toilets;</li> <li>k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:             <ul style="list-style-type: none"> <li>i. AS 4970 – Protection of trees on development sites;</li> <li>ii. An applicable Development Control Plan;</li> <li>iii. An arborist’s report approved as part of this consent</li> </ul> </li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
11	<p><b>Payment of security deposits</b></p> <p>Before the issue of a Construction Certificate, the applicant must:</p> <ul style="list-style-type: none"> <li>a. make payment of <b>\$15,750.00 (and administration fee of \$137.00)</b> for a security deposit to the consent authority; and</li> <li>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.</li> </ul> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
12	<p><b>Waste Management Plan – an approved document of this consent</b></p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be provided to the certifier.</p> <p><b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.</p>



13	<p><b>Erosion and sediment control plan</b></p> <p>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 or Council (where a certifier is not required):</p> <ul style="list-style-type: none"> <li>a) Council’s relevant development control plan,</li> <li>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</li> <li>c) the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry’ (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ul>
	<p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
14	<p><b>Long Service Levy</b></p> <p>Before the issue of a Construction Certificate, the long service levy of \$3,990.00, as calculated at the date of this consent, must be paid to the Long Service Corporation 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 or Council (where a certifier is not required).</p>
	<p><b>Condition reason:</b> To ensure the long service levy is paid.</p>
15	<p><b>Basix Commitments</b></p> <p>The approved BASIX Certificate must be submitted to the Principal Certifier with the application for a Construction Certificate.</p> <p>All measures and commitments as detailed in the BASIX Certificate No. 1735776S_02 must be implemented on the plans lodged with the application for the Construction Certificate.</p>
	<p><b>Condition reason:</b> To comply with statutory requirements.</p>
16	<p><b>Compliance with Swimming Pool Act 1992</b></p> <p>The new dwelling house subject of this consent must not generate any non-compliance with the Swimming Pools Act 1992, Swimming Pool Regulation 2018, and the Building Code of Australia. Details of compliance must be the illustrated on the plans lodged with the application for the Construction Certificate.</p>
	<p><b>Condition reason:</b> To ensure the pool complies with the relative statutory requirements.</p>
17	<p><b>Dial Before Your Dig</b></p> <p>The applicant must contact <a href="#">Home   Before You Dig Australia (BYDA)</a> 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.</p>
	<p><b>Condition reason:</b> To ensure the protection of services and utility.</p>



18	<p><b>Swimming Pools – Use and Maintenance</b></p> <p>The following apply to the construction, use and maintenance of swimming pools and spas:</p> <ol style="list-style-type: none"> <li>1. No ground level may be raised or filled except where shown specifically on the approved plans;</li> <li>2. All pool or spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;</li> <li>3. The swimming pool must not be used for commercial or professional purposes;</li> <li>4. Paved areas must be designed to ensure drainage flows to the landscaped areas or a suitable lawful drainage system; and</li> <li>5. Any lighting external to the pool or spa must be arranged to minimise glaring nuisance to adjoining owners.</li> </ol> <p><b>Condition reason:</b> To ensure compliance with statutory requirements and protection of the amenity of surrounding properties.</p>
19	<p><b>Stormwater System</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure stormwater drainage system is adequately designed.</p>
20	<p><b>Detailed Stormwater Design</b></p> <p>The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council’s Stormwater Management Code must be submitted to and approved by the Principal Certifier with the Construction Certificate Application.</p> <p><b>Condition reason:</b> To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.</p>
21	<p><b>Driveway Surface Waters</b></p> <p>For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits must be installed at the front boundary in order to control excess stormwater flowing across Council’s footpath.</p> <p><b>Condition reason:</b> To minimise uncontrolled overflow of stormwater from paved surfaces onto the public road.</p>
22	<p><b>Compliance with Flood Study</b></p> <p>The development must be designed to conform to the recommendations and conclusions of the submitted flood study prepared by MBC Consulting dated 6 March 2024, Rev C</p> <p>This must include, but not be limited to, any recommendations for the following:</p>





	<p>(a) Minimum floor levels                  (b) Fencing                  (c) Site regrading                  (d) Overland flow path construction                  (e) Protection of the basement from inundation of surface waters</p> <p>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.</p> <p><b>Condition reason:</b> To mitigate flood risk and associated damage.</p>						
23	<p><b>Pump-Out System Design for Stormwater Disposal</b></p> <p>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:</p> <p>(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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure suitable stormwater disposal method.</p>						
24	<p><b>Off Street Parking – Compliance with AS2890</b></p> <p>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).</p> <p><b>Condition reason:</b> To ensure adequate vehicular access can be achieved and complies with relevant standards.</p>						
25	<p><b>Tree Bond</b></p> <p>A tree bond (calculated in accordance with Council's adopted Fees and Charges) must be paid to Council, prior to the issue of a Construction Certificate.</p> <p>(a)</p> <table border="1"> <tr> <td>T1 - <i>Lophostemon confertus</i></td> <td>• 7.0 Meters</td> <td>• \$10,658.00</td> </tr> <tr> <td>T2 - <i>Lophostemon confertus</i></td> <td>• 10.5 Meters</td> <td>• \$21,315.00</td> </tr> </table>	T1 - <i>Lophostemon confertus</i>	• 7.0 Meters	• \$10,658.00	T2 - <i>Lophostemon confertus</i>	• 10.5 Meters	• \$21,315.00
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T2 - <i>Lophostemon confertus</i>	• 10.5 Meters	• \$21,315.00					



T3 – <i>Callistemon viminalis</i>	• 4.0 Meters	• \$ 3,203.00
T4 - <i>Lophostemon confertus</i>	• 7.0 Meters	• \$10,658.00
<i>Total payable</i>		• \$45,834.00

(b) *Administration Fee* - \$137.00

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.

26	<p><b>Tree Removal/Pruning Prohibited</b></p> <p>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. Tree Removal / Pruning is prohibited, unless accepted in the AIA report.</p> <p><b>Condition reason:</b> To ensure tree preservation and environmental amenity.</p>
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27	<p><b>Tree Protection and Retention</b></p> <p>Three (3) <i>Lophostemon confertus</i> (Brush box) Street Trees and One (1) <i>Callistemon viminalis</i> are located on the Council’s nature strip. All street trees to have Tree Protection Fencing as per the Tree Management Plan by Australis Tree Management dated 09/02/2024.</p> <p>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.</p> <p>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.</p> <p>Where the Tree Protection Zone of trees on site or adjoining sites become compromised by</p>
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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.

**Vehicle crossing**

Removal of the existing Driveway Concrete Crossover is to occur after development has been completed.

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

28 **Tree Removal & Replacement**

**Tree removal**

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
T5	Callistemon viminalis (Weeping Bottlebrush)	1	Street tree located on Bareena Street frontage
T6	Callistemon viminalis (Weeping Bottlebrush)	1	Located within the property boundary at the front of the existing dwelling

No Permission is granted for the removal of any other trees on site. T4 Street Tree must be protected during the removal of T5. Roots larger than 40mm originating from removed tree (T5) must remain to ensure minimum root zone disturbances of T4. Project Arborist to be present for T5 removal.

**General Tree Removal Requirements**



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

**Tree Replacement**

Tree 5 permitted to be removed by this consent must be replaced with 1 x *Lophostemon Confertus* (Brush Box). This tree is to be planted in the vacant position between T2 - *Lophostemon Confertus* (Brush Box), and the existing *Oleander spp.* shrub on the nature strip of 36 Bareena Street Strathfield, in Ada Avenue, Strathfield.

The replacement tree must be in a minimum 100 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees must be true to type, healthy and vigorous at time of delivery and planting, must be pest and disease free, free from injury and wounds and self-supporting; and must be maintained until maturity.

The tree to be planted with 3 stakes and 3 Hessian ties. Ties must be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Weekly watering and Maintenance of the new Street Tree are to occur for a minimum of 6 months, to ensure longevity. Should the new Street Tree die within the 6-month period, a new Street Tree is to be planted, with the same conditions and maintenance period.

Trees within lawn areas or street verges must have Tree Guard bark protectors installed around the base of trunks to protect from damage by trimmers and mowers.

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

Soil conditioner, fertilizer, and moisture retention additives must be applied in accordance with manufacturer’s recommendations, and mixed into the backfilling soil after planting tree/s.

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

Details demonstrating compliance must be demonstrated to the Principal Certifier, prior to the issue of any Occupation Certificate.

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

29 **Tree Pruning**

Approval is given for the following works to be undertaken to trees on the site:

Tree No.	Tree Species	Location of Tree	Approved Works
T4	Lophostemon confertus (Queensland Brush Box)	Bareena Street frontage	Canopy Pruning for T4 of 20% of canopy as per the Aboricultural Impact Assessment Report by Australis



		<p>Tree Management dated 09/02/2024, is Approved by Council to ensure protection of T4's canopy during the development.</p>
<p>Branches greater than 30mm in diameter must not be pruned. No greater than 10% of the entire crown can be pruned as part of this approval. The pruning must not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees. Canopy Pruning to occur before demolition of the site.</p>		
<p><b>Condition reason:</b> To ensure tree preservation and pruning is undertaken in accordance requirements.</p>		
30	<p><b>Design Amendments</b></p>	
<p>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:</p> <ol style="list-style-type: none"> <li>1. Landscape Plan to <b>be revised</b> to provide Two (2) Canopy Trees in front yard and One (1) Canopy Tree in rear yard that is a Species that is itemised on the selected Council's Suggested tree species list". The canopy trees must attain minimum 10m height in a minimum container size of 100 litres each.</li> </ol>		
<p><b>Condition reason:</b> To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>		
31	<p><b>Structural Details</b></p>	
<p>Engineer's details for all reinforced concrete work, structural beams, columns &amp; 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.</p> <p>A copy must be forwarded to Council where Council is not the Principal Certifier.</p>		
<p><b>Condition reason:</b> To ensure works are structurally sound.</p>		
32	<p><b>Geotechnical Report</b></p>	
<p>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:</p> <ol style="list-style-type: none"> <li>(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.</li> <li>(b) Dilapidation Reports on the adjoining properties 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</li> </ol>		



	<p>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.</p> <p>(c) On-site guidance by a vibration specialist during the early part of excavation.</p> <p>(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.</p> <p>(e) Sides of the excavation must be piers prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.</p>
	<p><b>Condition reason:</b> To ensure structural safety and integrity of adjoining properties.</p>
33	<p><b>Pre-Construction Dilapidation Report – Private Land</b></p> <p>A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.</li> <li>(b) 38 Bareena St Strathfield</li> </ul> <p>The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report ) a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the Principal Certifier.</p> <p>Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council’s agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.</p>
	<p><b>Condition reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>

**BEFORE BUILDING WORK COMMENCES**

34	<p><b>Erosion and sediment controls in place</b></p>
	<p>Before any site work commences, <b>the principal certifier or Council (where a principal certifier is not required)</b>, must be satisfied the erosion and sediment controls in the erosion and</p>



	<p>sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
35	<p><b>Tree protection measures</b></p> <p>Before any site work commences, the principal certifier, or Council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p> <p><b>Condition reason:</b> To protect and retain trees.</p>
36	<p><b>Demolition &amp; Asbestos</b></p> <p>The demolition work must comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW <a href="#">Work Health &amp; Safety Act 2011</a> and the NSW <a href="#">Work Health &amp; Safety Regulation 2011</a>. 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.</p> <p>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 <a href="#">Work Health &amp; Safety Act 2011</a> and the NSW <a href="#">Work Health &amp; Safety Regulation 2011</a> unless specified in the Act or Regulation that a license is not required.</p> <p>All demolition work including the removal of asbestos, must be undertaken in accordance with the <a href="#">Demolition Code of Practice</a> (NSW Work Cover July 2015)</p> <p><b>Condition reason:</b> Safety, amenity and protection of public infrastructure and the environment</p>
37	<p><b>Demolition Notification Requirements</b></p> <p>The following notification requirements apply to this consent:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. 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</li> </ol>



	<p>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.</p>
	<p><b>Condition reason:</b> 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.</p>
38	<p><b>Demolition Work Involving Asbestos Removal</b></p>
	<p>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 <u>Work Health and Safety Regulation 2011</u>.</p>
	<p><b>Condition reason:</b> To ensure safety, amenity and protection of public infrastructure and the environment.</p>
39	<p><b>Utility Arrangements</b></p>
	<p>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.</p>
	<p><b>Condition reason:</b> To ensure adequate provision of services is available.</p>

### DURING BUILDING WORK

40	<p><b>Implementation of the site management plans while site work is being carried out</b></p>
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) a copy of these plans must be kept on site at all times and made available to council officers upon request.</li> </ul>
	<p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>
41	<p><b>Procedure for critical stage inspections</b></p>
	<p>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.</p>
	<p><b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.</p>
42	<p><b>Waste management</b></p>





	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the waste management plan; and</li> <li>2. upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier or Council (where a principal certifier is not required), detailing the following:             <ol style="list-style-type: none"> <li>a. The contact details of the person(s) who removed the waste;</li> <li>b. The waste carrier vehicle registration;</li> <li>c. The date and time of waste collection;</li> <li>d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>e. The address of the disposal location(s) where the waste was taken;</li> <li>f. 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.</li> </ol> </li> </ol> <p>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.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
43	<p><b>Construction Management Plan</b></p> <p>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.</p> <p><b>Condition reason:</b> To provide safe access to and from the site and protection of public infrastructure and the environment.</p>
44	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times-</p> <p>For building construction and delivery of machinery and materials from 7:00am to 5:00pm on Monday to Saturday (excluding Public Holidays)</p> <p>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)</p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area during construction.</p>
45	<p><b>Obstruction of Road or Footpath</b></p> <p>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 <a href="#">Roads Act 1993</a> and under Section 68 of the</p>



	<p><a href="#">Local Government Act 1993</a>. Penalty infringement Notices may be issued for any offences and severe penalties apply.</p> <p><b>Condition reason:</b> To maintain public safety.</p>
46	<p><b>Swimming Pools – Filling with Water</b></p> <p>The pool must not be filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifier.</p> <p><b>Condition reason:</b> To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007.</p>
47	<p><b>Building Materials – Flood Prone Land</b></p> <p>All building materials used to construct the dwelling must be constructed using flood proof materials up to RL 27 AHD and this must be specified by the manufacturer. All electrical services must also be located above this level. The applicant should refer to <a href="#">REDUCING VULNERABILITY OF BUILDINGS TO FLOOD DAMAGE (nsw.gov.au)</a>, Chapter 4.3.</p> <p><b>Condition reason:</b> To ensure occupants safety on flood effected development</p>
48	<p><b>Tree protection during work</b></p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ul style="list-style-type: none"> <li>a) the construction site management plan required under this consent,</li> <li>b) the relevant requirements of AS 4970 Protection of trees on development sites,</li> <li>c) Council’s relevant development control plan (in force as at the date of determination of this consent) and</li> <li>d) any arborist’s report approved under this consent.</li> </ul> <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p><b>Vehicle crossing</b></p> <p>Removal of the existing Driveway Concrete Crossover is to be by hand, to ensure no damage occurs to the existing tree roots and canopy of T2. Project Arborist to be present to oversee works.</p> <p>New turf to be laid on Lawn Topsoil, to grade, where existing Driveway Concrete Crossover has been removed. All works is to occur by hand.</p> <p>All construction access and deliveries are to be made from Ada Ave. All deliveries and stockpiling of materials must be kept outside of Trees TPZ’s.</p> <p>Concrete to be pumped in and should not require truck movements within Tree’s TPZ’s</p> <p>New Vehicle Crossover to be installed on existing levels and Hand excavation within TPZ</p>



<p><b><u>Canopy trees</u></b></p> <p>Two (2) Canopy Trees must be provided in the front yard and One (1) Canopy Tree in the rear yard. Each tree must attain minimum 10m height in a minimum container size of 100 litres each. Each tree to be planted with 3 stakes and hessian ties.</p> <p><b><u>Front boundary fence</u></b></p> <p>Support footings must be hand excavated allowing a minimum 100mm distance from roots measuring greater than 40mm in diameter. Hand excavated must occur within any TPZ to protect roots measuring greater than 40mm in diameter.</p> <p><b><u>Erosion and sediment control fencing</u></b></p> <p>Erosion and sediment control fencing located within the TPZ's for Tree No.'s 1, 2 &amp; 4, must <b>not be</b> excavated. A soil strip may be mounded 200mm. Star pickets must not be installed within any Structural Root Zone</p> <p><b>Condition reason:</b> To protect trees during the carrying out of site work</p>
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**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

49	<p><b>Completion of landscape and tree works</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
50	<p><b>Repair of infrastructure</b></p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. 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.</li> </ol> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
51	<p><b>Works-as-executed plans and any other documentary evidence</b></p>



	<p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <ol style="list-style-type: none"> <li>1. All stormwater drainage systems and storage systems; and</li> <li>2. A copy of the stormwater plans must be provided to Council</li> </ol>
	<p><b>Condition reason:</b> To confirm the location of works once constructed that will become Council assets.</p>
52	<p><b>BASIX Certificate</b></p>
	<p>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.</p>
	<p><b>Condition reason:</b> Statutory compliance.</p>
53	<p><b>BASIX Compliance Certificate</b></p>
	<p>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.</p>
	<p><b>Condition reason:</b> Statutory compliance.</p>
54	<p><b>Completion of Landscape Works and Tree Works</b></p>
	<p>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).</p>
	<p><b>Condition reason:</b> To ensure compliance with the minimum landscape area requirements.</p>
55	<p><b>Minor Development</b></p>
	<p>Internal driveways and parking spaces must be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.</p>
	<p><b>Condition reason:</b> To ensure parking spaces are constructed appropriately.</p>
56	<p><b>Stormwater Certification of the Constructed Drainage Works (Minor)</b></p>
	<p>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.</p>
	<p><b>Condition reason:</b> To ensure appropriate provision have been made for the disposal and management of stormwater generated by the development.</p>



57	<p><b>Restriction to User and Positive Covenant for On-Site Detention Facility</b></p> <p>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.).</p> <p>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.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure the approved stormwater disposal system is maintained to an appropriate operational standard</p>
58	<p><b>Maintenance Schedule – On-site Stormwater Management</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the approved stormwater disposal system is maintained at its designed capacity.</p>
59	<p><b>Completion of public utility services</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation</p>
60	<p><b>Post-construction dilapidation report</b></p> <p>Before the issue of an occupation certificate, a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether:</p>



	<p>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</p> <p>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</p> <p>c) 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).</p>
	<p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work on the development site</p>
61	<p><b>Repair of Infrastructure</b></p> <p>Before the issue of an occupation certificate:</p> <p>a) Any public infrastructure damaged because 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</p> <p>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 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.</p>
	<p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
62	<p><b>Vehicular Crossing – Minor Development</b></p> <p>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.</p> <p>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.</p> <p>The work must be completed before the issue of any Occupation Certificate.</p>
	<p><b>Condition reason:</b> To ensure appropriate access to the site is achieved.</p>
63	<p><b>Flood Prone Land – Survey of Levels</b></p> <p>A registered surveyor must verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor must also verify that the flow paths and finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.</p>
	<p><b>Condition reason:</b> To mitigate flood risk and associated damage.</p>



## OCCUPATION AND ONGOING USE

64	<p><b>Greywater System</b></p> <p>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. The system must be maintained at all times and must not result in any adverse amenity impacts on the subject premises and surrounding properties.</p> <p><b>Condition reason:</b> Encourage water conservation and re-use.</p>
65	<p><b>Maintenance of Landscaping</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the amenity of landscaping is maintained.</p>
66	<p><b>Private Swimming Pools &amp; Spas – Pump Noise</b></p> <p>The swimming pool or spa pump and associated equipment must be located so that the noise emitted does not exceed 5db(A) above the background level. If this cannot be achieved a ventilated and sound-proofed enclosure the pump to achieve the required noise levels.</p> <p>Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):</p> <ol style="list-style-type: none"> <li>1. before 8 am or after 8 pm on any Sunday or public holiday, or</li> <li>2. before 7 am or after 8pm on any other day.</li> </ol> <p><b>Condition reason:</b> Noise control and protecting amenity of adjoining properties.</p>
67	<p><b>Swimming Pools – Resuscitation Notice</b></p> <p>An expired air resuscitation warning notice complying with the <a href="#">Swimming Pools Act 1992</a> must be affixed in a prominent position adjacent to the pool.</p> <p><b>Condition reason:</b> Safety and statutory compliance.</p>
68	<p><b>Entering and Exiting of Vehicles</b></p> <p>All vehicles must enter and exit the premises in a forward direction.</p> <p><b>Condition reason:</b> Safety and traffic management.</p>



### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).





## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means STRATHFIELD MUNICIPAL COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Strathfield Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.



**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.