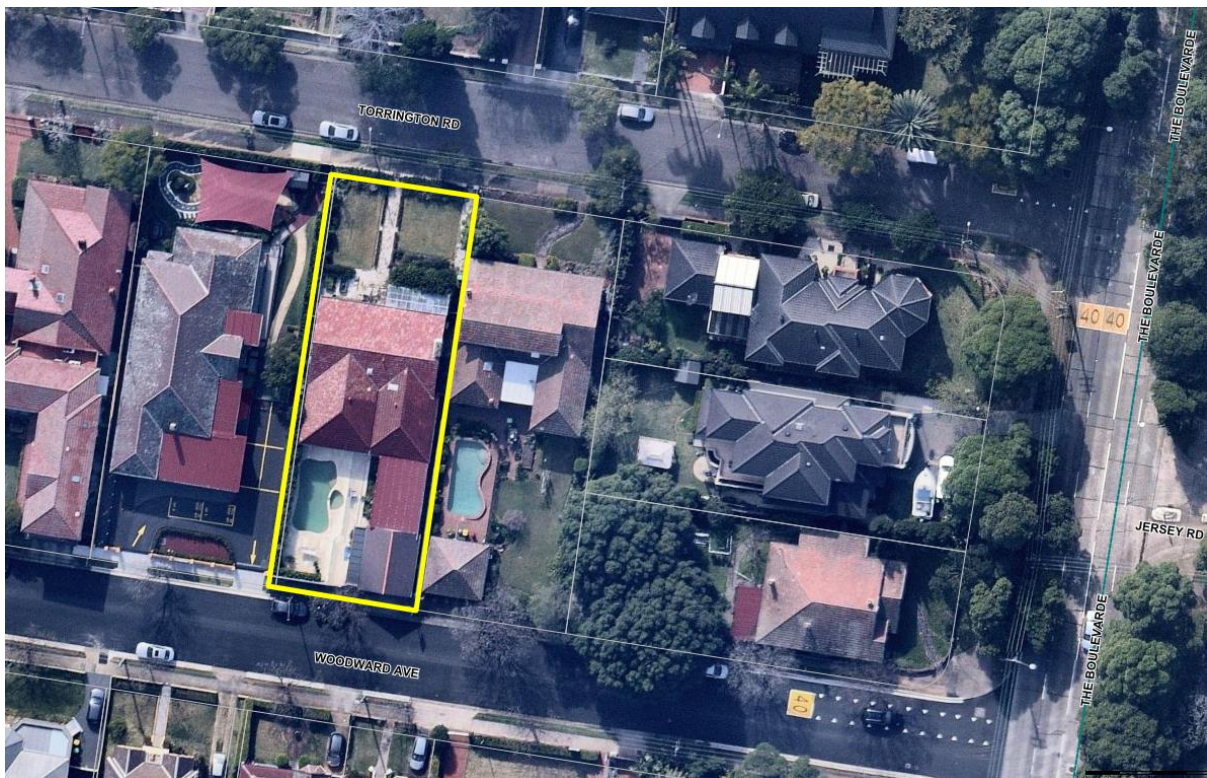


## IDAP REPORT

<b>Property:</b>	4 Torrington Road STRATHFIELD DA 2020/121
<b>Proposal:</b>	Demolition of existing dwelling and ancillary structures and construction of a new dwelling with basement, swimming pool, and front boundary fence
<b>Applicant:</b>	Vision Group Architects
<b>Owner:</b>	S A Wang and X Y Qian
<b>Date of lodgement:</b>	7 July 2020
<b>Notification period:</b>	10 July 2020 to 27 July 2020
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$1,514,143.00
<b>Zoning:</b>	R2 - Low Density Residential - SLEP 2012
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



**Figure 1. Aerial imagery of the immediate locality of the subject site (outlined)**

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of the existing dwelling and ancillary structures and construction of a new dwelling with basement, swimming pool, and front and rear boundary fences.

### **Site and Locality**

The site is identified as 4 Torrington Road, Strathfield and has the legal descriptions of Lot A2 DP 368736 and Lot B DP 345704. The site is a regular shaped parcel of land and is located between two parallel roads of Torrington Road (primary) and Woodward Avenue (secondary).

The site has a width of 18m, a depth of 50.6m and an overall site area of 906.3m<sup>2</sup>.

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

### **Strathfield Local Environmental Plan**

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

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 10 July 2020 to 27 July 2020. No submissions were received.

### **Issues**

- Driveway location;
- Removal of a street tree;
- Porch protrusion;
- Driveway width at property boundary;
- Landscape plan; and
- Outbuilding height.

The enumerated issues have been discussed in detail in the report.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/121 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the demolition of the existing dwelling and ancillary structures on the site and the construction of a new dwelling house with a basement, swimming pool, and a front boundary fence. More specifically, the proposal includes;

Basement level:

- Two parking spaces; and
- A 20m<sup>2</sup> storage space.

Ground floor level:

- A formal lounge;
- A formal dining;
- A library;
- A study/guest room;
- A powder room;
- A laundry;
- An open kitchen/dining/living area;
- An attached alfresco; and
- An attached pool equipment room.

First floor level:

- Three bedrooms with ensuites and WIR each;
- A bedroom with an ensuite and a robe; and
- A sitting area.

External works:

- An in-ground swimming pool; and
- Ancillary landscaping.

### **The Site and Locality**

The subject site is legally described as Lot A2 DP 368736 and Lot B DP 345704; and commonly known as 4 Torrington Road, Strathfield. The site has access to two streets - the primary frontage Torrington Road and secondary frontage Woodward Avenue. The two roads run parallel to one another both intersecting at The Boulevarde – a classified road.

The site is rectangular in shape and has a frontage width of 18m to the north (primary frontage) and south boundaries (secondary frontage). The property has an average depth of 50.6m.





**Figure 2. Closer aerial imagery of the immediate locality with the subject site outlined.**

The lots have a gradual fall of about 2% towards Torrington Road.

The site is occupied by a single-storey dwelling house. Vehicular access is provided to the site via an existing driveway from the secondary street - Woodward Avenue, to an existing garage with the entry on the boundary. See Figure 3 below.



**Figure 3. Street view of the site from Woodward Avenue**



The current streetscape along Torrington Road is characterised by single to double-storey buildings with pitched terracotta tiled roof forms. One dwelling house with a flat roof design is located on the southern side of Torrington Road (Figure 8).



***Figure 4. 2 Torrington Rd, Strathfield (east from the site)***





**Figure 5. 6 Torrington Rd, Strathfield, currently operating as a child-care centre (west from the site)**



**Figure 6. 3 Torrington Rd, Strathfield (north from the site)**





**Figure 7. 1 Torrington Rd, Strathfield (north-east from the site)**



**Figure 8. A flat-roof dwelling house on 10 Torrington Rd, Strathfield (around 45m west from the site)**

As shown in Figures 4 and 5, the immediate eastern and western neighbours of the site, and several houses on the south side of Torrington Road, have vehicular access off Woodward Avenue. These properties have their garages/carports facing the same secondary street. However, it is recognised that there are properties between the two roads that have their driveways and garages off Torrington Road.

Note that the northern side of Torrington Road have their driveways and garages off this road. However, these properties do not have access to a secondary street, unlike the properties on the southern side of the road.

The streetscape of the northern side of Woodward Avenue is characterised by garage doors, mostly on the boundary, and 1.8m high boundary fences. The southern side has dwelling houses with driveways facing Woodward Avenue. Figure 3 above shows the existing structures at the rear of the subject site.



**Figure 9. Secondary street (Woodward Avenue) frontage of 2 Torrington Rd, Strathfield**





**Figure 10. Secondary street (Woodward Avenue) frontage of 6 Torrington Rd, Strathfield (currently a child care centre)**



**Figure 11. Secondary street (Woodward Avenue) frontages of 8 and 10 Torrington Rd, Strathfield (far left)**



**Figure 12. Secondary street (Woodward Avenue) frontage of 12 Torrington Rd, Strathfield**





**Figure 13. Secondary street (Woodward Avenue) frontage of 14 Torrington Rd, Strathfield**



**Figure 14. Secondary street (Woodward Avenue) frontages of 18 (west) and 20 (east) Torrington Rd, Strathfield.**

The surrounding area is characterised by low density residential developments. The subject site is immediately adjacent to a child care centre (Woodgreen Early Learning Centre) to the

west. Santa Sabina College is located about 120m east from the site, across a Classified Road – The Boulevarde, and Trinity Grammar Preparatory School is approximately 285m south.

## **Background**

26 August 2016	Consent was granted by Council for development application DA2016/072 to demolish the existing site structures and the construction of a two storey dwelling house with basement carparking, cabana, in-ground swimming pool, and front and rear fences.
19 July 2017	A modification application (DA2016/072/01) to increase the basement level to allow for extra storage and utilities rooms was approved by Council.
07 July 2020	The current development application was lodged with Council.
10 July 2020	The application was publicly notified until 27 July 2020.
29 July 2020	A stop-the-clock additional information request letter was sent to the applicant.
17 August 2020	Preliminary set of architectural plans was provided to Council.
16 September 2020	The additional information was submitted to Council.

## **Referrals – Internal and External**

### **Tree**

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

*“Interestingly, Near Map shows that all of the trees on site appear to have been removed in 2018.”*

*“The applicant proposes to relocate the driveway crossing to Torrington Road and remove a 5 metre high street tree. The removal of this tree is not supported.”*

*“The applicant shows that they propose to remove all of the trees from their site, however this was already carried out in 2018.”*

The matter relating to trees has been discussed further below.

### **Traffic**

The application was referred to Council's Traffic Manager, who provided the following comments:



*“All aspects of the off-street parking has been assessed against the AS2890 series and is considered satisfactory.”*

### **Heritage**

The application was referred to Council’s Heritage Advisor, who provided the following comments:

*“I have no objections on Heritage grounds.”*

*“The proposed development can be hardly seen from the Heritage sites and therefore it is unlikely to impact on the heritage items.”*

### **Stormwater**

The application was referred to Council’s Development Engineer, who provided the following comments:

*“From an engineering perspective, the concept plan is feasible and there are no objections to its approval, subject to the following conditions...”*

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

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

)

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

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

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

### **Strathfield Local Environmental Plan**

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

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

### **Clause 2.1 – Land Use Zones**

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

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

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3 Height of Buildings</b>	9.5m	9.4m	Yes
<b>4.4 Floor Space Ratio</b>	0.525:1 (475.8m <sup>2</sup> )	0.525:1 (477.8m <sup>2</sup> )	Yes

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. However, it adjoins the Woodward Avenue Conservation Area to the south which warranted a referral to Council's Heritage Advisor who offered no objections to 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 ramps and ancillary works. The extent of excavation has been limited to within the footprint of the ground floor above and access to and from the basement.

The proposed excavation works are considered to satisfactorily address the objectives of this clause, subject to the conditions imposed on this consent.

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

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

### **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

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

The objectives outlined within SEPP55 are considered to be satisfied.

### **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.



The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer, who provided the enumerated comments under Tree in the 'Referrals – Internal and External' section of this report.

As per the comments of Council's TMC, the trees on the site proposed to be removed had already been removed in 2018. Figure 15 below shows the aerial imagery of the site between May and July 2018, where it is noticeable that trees had been removed on the site between the mentioned timeframe.



**Figure 15. Aerial imagery of the subject site between 05 May 2018 and 17 July 2018 (source: Nearmap)**

As such, the proposed removal of the trees on the site are to be excluded in the application. Compliance with DA2016/072 which involved tree protection and removal is being investigated by Council's Compliance Team under a separate cover.

The proposed removal of the street tree in front of the site within Torrington Road reserve is to remain in the application. However, as previously indicated, Council's Tree Management Coordinator does not support the removal of the street tree.

Note that a development application (DA2016/072) applies to the site where it had given consent for the subject street tree to be removed to give way to a driveway leading to basement parking. As such, in recognition of this pre-existing consent, the current proposal with the driveway at the same location of the approved driveway in DA2016/072, is deemed supportable subject to conditions of consent.

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

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

- (iii) **any development control plan,**

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>	0.525:1 (475.8m <sup>2</sup> )	0.525:1 (477.8m <sup>2</sup> )	Yes
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	4.6m	No
Height to underside of eaves:	7.2m	7.2m	Yes
Basement height above NGL:	1.0m	0.5m	Yes
Number of Storeys/Levels:	2	2	Yes
<b>Setbacks:</b>			
Front:	9m	7.5m	No
Side:	1.2m (min)	1.8m	Yes
Side:	1.2m (min)	1.8m	Yes
Combined Side Setback:	3.6m (20%)	3.6m	Yes
Rear:	6m	14.9m	Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	45% (407.7m <sup>2</sup> )	45% (413m <sup>2</sup> )	Yes
Private Open Space Area:	10m <sup>2</sup>	>10m <sup>2</sup>	Yes
Minimum dimension:	3m	>3m	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.6m	Yes
Secondary Frontage:	1.8m	1.8m	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3 hrs to habitable windows and to 50% of POS	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3.5m	No
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.8m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Basement:</b>			
Basement protrusion:	Less than 1.0m	Less than 1m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	2.2m up to the beams	Yes
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b>			
Height:	3.5m	3.9m	No

Side/Rear setback:	0.5m	1.1m	Yes
<b>SWIMMING POOL</b> Side/Rear Setback	1.0m	1.1m	Yes

### **Floor to Ceiling Height**

The SCDCP 2005 requires a ceiling height for any residential level to be no more than 3m. The proposed living area on the south east of the dwelling house will have a ceiling height of approximately 4.6m. Which does not satisfy the development controls. However, the part of the house that will have a floor to ceiling that exceeds the maximum permitted by the DCP is the living area on the ground floor, which is not considered an excessive area. Hence, the floor to ceiling height of the ground floor living area is supported.

### **Porch Protrusion**

The ground floor plan prepared by the Vision Group Architects, revision B dated August 2020, shows that the front porch protrudes by about 1.5m forward of the front façade. This is not supportable. The SCDCP 2005 requires porches to not protrude by more than 1m.

In this regard, a condition has been imposed to reduce the depth of the porch to no more than 1m.

### **Front Setback**

The most recent plans indicate that the proposed front setback is 7.5m. The SCDCP 2005 specifies that the minimum front setback should be 9m. Note that a setback is measured from the boundary to the *“outside face of any balcony, deck or the like”* or *“the supporting posts of a carport or verandah roof”*.

Nevertheless, the proposed development has a 9m setback to majority of the front external wall of the dwelling house, making the front porch and the balcony on the first floor an articulation of the building. However, in line with Porch Protrusion above, the setback of the articulation will be improved with the reduction to the front porch by 0.5m, making the front setback 8m.

Given the majority of the front façade is setback 9m from the front boundary and the articulated area setback by 8m, the proposed development is deemed supportable.

### **Driveway Width at Boundary**

The proposed development includes a 3.5m driveway at the boundary. This is not supportable. In accordance with the SCDCP 2005, a condition has been imposed to have the driveway within the site to be tapered to 3m at the property boundary.

### **Fencing**

The proposed front and rear fencing satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired character of the locality.

To ensure that the maximum allowable fencing on the primary and secondary frontage in the SCDCP 2005 are adhered to, a condition regarding this has been imposed.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or pertain to low active use rooms so as not to negatively impact on adjoining properties.



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

The proposed development includes a driveway coming off Torrington Road, which will result to the removal of an existing street tree. It is noted that the SCDCP 2005 states that “*where properties have access to a rear lane or secondary street frontage, parking and access shall be provided from the secondary street/lane*”. It is also noted that a development application (DA2016/072) currently applies to the site for a two-storey dwelling house with a driveway leading to the basement parking, coming off Torrington Road.

The location of the approved driveway in DA2016/072 is the same as the currently proposed driveway. The removal of the street tree was given consent in the previous application.

While the proposal is considered not compliant with the development controls, it is recognised that there is an approval for the same driveway and the street tree removal. As such, the current proposed driveway is supportable, subject to conditions of consent.

### **ANCILLARY STRUCTURES**

#### Outbuildings

The proposal involves an ancillary structure over the swimming pool. The proposed outbuilding will have a maximum height of about 3.8m that does not satisfy the SCDCP 2005 controls.

In line with the above, a condition of consent has been imposed to have the outbuilding have a height that is no more than 3.5m.

#### Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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

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

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

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

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

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

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

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

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography and relationship to adjoining developments.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received raising the following concerns.

**(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

**Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

**STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

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

Local Amenity Improvement Levy	<b>\$15,141.43</b>
--------------------------------	--------------------

**Conclusion**

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

Following detailed assessment it is considered that Development Application No. 2020/121 should be approved.

**Signed:**

**Date: 22 September 2020**

**P Santos  
Development Assessment Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

**Signed:**



**Louise Gibson  
Senior Planner**

**Date: 29/09/2020**



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

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

## **DEVELOPMENT DETAILS**

### **1. Approved Plans & Documentation**

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

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Basement Level Ground Floor Level Calculation Sheet	Sheet 01	August 2020 (received by Council on 16/09/2020)	B	Vision Group Architects
First Floor Level Roof Site Plan BASIX Commitments	Sheet 02	August 2020 (received by Council on 16/09/2020)	B	Vision Group Architects
Elevations  Section  Finishes Schedule	Sheet 03	August 2020 (received by Council on 16/09/2020)	B	Vision Group Architects
Area Map	Sheet 04	August 2020 (received by Council on 16/09/2020)	B	Vision Group Architects
Landscape Plan	LP 01 Sheet 1 of 3	06/05/2020	A	Dapple Designs
Landscape Plan	LP 01 Sheet 1 of 3	06/05/2020	A	Dapple Designs
Landscape Plan	LP 01 Sheet 3 of 3	06/05/2020	A	Dapple Designs

Stormwater Plans	20-7869-SW Sheet 1 of 3	06/11/2020	A	Ross Engineers
Stormwater Plans and Pump Details	20-7869-SW Sheet 2 of 3	06/11/2020	A	Ross Engineers
Stormwater Plans and Pump Details	20-7869-SW Sheet 3 of 3	11/06/2020	A	Ross Engineers
BASIX Certificate	1105180S	03/06/2020	-	Brian Teplicanec Consultancy

## 2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 33.605 AHD to the roof ridge of the dwelling house.

### **SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

## 3. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and

- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

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

#### 4. **Vehicular Crossing - Minor Development**

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

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

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

### **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

Nil

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### 5. **Fees to be Paid**

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

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

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

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



Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	<b>\$ 5,299.50</b>
Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Security Damage Deposit	<b>\$ 15,000.00</b>
Strathfield Section 94A Indirect Development Contributions Plan 2017	<b>\$ 15,141.43</b>
Tree Bond	<b>\$ 20,000.00</b>
Administration Fee for Damage Deposit and Tree Bond	<b>\$ 254.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	<b>\$ 15,141.43</b>

### **General Fees**

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

### **Development Contributions**

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

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

### Indexation

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

### Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

### Further Information

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

## 6. **Required Design Changes**

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Driveway width at property boundary	The vehicular access driveway width must be tapered from the proposed 3.5 metres to a reduced 3 metres at the boundary to achieve a maximum allowed width of 3m. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.
Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Front fence opening	The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.
Outbuilding (glass roof ridge)	<p>The proposed ancillary structure over the swimming pool must be reduced in height to a maximum RL 28.15m</p> <p>The outbuilding must not be attached to any part of the dwelling house.</p>
Portico	The portico must be redesigned to have a protrusion of no more than 1m (measured to any supporting posts/column of the portico) from the front façade of the dwelling house.
Rear fencing	The proposed rear fence must have a height that is no more than 1.8m.

## 7. **Schedule of External Finishes**

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

#### 8. **Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$15,000.00**.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

#### 9. **Tree Bond**

A tree bond of **\$20,000.00** (calculated in accordance with Council's adopted Fees and Charges) and an administrative fee of **\$127.00** shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

#### 10. **Site Management Plan**

##### **Minor Development**

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities,



materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

**11. BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1105180S must be implemented on the plans lodged with the application for the Construction Certificate.

**12. Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

**13. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

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

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

**14. Pre-Construction Dilapidation Report – Private Land**

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

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 6 Torrington Road, Strathfield (Lot A1 DP 368736)
- (c) 2 Torrington Road, Strathfield (Lot 10 DP 300533)

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

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

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.

**15. Stormwater System**

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

**16. Pump-Out System Design for Stormwater Disposal**

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

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

Details and certification of compliance from a professional engineer specialising in

civil engineering shall be provided for approval with the Construction Certificate application.

**17. Waste Management Plan (WMP)**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

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

**18. Compliance with Swimming Pool Act 1992**

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

**19. Structural Details**

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

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

**20. Geotechnical Report**

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 6 Torrington Road, Strathfield and 2 Torrington Road, Strathfield prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to



be provided with the report five (5) working days prior to any works on the site.

- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

## **21. Swimming Pools – Use and Maintenance**

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

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

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

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

## **23. Landscape Plans**

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

## **24. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

Tree species	Number of trees	Location
Tristanopsis laurina	1	Road reserve, Torrington Road

### **General Tree Removal Requirements**

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

### **Tree Replacement**

The street tree permitted to be removed by this consent shall be replaced by one (1) street tree within Council's nature strip in Torrington Road by the same specie, a *Tristanopsis laurina*, and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

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

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

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

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

#### **25. Demolition & Asbestos**

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

## 26. **Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## 27. **Demolition Work Involving Asbestos Removal**

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

## 28. **Dial Before You Dig**

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

## 29. **Dust Control**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected between the subject site and the adjoining property to the west, 6 Torrington Road, Strathfield, during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a

chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

## **DURING CONSTRUCTION**

### **30. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **31. Hours of Construction for Demolition and Building Work**

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

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

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

### **32. Ground Levels and Retaining Walls**

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

### **33. Natural Ground Level - Subfloors**

The natural ground level within the subfloors are not to be altered.

Where the natural ground level of the earth within the subfloors has been altered during construction or any excavation works, this must be reinstated to its original level.

### **34. Cost of Work to be Borne by the Applicant**

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



**35. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

**36. Swimming Pools – Filling with Water**

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

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

**37. BASIX Certificate**

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

**38. BASIX Compliance Certificate**

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

**39. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

**40. Post Construction Dilapidation Report – Private Land**

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

- (a) 6 Torrington Road, Strathfield
- (b) 2 Torrington Road, Strathfield

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

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

41. **Minor Development**

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

11-17 Davidson Street Greenacre

42. **Stormwater Certification of the Constructed Drainage Works (Minor)**

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

43. **Requirements Prior to the Issue of the Occupation Certificate**

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

(b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

(c) Construct any new vehicle crossings required.

(d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.

(e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

(f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

44. **Vehicular Crossing - Minor Development**

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

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

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

**45. Stormwater Drainage Works – Works As Executed**

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) Pipe invert levels and surface levels to Australian Height Datum;
- (c) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

Nil

**OPERATIONAL CONDITIONS (ON-GOING)**

**46. Private Swimming Pools & Spas – Pump Noise**

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

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

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

**47. Use of Basement**

Any area within the basement must not be used or converted to a habitable use without an appropriate consent from a relevant consent authority.

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

**48. Requirement for a Construction Certificate**

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

**49. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and

- (b) If relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### 50. **Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

#### 51. **Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

#### 52. **Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

#### 53. **Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

#### 54. **Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

### **PRESCRIBED CONDITIONS**

#### 55. **Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX



Certificate to which the development relates.

56. **Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

57. **Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

58. **Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

59. **Clause 98E – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

## **ADVISORY NOTES**

I. **Review of Determination**

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

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any

application determined by the Sydney East Planning Panel or the Land & Environment Court.

## II. **Appeal Rights**

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

## III. **Lapsing of Consent**

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

## IV. **Long Service Levy**

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

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

## V. **Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2020/121) and reference this condition number (e.g. Condition 23)

(c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

#### **VII. Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

#### **VIII. Register your Swimming Pool**

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

#### **IX. Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )