

## IDAP REPORT

<b>Property:</b>	48 Hebe Street GREENACRE DA 2020/111
<b>Proposal:</b>	Construction of a detached outbuilding (proposed garage and a gym)
<b>Applicant:</b>	DJ Perri
<b>Owner:</b>	DJ Perri / JE Ursino
<b>Date of lodgement:</b>	19 June 2020
<b>Notification period:</b>	29 June 2020 to 15 July 2020
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$115,200.00
<b>Zoning:</b>	R2 - Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL

## DECISION

### Development Approval

That Council as the Consent Authority pursuant to Section 4.16(1)(a) Environmental Planning & Assessment Act 1979, grant consent to Development Application No 2020/111 for the construction of a detached outbuilding comprising of a garage and a gym at No 48 Hebe Street, G, subject to conditions.

The site is regular in shape, with a width of 13.72m and depth of 39.62m, and an area of 543.45m<sup>2</sup>.



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



**Figure 3. Existing dwelling on the site**

The immediate locality is predominantly characterised by low density residential developments such as dwelling houses and dual occupancies. St. Anne's Primary School is located approximately 1.89km north-east from the site and Greenacre Bowling and Recreation Centre is about 0.64km west.





**Figure 3. Location for the proposed garage**

## **Background**

19 June 2020	The subject development application was lodged.
29 June 2020	The application was publicly notified until 15 July 2020.
02 July 2020	Council's Development Assessment Planner carried out a site visit.
09 July 2020	Additional information was requested from the applicant, raising the following concerns: <ul style="list-style-type: none"> <li>• Proof of change of name (i.e. Marriage Certificate);</li> <li>• Existing dwelling's floor plan;</li> <li>• Parking Spaces;</li> <li>• Ceiling height of the outbuilding; and</li> <li>• Landscaped area.</li> </ul>
20 July 2020	The additional information was provided to Council.

## **Referrals – Internal and External**

### **Stormwater**

The application was referred to Council's Development Engineer, who offered no objections to the proposal.

### **Traffic**

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

*"it is understood that a commercial vehicle (SRV equivalent in size) would need to park on-site overnight."*

*"The site is not intended to be used as a home-based business or transport depot."*

*“A preliminary swept paths assessment has been undertaken which indicates that SRV can ingress and egress in a forward direction through multiple-point turns.”*

*“The proposed concrete paving areas is required to enable vehicle turning.”*

*“The landscape along the northern boundary adjacent to the garage appears to impede the vehicle access and may require adjustment.”*

Council’s Traffic Manager concluded that should approval be recommended by the Planning Section, conditions of consent are to be imposed in relation to the proposal.

## **Section 4.15 Assessment**

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,**

## **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</b> Height of Buildings	9.5m	3.5m	Yes
<b>4.4</b> Floor Space Ratio	0.625:1 (339.66m <sup>2</sup> )	0.34:1 (186.72m <sup>2</sup> )	Yes

## **Part 6 – Additional Local Provisions**

Applicable SLEP 2012 Clause	LEP Provisions	Development Provisions	Compliance/ Comment
<b>6.3</b> Flood Planning	Must take into consideration the impact of the		Yes

	proposed development to flooding.		Application was referred to Council's Development Engineer who offered no objection to the proposal.
--	-----------------------------------	--	--

**(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>Setbacks:</b> Side: Side: Rear:	0.5m 0.5m 0.5m	0.5m 0.5m 0.5m	Yes Yes Yes
<b>Height:</b> Height of outbuildings	3.5m	3.5m	Yes
Number of Storeys/Levels	1	1	Yes
No. of Parking Spaces	2	2	Yes
Landscaping/Deepsoil Provisions	38.5% (209.2m <sup>2</sup> )	38.9% (211.18m <sup>2</sup> )	Yes

### **Streetscape Character and Amenity**

The proposed development, being an ancillary structure to the dwelling house that is located at the rear of the site, is deemed to have nil to negligible adverse impacts on the streetscape and the amenities of the adjoining properties.

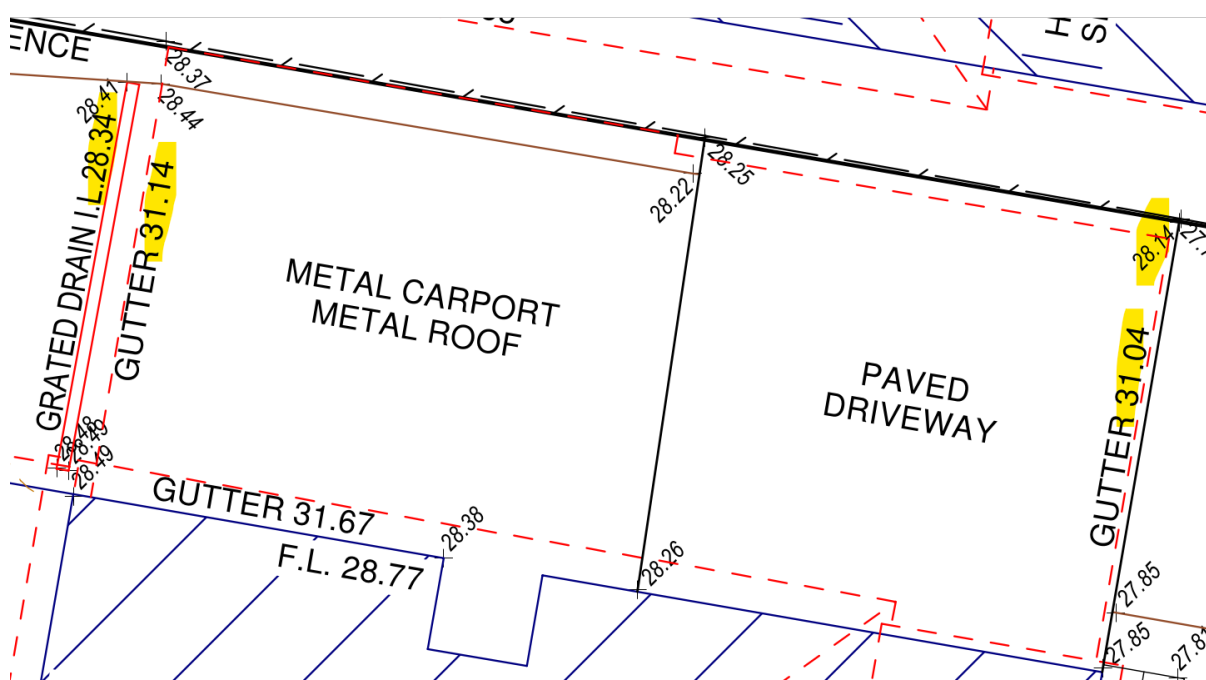
To ensure that no amenities of neighbouring properties are going to be impacted, a condition has been imposed for the outbuilding to be continually used as a non-habitable.

### **Vehicular access, Parking and Circulation**

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

The proposal will be used to park the applicant's truck that he uses in his work as a concreter. It is recognised that this is not the type of vehicle regularly seen in a low density residential setting. Hence, the application was referred to Council's Traffic Manager. The Traffic Manager recommended some conditions of consent to be imposed, should the proposal be supported.

The carport, as seen in Figure 4, has an existing height of 2.8m at the western side and 2.9m at the eastern end. The proposal includes a driveway that will go through underneath the carport, leading to the proposed garage. The existing concrete and paving underneath the carport will be removed and will be replaced by a driveway that is lowered by 0.1m. This will result to the carport having a finished height of 2.9m and 3m on the western and eastern ends, respectively. These heights are suitable for the site's resident's truck to pass through.



**Figure 4. Extract of the survey plan, showing the existing carport (source: Sydney Surveyors)**

## Privacy

The proposed garage and gym will have no visual or acoustic privacy impact onto the neighbouring properties. The proposed uses of the detached structure are both non-habitable. To ensure this, a condition has been imposed for the outbuilding to not be used for a habitable purpose.

## Ancillary Structures

### Outbuildings

The proposed development satisfies the relevant objectives and controls the SCDCP 2005. As earlier mentioned, a condition has been imposed to ensure that the garage and the gym are not going to be used for habitable purposes.

Council's DCP states that *"outbuildings are not to be used for habitable purposes"*. Initially, the Development Assessment Planner requested for the ceiling height to be lowered to 2.1m.

The applicant responded that the proposed ceiling height is to accommodate his truck that is currently being parked on the street.

The gym component of the ancillary structure was amended to have a 2.1m ceiling height. However, due to the existence of a bathroom in the gym, Council is of the view that it can still be converted to a habitable space. Which is not compliant with the relevant objectives and controls of the SCDP 2005. As such, a condition has been imposed to lower the roof over the gym to ensure that the room cannot be used for a habitable purpose.

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

Not applicable.

**(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 that is in keeping with other dwellings 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, vegetation 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 during this period.

**(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	\$576.00
--------------------------------	----------

### **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 SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2020/111 should be approved.

**Signed:**

**Date: 29/09/2020**

**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:**

**Date:**

**K Lindeberg**  
**Executive Manager, Land Use Planning**

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

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

## DEVELOPMENT DETAILS

### (1) Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan and Roof Plan	AR-1 / Page 1 of 7	20/07/2020	As received by Council on 19/06/2020	NK Architect
Proposed Garage Floor Plan	AR-2 / Page 2 of 7	20/07/2020	As received by Council on 19/06/2020	NK Architect
Elevations & Section	AR-3 / Page 3 of 7	20/07/2020	As received by Council on 19/06/2020	NK Architect
Landscape Plan	AR-5 / Page 5 of 7	20/07/2020	As received by Council on 19/06/2020	NK Architect
Sediment Control Plan	AR-6 / Page 6 of 7	20/07/2020	As received by Council on 19/06/2020	NK Architect
Material & Finishes Schedule	AR-8 / Page 8 of 8	17/06/2020	As received by Council on 19/06/2020	NK Architect
Index	19820 / 1 of 3	April 2019	0	C.K. Engineering Services

Stormwater Detail Plan	19820 / 2 of 3	April 2019	0	C.K. Engineering Services
Pump-out Tank Detail Plan	19820 / 3 of 3	April 2019	0	C.K. Engineering Services
Waste Management Plan	-	10/05/2020	As received by Council on 19/06/2020	-

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### (1) 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.

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

### **(1) Sydney Water – Tap in™**

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

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

### **(1) 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:

<b>Fee Type</b>	<b>Fee</b>
-----------------	------------

## GENERAL FEES

Long Service Levy (to Long Service Corporation)	\$ 403.20
---	-----------

Or, provide evidence of Payment direct to the Long Service Corporation.

See <https://portal.longservice.nsw.gov.au/bci/levy/>

Local Infrastructure Contributions	\$ 576.00
------------------------------------	-----------

Security Damage Deposit	\$ 5,200.00
-------------------------	-------------

Tree Bond	\$ 3,000.00
-----------	-------------

Administration Fee for Damage Deposit	\$ 254.00
---------------------------------------	-----------



## DEVELOPMENT CONTRIBUTIONS

Strathfield Section 94A Indirect Development  
Contributions Plan 2017

\$ 576.00

### General Fees

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

### Development Contributions

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

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

### Indexation

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

### Timing of Payment

The contribution must be paid and receipted by Council:

- For development that involves a construction certificate, 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).

## (2) 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.
--	---

Roof Height	The maximum roof height over the gym must be reduced
-------------	--

over Gym	from the proposed RL 30.70 to no more than RL 29.5.
	To achieve this, the roof pitch may be reduced or building lowered in height. This condition applies only to the part of the proposed gym and not the garage.
Driveway underneath the carport	The driveway underneath the carport must have a finished RL of 28.24 at the western end and RL 28.04 at the eastern end.

### (3) **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: \$5,200.00
- (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.

### (4) **Tree Bond**

A tree bond of \$3,000.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally

damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

**(5) 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.

**(6) 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.

**(7) 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.

**(8) 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.

**(9) Detailed Stormwater Drainage Design**

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

**(10) Waste Manage 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.

**(11) 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.

**(12) 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).

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

### **(1) 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.

## **DURING CONSTRUCTION**

### **(1) 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.

### **(2) 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.



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

### **(1) 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.

### **(2) Restriction to User and Positive Covenant for On-Site Detention Facility**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

### **(3) 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.

### **(4) 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) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) 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)**

##### **(1) No Habitable Use**

The approved new detached ancillary structure comprising of a garage and a gym must not be used as a separate domicile/dwelling.

##### **(2) Entering & Exiting of Vehicles**

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

##### **(3) Maximum Vehicle Size**

###### **Small Rigid Vehicle**

The maximum size of truck using the proposed development shall be limited to Small Rigid Vehicle as denoted in AS2890.2-2002: Parking Facilities – Off-street commercial vehicle facilities.

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

##### **(1) Requirement for a Construction Certificate**

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

##### **(2) 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.

### **(3) 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.

### **(4) 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.

### **(5) 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**

### **(1) 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.

**(2) 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.

**(3) 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](#).

## **ADVISORY NOTES**

### **1. Review of Determination**

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

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

### **2. Appeal Rights**

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

### **3. Lapsing of Consent**

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

### **4. Access to NSW Legislations (Acts, Regulations and Planning**

## **Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### **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.

### **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 2020/111) 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.



## **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)).