

IDAP REPORT

Property:	7 Oxford Road STRATHFIELD DA 2020/130
Proposal:	Construction of secondary dwelling (granny flat) and new front fence.
Applicant:	Aussie Wide Consulting Services
Owner:	W Manisier and V Manisier
Date of lodgement:	15 July 2020
Notification period:	10 August 2020 to 24 August 2020
Submissions received:	None
Assessment officer:	P Santos
Estimated cost of works:	\$125,000.00
Zoning:	R2 - Low Density Residential - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Construction of secondary dwelling (granny flat) and new front fence.

Site and Locality

The site is identified as 7 Oxford Road, Strathfield and has a legal description of Lot 1 DP 304688. The site is a regular shaped parcel of land and is located on the northern side of Oxford Road.

The site has a width of 15.24m, a depth of 54.86m and an overall site area of 840.25m².

The locality surrounding the subject site contains a mixture of predominantly low density residential developments, Strathfield Girls High School and Strathfield Municipal Council.

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 August 2020 to 24 August 2020, where no submissions were received.

Issues

- Rear setback;
- Landscaped area;
- Front fence; and
- Solar access.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/130 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

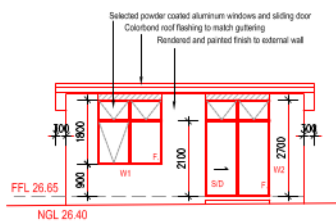
Council has received an application for the Construction of secondary dwelling (granny flat) and new front fence. More specifically, the proposal includes;

Ground floor level:

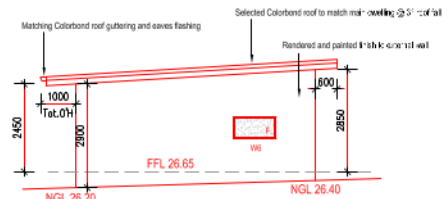
- A 40.58m² secondary dwelling at the rear of the site.

External works:

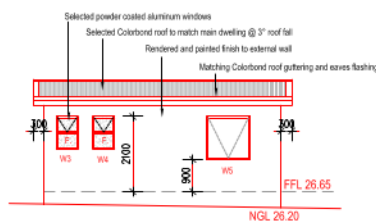
- New front fence.



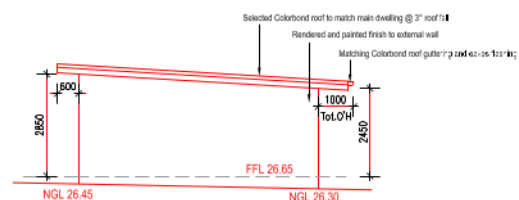
SOUTH - EASTERN (FRONT) ELEVATION



SOUTH - WESTERN ELEVATION



NORTH - WESTERN (REAR) ELEVATION



NORTH - EASTERN ELEVATION

Figure 2. Extract of the elevations (source: Sabton & Son, drawing no. PR020.09 Page 03, dated 08/06/2020)

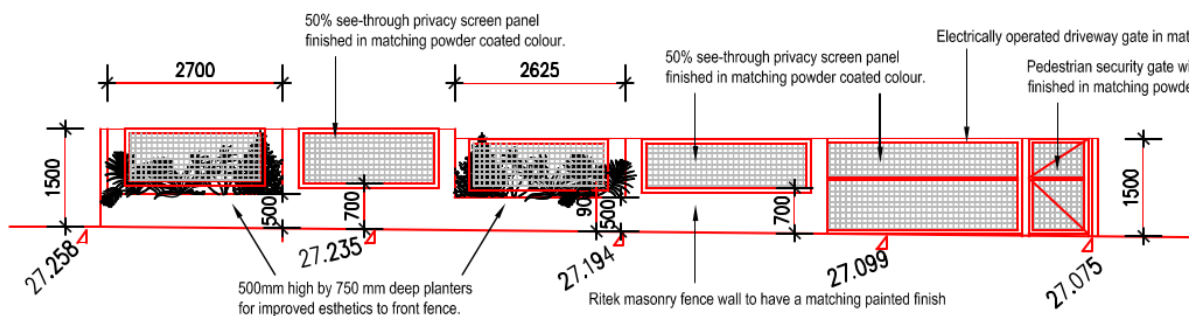


Figure 3. Extract of the front fence street elevation (source: Sabton & Son, drawing no. PR090.09 Page 04, dated 08/07/2020)

The Site and Locality

The subject site is legally described as Lot 1 DP 304688 and commonly known as 7 Oxford Road, Strathfield. It is located off the north side of Oxford Road between Homebush Road and Heyde Avenue.



Figure 4. A closer imagery of the subject site (outlined) and the immediate locality

The site is rectangular in shape and has a primary frontage of 15.24m to the 54.86m average depth, with an site area of 840.25m².

The site falls by 1.5% to the rear.

Works are currently being undertaken on the site for the purpose of the primary dwelling house that received an approval through a complying development – CDC 039/20, dated 28/05/2020.



Figure 5. Image of the construction works on the site during the time of site visit, taken from the road reserve

The current streetscape is characterised by single to two-storey dwelling houses, front yard landscaping and front fence, predominantly constructed of brick material.



Figure 6. 5 Oxford Road, Strathfield, east of the subject site



Figure 7. 9 Oxford Road, Strathfield (right) and 11 Oxford Road, Strathfield (left), west of the subject site



Figure 8. 14-16 Oxford Road, Strathfield, directly opposite the site

The surrounding area is characterised by low density residential developments. There is an educational establishment, Strathfield Girls High School, and a community facility, Strathfield Municipal Council, located around 60m east of the site.

Background

15 July 2020	The development application was lodged.
10 August 2020	The DA was publicly notified until 24 August 2020, where no submissions were received.
28 August 2020	A site visit was undertaken by Council's Development Planner.
08 September 2020	<p>An additional information letter was issued, raising the following concerns:</p> <ul style="list-style-type: none"> • Floor plans of the primary dwelling house; • Landscaped area; • Front fence and side fences forward of the building line; • Rear boundary; • Private open space; • Solar access; and • BASIX certificate.
22 September 2020	Incomplete information was provided to Council.
27 October 2020	Council's Development Planner has requested the outstanding information (i.e. updated BASIX certificate), which was provided on the same day.

Referrals – Internal and External

Stormwater

The application was referred to Council's Development Engineer, who offered no objection to the proposed development, subject to the conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the *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,***

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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 (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 proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

22	Development Standards	Complies
(2)	No other dwelling other than the principal and secondary dwellings	Yes

(3)(a)	Not > total floor area allowed under another EPI	Yes
(3)(b)	Total floor area of secondary dwelling – no > 60m ² or whatever is allowed under another EPI	Yes

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.

secondary dwelling means a self-contained dwelling that –
 (a) is established in conjunction with another dwelling (the **principal dwelling**), and
 (b) is on the same lot of land as the principal dwelling, and
 (c) is located within, or is attached to, or is separate from, the principal dwelling.

The proposal satisfies the definition of a secondary dwelling in the SLEP 2012.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	3.4m	Yes
4.4 Floor Space Ratio	0.55:1 (462.14m ²)	0.53:1 (447.78m ²)	Yes Primary dwelling = 407.2m ² Secondary dwelling = 40.58m ²

Part 5 – Miscellaneous Provisions

Controls Relating to Miscellaneous Permissible Uses – Secondary Dwellings

Clause 5.4(9) of the SLEP 2012 requires secondary dwellings to have no more than 60m³ of floor area or 20% of the total floor area of the principal dwelling. The proposal involves a floor area of 40.58m², which satisfies the requirements of the development standard.

In this regard, the proposed development is acceptable, subject to the conditions of consent.

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 does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the proposed development area, at the rear of the subject site, is considered not flood affected. Nevertheless, the application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is feasible.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well-serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

(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
Landscaping			
Landscaping/Deepsoil Provisions:	45% (378m ²)	43% (361.6m ²)	No (4.3% variation)
Private Open Space Area: Minimum dimension:	10m ² 3m		
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	Yes

Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Only one habitable room is going to receive sunlight.	No
Ancillary Development			
SECONDARY DWELLING			
Floor Area:	60m ²	40.58m ²	Yes
Height:	3.5m	3.4m	Yes
Private open Space:	12m ² (min.3m)	>12m ²	Yes
Side Setback:	1.5m	1.5m	Yes
Rear Setback:	3.0m	1.5m	No

Landscaping and Open Space

The SCDCP 2005 requires 45% (378m²) of the site to be landscaped. The proposal involves a landscaping of 43% (364m²) of the site. This means that the proposed development includes a non-compliant landscaping on the site, presenting a 3.7% (14m²) variation.

Despite the above, the non-compliance is considered minimal and negligible as to the planning outcome of the proposed development. The additional dwelling is in line with the objectives of the zone and the aims of the relevant SEPP ARH. As such, the proposed development is acceptable, subject to the conditions of consent.

Fencing

The proposed front and side 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 and is compatible to the height and style of adjoining fences. However, a condition of consent will be imposed to ensure that the top of the open-form part of the fence will be open form and not be enclosed. Nevertheless, the application can be supported, subject to the conditions of consent.

Solar Access

Given the orientation of the site and the layout of the proposed secondary dwelling, it is considered that there is insufficient sunlight that will be received by the new dwelling. As such, a condition of consent is imposed to ensure that the living room will receive sunlight through a window on the eastern elevation.

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.

ANCILLARY STRUCTURES

Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls the SCDCP 2005. It has been designed so that it does not exceed 60sqm floor area. The primary dwelling and the secondary dwelling will not go beyond the maximum allowable FSR on the site.

Despite the above, the secondary dwelling will not have sufficient setback to the rear. The SCDCP 2005 requires at least 3m of rear setback. The proposal involves a setback of 1.5m. This is not acceptable as it is considered that the secondary dwelling is not capitalising on the orientation of the land to have the private open space located to the rear, facing the north. As such, in order to allow more space for the secondary dwelling to use at the rear of the site for private matters (i.e. clotheline), a condition of consent is imposed to ensure that the 3m setback to the rear is followed.

PART H – Waste Management (SCDCP 2005)

A condition of consent is imposed to ensure compliance with this part of the SCDCP 2005.

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

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

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. 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. Conditions of consent have been imposed to ensure that the secondary dwelling will be better situated on the site and capitalises any solar access.

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

In accordance with the provisions of Council's 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 as a result of this exhibition.

(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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$1,873.82
Provision of Major Open Space	\$8,525.33
Provision of Local Open Space	\$2,921.82
Provision Roads and traffic Management	\$792.91
Administration	\$161.58
TOTAL	\$14,275.46

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. 2020/130 should be approved, subject to the conditions of consent.

Signed:

Date: 17/11/2020

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:

M Rivera

Senior Planner

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	PR020.09, Page 01	08/06/20 20	1	Sabton & Son Building Designers and Engineers
Construction Management and Sediment Control Plan	PR020.09, Page 01a	08/06/20 20	1	Sabton & Son Building Designers and Engineers
Ground floor Plan / Section C-C / Roof Plan	PR020.09, Page 02	08/06/20 20	1	Sabton & Son Building Designers and Engineers
Elevations	PR020.09, Page 03	08/06/20 20	A	Sabton & Son Building Designers and Engineers
Front Fence Street Elevation / Front Fence Layout Plan Plan / Section Through Front Fence	PR020.09, Page 04	08/07/20 20	A	Sabton & Son Building Designers and Engineers
Landscape Plan	L/D2020-15, Sheet 1	09/07/20 20	1	Dayspring Landscaping
Stormwater Drainage Plan	SW01	08/05/20 20	-	Australiawide Consulting Services P/L
Stormwater Drainage Plan	SW02	08/05/20 20	-	Australiawide Consulting Services P/L

Stormwater Drainage Plan	SW03	08/05/2020	-	Australiawide Consulting Services P/L
External Materials and Colour Selection to match Main Dwelling	-	As received by Council: 16/07/2020	-	-
BASIX Certificate	1148979S	27/10/2020	-	Australia wide Consulting Services

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. **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. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

3. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. 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. 1148979S must be implemented on the plans lodged with the application for the Construction Certificate.

5. 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.

6. **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.

7. **Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

8. **Fees to be Paid**

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 437.00
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$ 5,200.00
Administration Fee for Damage Deposit	\$ 127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 792.91
Strathfield Section 94 Development Contributions – Local Open Space	\$ 2,921.82
Strathfield Section 94 Development Contributions – Major Open Space	\$ 8,525.33
Strathfield Section 94 Development Contributions – Community Facilities	\$ 1,873.82
Strathfield Section 94 Development Contributions - Administration	\$ 161.58
TOTAL Section 94 Contributions	\$ 14,275.46

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 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.

9. 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.
Secondary Dwelling Setback	Amended plans and details are required to show the secondary dwelling external wall northern rear setback, increased in distance to 3m. This is required to comply with Council's setback control.
New Window Next to the Living Room	Amended plans and details are required to show the secondary dwelling's eastern elevation, adjacent to the living room, a new window that will be able to satisfy the requirements of Council's SDCP 2005. This is required to comply with Council's solar access controls.

10. **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.

11. **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.

12. **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.

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. **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.

14. **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.

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

15. **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.

16. **Utility Arrangements**

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

17. 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.

18. 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.

19. 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

20. 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.

21. 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.

22. **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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

Nil

OPERATIONAL CONDITIONS (ON-GOING)

23. **Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

24. **Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turf areas.

25. **Outdoor Lighting**

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

26. **Amenity of the Neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

27. **Requirement for a Construction Certificate**

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

28. **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.

29. **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.

30. **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.

31. **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

32. Clause 97A – BASIX Commitments

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

33. 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.

34. 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.

35. 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

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. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

v. **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.

vi. **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.

viii. **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)