

IDAP REPORT

Property:	14 Wentworth Street GREENACRE DA 2020/154
Proposal:	Demolition of the existing dwelling and construction of a dual occupancy development with basement level parking.
Applicant:	ZTA Group
Owner:	Zar Development Pty Ltd
Date of lodgement:	9 September 2020
Notification period:	18 September 2020 to 3 October 2020
Submissions received:	Nil
Assessment officer:	N. Doughty
Estimated cost of works:	\$940,653.00
Zoning:	R2-Low Density Residential Additional Permitted Uses 'Item 1' – SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality plan. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of the existing dwelling and construction of a dual occupancy development with basement level parking and strata subdivision.

Site and Locality

The site is identified as 14 Wentworth Street Greenacre and has a legal description of Lot: 2 DP: 36122. It is a rectangular shaped allotment on the eastern side of Wentworth Street. The site has a width of 18.30m, a depth of 45.74m and a total site area of 836.9m².

The site is currently occupied by a single storey dwelling with vehicular access via an existing driveway off Wentworth Street.

The streetscape is characterised by single and two (2) storey detached dwellings of various ages and attached dual occupancies predominantly with pitched roof forms, rendered masonry and facebrick. The eastern side allotments of Wentworth Street adjoin industrial premises situated along Bellfrog Street.

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 including the justification of any non-compliances.

Notification

The application was notified in accordance with Council's Community Participation Plan from 18 September 2020 to 3 October 2020. No submissions were received.

Issues

- Streetscape compatibility;
- Visual privacy;
- Vehicular access; and
- Landscaping.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/154 is recommended for **APPROVAL** subject to the recommended conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of the existing dwelling and construction of a dual occupancy development with basement level parking and strata subdivision. More specifically, the proposal includes;

Demolition:

- Single storey dwelling;

The floor plans of each dual occupancy dwelling are identical albeit minor size and external finishes differences.

Basement level:

- Two (2) vehicular spaces, plant room and storage;

Ground floor level:

- Living room;
- Open plan family room, dining room and kitchen with butler's pantry;
- Laundry;
- Bathroom
- Alfresco

First floor level:

- Master bedroom with ensuite and walk-in-robe;
- Three (3) bedrooms;
- Bathroom;

External works:

- Associated landscaping works;
- Associated stormwater infrastructure works;
- Swimming pool;
- 900mm high front fence and
- Strata subdivision.

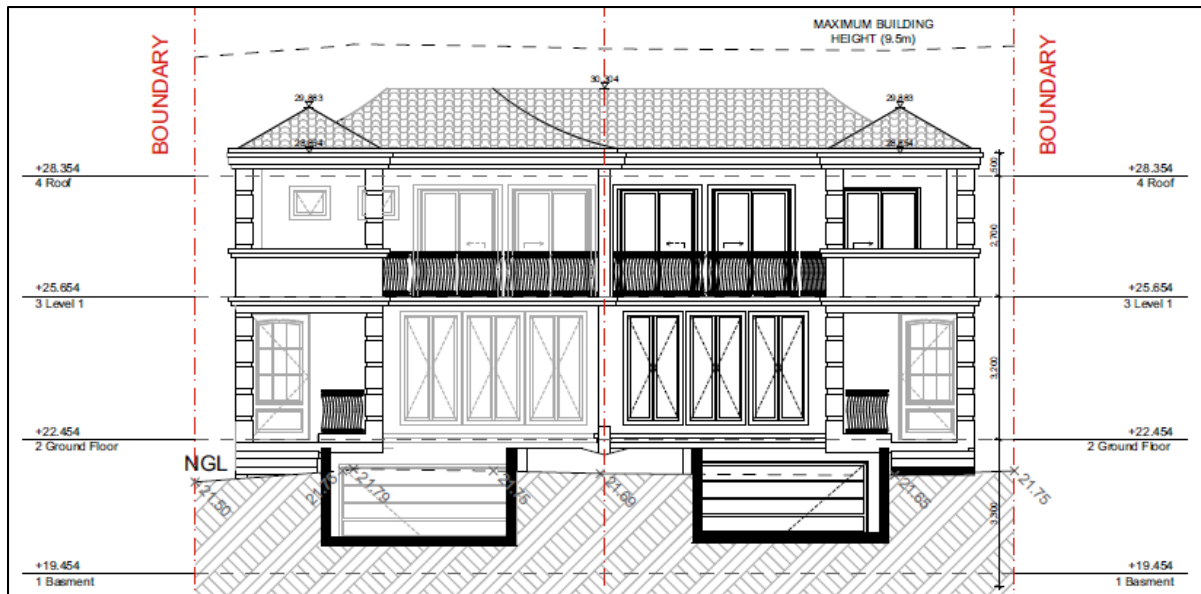


Figure 2: Proposed western elevation facing Wentworth St

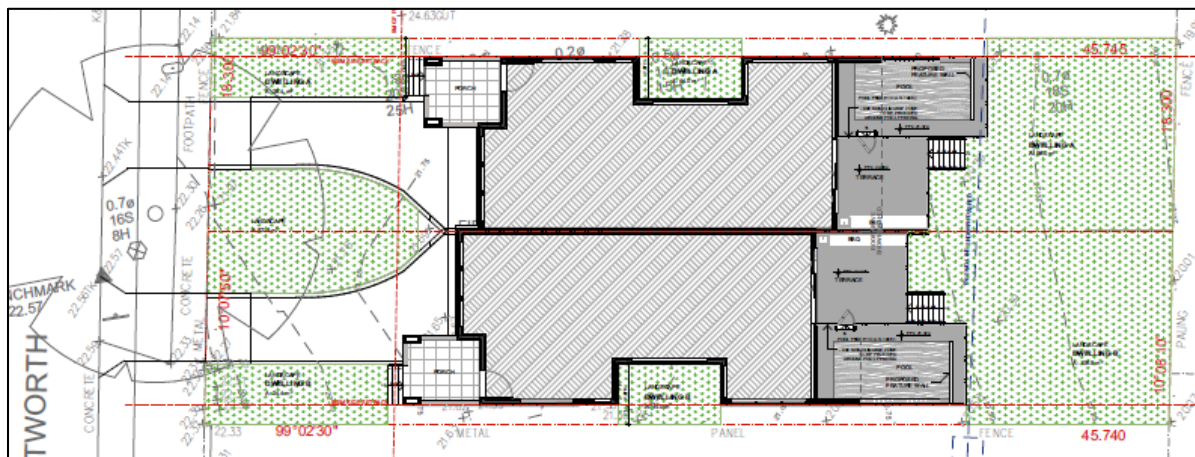


Figure 3: Proposed site plan

The Site and Locality

The site is identified as 14 Wentworth Street Greenacre and has a legal description of Lot: 2 DP: 36122. It is a rectangular shaped allotment on the eastern side of Wentworth Street and immediately adjoins IN1 General Industrial zoned land to the east. The site has a width of 18.30m, a depth of 45.74m and a total site area of 836.9m² (Figure 1). The site has a 2m slope towards the eastern (rear) boundary.

The site is currently occupied by a single storey dwelling with vehicular access via an existing driveway off Wentworth Street (Figure 4). During the site inspection it was observed that six (6) canopy trees ranging from 5m to 25m had been removed without Council approval.



Figure 4: View of existing dwelling from Wentworth Street.

The streetscape is characterised by single and two storey detached dwellings of various ages and attached dual occupancies predominantly with pitched roof forms, rendered masonry and facebrick (Figures 5 and 6). The eastern side allotments of Wentworth Street adjoin industrial premises situated along Bellfrog Street.



Figure 5: Existing attached dual occupancy at No. 8 Wentworth Street.



Figure 6: Existing two (2) storey dwelling house at No. 18 Wentworth Street.

Background

9 September 2020	The subject application was lodged.
18 September 2020 to 3 October 2020	The application was publicly notified for 14 days. No submissions were received.
30 September 2020	Correspondence was sent to the applicant raising a number of non-compliances including building height, streetscape compatibility, elevated floor levels, front setback, elevation of swimming pools, upper level balcony, privacy impacts, solar access and vehicular access.
20 October 2020	The applicant submitted amended plans which incorporated reduced building height, reduced front setback aligning with adjoining properties, elevation solar access plans, reduction in the size of the rear upper level balconies and reduced elevation of the swimming pool.
6 November 2020	Flood Impact Report was submitted.
25 November 2020	Correspondence was sent to the applicant raising a number of non-compliance including the front setback, front fence height, vehicular access, visual privacy impacts and request for an amended landscape plan to reflect the amended development design.
2 December 2020	Amended architectural plans were submitted.

7 December 2020

Correspondence was sent to the applicant requesting an amended landscape plan with the six (6) required replacement trees and architectural plans with solar access diagrams of the amended design and colour names of the basement door and ballustrating.

8 December 2020

The following amended plans were submitted:

- Landscape Plan;
- Basix Certificate; and
- Architectural plans with solar access diagrams, schedule of colours and finishes.

Referrals

INTERNAL REFERRALS

Stormwater Comments

Council's Stormwater raised no objection to the proposal, subject to the recommended conditions of consent including a condition to ensure that the recommendations in the submitted Flood Impact Assessment Report prepared by AKT Engineering and Consulting are complied with.

Landscaping Comments

During the assessment process the Assessment Officer noted that six (6) canopy trees on the subject site had been removed without obtaining prior Council consent. Consequently, an amended Landscape Plan was requested incorporating six (6) replacement native trees. Further, the location of the driveway was amended multiple times in response to traffic comments and to enable the retention of the street tree. Council's Tree Management Coordinator has reviewed the amended design and Landscape Plan and has provided the following comments:

- *"The driveway layback to Dwelling A shall be modified to provide 3m setback from the street tree;*
- *All trees are to be planted from 100 litre containers and shall not be planted closer than 2.5m from a dwelling or property boundary."*

Traffic Comments

During the assessment process the design of the driveway was amended multiple times. Council's Traffic Engineer provided the following comments on the amended design:

"It is noted that the amended plans propose two separate driveways to retain an existing tree. This proposal would require vehicles to either enter or exit the site in reverse movement. Considering the site constraints, the minimal traffic movements associated with the development and low traffic flow along Wentworth Street, this arrangement is considered acceptable."

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

Attached dual occupancy is defined under SLEP 2012 as follows:

“Dual occupancy (attached) means two (2) dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.”

The proposed development for the purpose of dual occupancy (attached) is prohibited in the R2 Low Density Residential zone. However, the site is located within the area identified by Schedule 1 Additional Permitted Uses as Item 1 allowing the development of dual occupancy with consent (Figure 7). Therefore, the proposed development being for the purpose of a dual occupancy (attached) is consistent with the definition above and is permissible on the site with development consent.

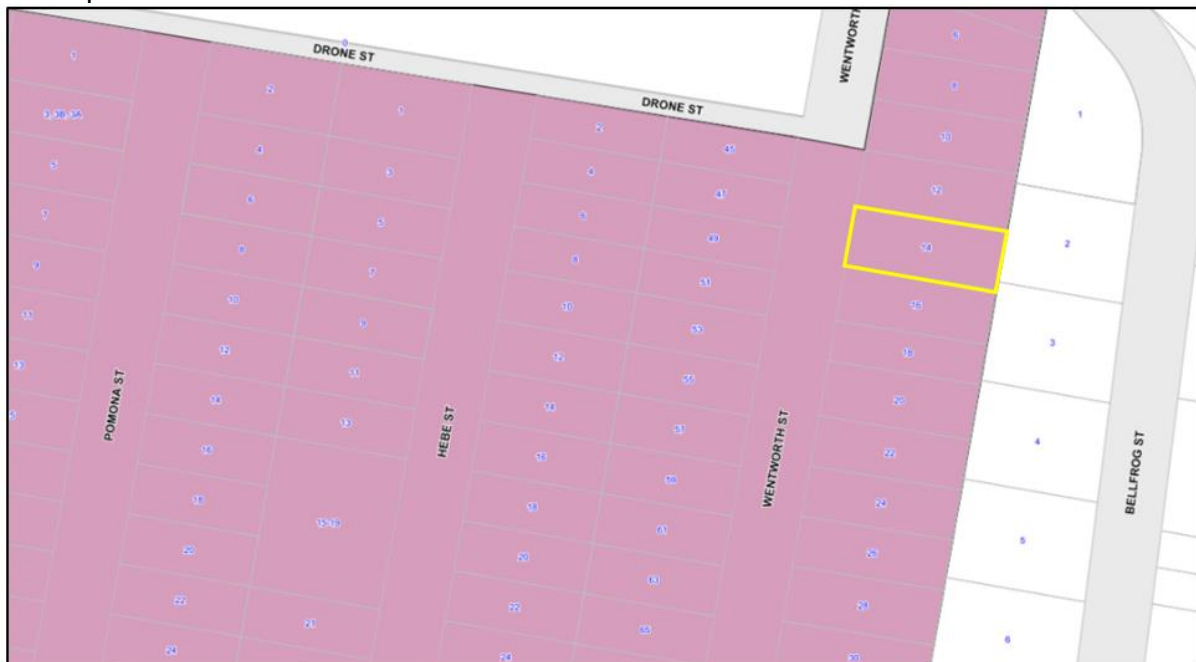


Figure 7: Subject site (outlined in yellow) identified within the Additional Permitted Use area Item 1 under the SLEP 2012.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	9.5m	Yes
4.4 Floor Space Ratio	0.55:1 (460.29m ²)	0.54:1 (456.33m ²)	Yes

Part 5 – Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed development.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils and is located within 500m of Class 4 soils. However as the works do not extend below 5 metres Australian Height Datum the application ion was not required to submit an Acid Sulfate Soils Management Plan and the provisions of Clause 6.1 are satisfied.

Earthworks

The proposal involves one (1) level of basement and in-ground swimming pools requiring the excavation and removal of soil. The sizes of the basement and swimming pool for each dwelling are considered reasonable. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways or environmentally sensitive areas. A condition of consent is recommended to ensure the appropriate management of soils during the excavation and construction phases of the development. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Flood Planning

The subject site has been identified as being affected by overland flooding in the 1 in 100 year flood event and the flood hazard is categorised as low. A Flood Impact Assessment Report was submitted during the assessment process. The application has been reviewed by Council's Stormwater Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

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.

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

A BASIX Certificate has been issued for the proposed development. Conditions of consent will be imposed to ensure compliance with the commitments of the Certificate.

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 SEPP 55 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.

As mentioned above, the Assessment Officer noted during the site inspection that six (6) on-site canopy trees had been removed without obtaining Council consent. Consequently, an amended Landscape Plan was submitted incorporating six (6) replacement trees throughout the site (Figure 8). Council's Tree Management Officer raised no objection to the current proposal and landscape plan subject to the northern driveway servicing Dwelling A is amended to be 3m from the existing street tree.

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



Figure 8: Proposed landscape plan with six (6) replacement trees.

- (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
Building Envelope			
Site Coverage	65% (543.98m ²)	61.49% (514.66m ²)	Yes
45 Degree Roof Plane	45 degrees over the site from a height of 4.5m above natural ground level along the side and rear	Proposal within 45 degree roof plane	Yes
Setbacks: Front:	9m.	Dwelling A: 10.1m from the front porch	Yes
		Dwelling B: 9.4m from the front porch.	Yes
Side:	Ground: 900mm (min) East and West	Ground floor: 900mm both north and south.	Yes
	First floor: 1500mm (min) East and west	First floor: 900mm both north and south front balconies. Rest of first floor is 1.5m on north	No – Acceptable on merit.

		and south side boundaries.	
Articulation	No section of wall built on boundary setback >10m or 40% length of boundary.	All elevations are appropriately articulated.	Yes
Landscaping			
Landscaping/Deep soil Provisions:	40% (334.76m ²)	38.5% (322.24m ²)	No – Acceptable on merit.
Private Open Space Area:	40m ²	Dwelling A 91.02m ² Dwelling B 98.88m ²	Yes
Minimum dimension:	2m		Yes
Landscaping – Front setback	Front setback contain two (2) canopy trees.	Yes	Yes
	50% front is to be for deep soil landscaping.	52% (85.59m ²) of the front setback is deep soil landscaping.	Yes
Landscaping – Street tree	Street trees to be retained	The street tree is proposed to be retained.	Yes.
Front Fence			
Front fence	Compatible design Not exceed 900mm	The 900mm high pier and infill front fence is compatible with the dual occupancy and front fences in the streetscape.	Yes Yes
Energy Efficiency			
Energy efficiency	3.5 stars for NatHERS	A BASIX Certificate and NatHERS Certificate meeting the minimum requirements was submitted.	Yes
Solar Access			
POS and habitable windows	Main living areas and 50% POS of each dwelling have 4hrs solar access.	Sufficient solar access is provided to the main living areas and private open space of each dwelling.	Yes

	4hrs solar access main living rooms and POS adjoining properties.	The west-east orientation of the site results in unavoidable overshadowing impacts on the south-adjoining neighbour.	No – Acceptable on merit.
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Building Envelope and Streetscape

The existing streetscape comprises a mixture of original housing stock and recently constructed detached dwellings and attached dual occupancies with pitched roof forms and external finishes consisting of rendered masonry and facebrick. The proposed dual occupancy incorporates an articulated building form with a pitched roof and rendered masonry exterior walls that achieve a contextually appropriate and compatible design outcome. Contrary to Section 2.2, the street frontage facing balconies on the first floor are setback 900mm and not 1.5m from the northern and southern side boundaries. The non-compliance is confined to the balconies only with the design providing sufficient building separation, and articulation to the front building façade and the side elevations. As such, the non-compliance is considered acceptable.

Landscaping and Open Space

As previously discussed, 38.5% (322.24m²) of the site is provided as deep soil landscaping, contrary to the 40% (334.76m²) requirement. The non-compliance (1.5%) is minor and the submitted landscape plan has appropriately positioned the six (6) replacement canopy trees. The development is considered to satisfy the landscaping objectives of the SCDP 2005.

Solar Access

The west-east orientation of the site results in unavoidable overshadowing impacts onto the adjoining southern site. Whilst the site is currently vacant, development consent (DA2019/198) for an attached dual occupancy was approved in April 2020. The main living areas of the approved adjoining property are located to the eastern and western sections of the building with eastern and facing windows. The location of the living area windows and large private open spaces will result in sufficient solar access to the lounge room and terrace in the morning and to the living room in the afternoon.

Privacy

The proposed development has been appropriately designed to ensure that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The proposed first level rear balconies are centrally located and have been designed with 1.8m high privacy screens along the side elevations to maintain visual privacy between the adjoining properties. The entire first floors are comprised of low activity bedrooms and bathrooms with highlight windows ensuring that any privacy issues associated with the first floor are reasonable.

Vehicular access, Parking and Basements

The application seeks to construct a dual driveway, providing separate access to each dwelling to the basement level with space for two (2) vehicles. During the assessment process amended plans with a combined vehicular access enabling each vehicle to enter and exit the basement in a forward direction was submitted. However, this design would require the removal of the existing street and therefore, was not supported. Subsequently the current design was submitted, proposing two (2) driveways. Although the vehicular design does not

enable the cars to enter and exit the basement in a forward direction, given the low traffic conditions of the site (Wentworth Street in a cul-de-sac) and the necessary retention of the street tree, Council's Traffic Engineer raised no objection to the design. The basement design is less than 1m above the natural ground level footprint and does not extend beyond the ground floor above, providing space for the parking of two (2) vehicles, plant room (9.5m²), storage room (4.2m²) and bin storage area.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDP 2005, in that the need for cut and fill has been kept to a minimum and the dual occupancy design has incorporated a stepped design in response to the topography of the site.

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 and complies with Council's Stormwater Management Code. A condition of consent has been imposed to ensure the recommendations of the Flood Impact Assessment Report are complied with. A soil erosion management plan has been submitted with the application to prevent or minimise soil disturbances during construction.

Access, Safety and Security

The development is orientated to Wentworth Street with the front porch area of each dwelling providing a pedestrian entrance that is separated from the vehicle access. The multiple windows and balconies facing Wentworth Street provide passive surveillance of the public domain.

ANCILLARY STRUCTURES

Swimming Pools

The swimming pool of each dwelling is setback 900mm from the side boundaries (continuing from the ground floor setback). As no information regarding the location of the pool pump equipment has been submitted, conditions of consent have been recommended to ensure the structures are located away from sensitive areas (habitable rooms) or are placed in a sound dampening enclosure. Amended plans were submitted during the assessment process, lowering the floor level of the swimming pool concourse to no more than 1m above the natural ground level. Conditions of consent are imposed ensuring that the swimming pool fences will comply with the relevant swimming pools legislation and standards.

PART H – Waste Management (SCDP 2005)

In accordance with Part H of Strathfield CDP 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.

PART R – Subdivision (SCDP 2005)

The proposed strata subdivision component of the subject application seeks to place one dwelling house and basement of the attached dual occupancy onto each proposed allotment. The subject site presents a compliant allotment size of 836.9m² which exceeds the 560m²

minimum lot size requirement for dual occupancies. The final strata subdivision plan shall also include the basement and first level of the dual occupancy development. A condition of consent is recommended to ensure this is imposed.

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

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

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

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

The proposed dual occupancy design achieves an appropriate level of streetscape compatibility and minimises adverse impacts on the adjoining properties. 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.

(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	\$ 3,013.35
Provision of Major Open Space	\$13,709.85
Provision of Local Open Space	\$ 3,016.96
Provision Roads and Traffic Management	\$ 0.00
Administration	\$ 259.83
TOTAL	\$20,000.00

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. 2020/154 should be **APPROVED** subject to conditions of consent.

Signed: N. Doughty
Planning Officer

Date: 8 December 2020

- ☒ 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 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed: M. Rivera
Senior Planner

Date: 8 December 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:

Description	Reference No.	Date	Revision	Prepared by
Site & Site Analysis Plan	A100	02/12/2020	C	Zta Group
Demolition Plan	A101	02/12/2020	C	Zta Group
Sediment & Erosion Control Plan	A102	02/12/2020	C	Zta Group
Basement	A200	02/12/2020	C	Zta Group
Ground Floor Plan	A201	02/12/2020	C	Zta Group
Level 1	A202	02/12/2020	C	Zta Group
Roof Plan	A203	02/12/2020	C	Zta Group
North Elevation	A300	02/12/2020	C	Zta Group
South Elevation	A301	02/12/2020	C	Zta Group
East Elevation	A302	02/12/2020	C	Zta Group
West Elevation	A303	02/12/2020	C	Zta Group
Streetscape	A304	02/12/2020	C	Zta Group

Section AA	A400	02/12/2020	C	Zta Group
Schedule of Colours & Finishes	A600	02/12/2020	C	Zta Group
Subdivision Plan	A602	16/10/2020	B	Zta Group
General Notes Plan	D1	-	A	AKT Engineering & Consulting
Basement Floor Plan	D2	-	A	AKT Engineering & Consulting
Concept Stormwater Plan	D3	-	A	AKT Engineering & Consulting
OSD Details Plan	D4	-	A	AKT Engineering & Consulting
Landscape Plan	LP100	7/12/2020	B	AKT Engineering & Consulting
Flood Impact Assessment Report	-	4/11/2020	-	AKT Engineering & Consulting
BASIX Certificate	No: 1125775M_02	07/08/2020	-	AKT Engineering & Consulting
Assessor Certificate	# HO53618	7/12/2020	-	A. Eleche
Waste Management Plan	-	-	-	Zta Group

2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 30.304 AHD (excluding sky lights) to the ridge of the building.

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. 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. 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

5. 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.

6. Notice of Requirements for a Section 73 Certificate

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

7. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Required Design Changes

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

Driveway width	The vehicular access driveway width for both dwellings must be no more than 3m at the front boundary line. 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.
Vehicular crossover width	The vehicular crossover and layback of Dwelling A be must located a minimum of 3m from the trunk of the street tree. Any driveway, front fence or gate opening adjustments required as a result of this condition must be illustrated on the plans lodged with the application for the Construction Certificate.
Landscape Plan	The six (6) canopy trees shown on the approved Landscape Plan are to be planted from 100 litre containers and be located no closer than 2.5m from a dwelling or property boundary.

9. 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)	\$3,292
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$12,200.00
Tree Bond	\$10,000.00
Administration Fee for Damage Deposit	\$127.00
Administration Fee for Tree Bond	\$127.00

DEVELOPMENT CONTRIBUTIONS

Strathfield Section 7.11 Development Contributions - Roads and Traffic Management	\$ 0.00
Strathfield Section 7.11 Development Contributions – Local Open Space	\$ 3,016.96
Strathfield Section 7.11 Development Contributions – Major Open Space	\$ 13,709.85
Strathfield Section 7.11 Development Contributions – Community Facilities	\$ 3,013.35
Strathfield Section 7.11 Development Contributions – Administration	\$ 259.83
TOTAL Section 7.11 Contributions	\$ 20,000.00

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.

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.

10. **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: **\$12,200.00**
- (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.

11. **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. **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. 112577M_02 must be implemented on the plans lodged with the application for the Construction Certificate.

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. 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.

15. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by AKT Engineering & Consulting.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

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. **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.

18. **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).

19. **Landscape Plans**

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

20. **Tree Protection and Retention**

The street tree immediately in front of No. 14 Wentworth Street shall be retained and protected. The tree must have a 3m tree protection zone.

Details of the trees to be retained must be included on the Construction Certificate plans.

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition,

excavation and construction of the site.

- (b) The tree protection measures must be undertaken in accordance AS4970 - 2009 Protection of trees on development sites.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

21. Allocation of Street Addresses

In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Strathfield Council's requirements, the street addresses for the subject development must be allocated as follows:

Proposed Lot No.	Proposed street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
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Lot A	No. 14 Wentworth Street
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Lot B	No. 14A Wentworth Street
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Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

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

22. 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.

23. 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.

24. 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](#).

25. 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.

26. Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

27. 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

28. 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.

29. 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.

30. 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.

31. Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

32. 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.

33. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

34. Completion of Landscape Works

At the completion of all works, a certificate and photographic evidence is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that all landscaping works has been completed in accordance with the approved Landscape Plan and any related conditions of consent and that a maintenance program has been established for a minimum period of 12 months.

35. **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.

36. **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.

37. **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.

38. **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.

39. **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) 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;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) 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 STRATA SUBDIVISION CERTIFICATE

40. Site works to be completed prior to issue of Strata Subdivision Certificate

The following works shall be completed prior to the issue of the Strata Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (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.
- (c) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf.
- (d) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (e) Sydney Water's Section 73 Compliance Certificate.

41. Final Strata Subdivision Plan

The Final Strata Subdivision Plan shall be prepared by a Registered Surveyor and indicate the following:

- i. The basement level of the development;
- ii. The ground level of the development;
- iii. The first floor of the development;
- iv. All common property; and
- v. Any car parking areas;

42. Final Strata Subdivision Plan Requirements

A final Strata Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following easements created by Section 88B of the [Conveyancing Act 1919](#) on the Final Strata Subdivision Plan.

- i. Any necessary Easements to Drain Water, (minimum 1m wide).
- ii. Any necessary Easements for Services (minimum 300mm wide).
- iii. Any necessary Easements for overhanging roof structures.

OPERATIONAL CONDITIONS (ON-GOING)

43. 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.

44. Greywater System

In order to conserve and re-use water, Council encourages all developments for new dual occupancy 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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

45. Requirement for a Construction Certificate

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

46. 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.

47. **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.

48. **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

49. **Clause 97A – BASIX Commitments**

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

50. **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.

51. **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.

52. **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](#).

53. **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. 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. **Strata Subdivisions**

Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.

Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.

Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.

All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

vii. **Sydney Water Section 73 Certificates**

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

viii. **Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

ix. **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

x. **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)