

IDAP REPORT

Property:	2 Chiswick Street STRATHFIELD SOUTH DA 2020/197
Proposal:	Construction of a double storey dwelling and associated landscape works.
Applicant:	Wisdom Homes
Owner:	J. Parra & K. Parra
Date of lodgement:	28 October 2020
Notification period:	11 November 2020 to 25 November 2020
Submissions received:	One (1) submission received.
Assessment officer:	N Doughty
Estimated cost of works:	\$656,079.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	The subject site adjoins local heritage item No. I1223.
Flood affected:	No
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 construction of a two (2) storey dwelling, front fence and associated landscape works.

Site and Locality

The site is identified as 2 Chiswick Street Strathfield South and has a legal description of Lot: 65 DP: 11110. The site is located on the southern side of Chiswick Street near the T-intersection of Chiswick Street and Coronation Parade. The site is a regular shape parcel of land with a 12.19m width, a depth of 45.72m and an overall site area of 556.40m². A single storey dwelling and detached shed currently occupy the site.

The existing streetscape is undergoing a state of transition with dwelling styles comprising a mixture of original inter-war bungalows with terracotta pitched roofs, facebrick and rendered masonry exterior walls and recently constructed two storey dwelling houses of various styles and external finishes (pitched and flat roof forms, cladding, rendered masonry).

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 11 November 2020 to 25 November 2020. One (1) submission was received raising the following concerns:

- Overlooking opportunities from the proposed front balcony and multiple windows on the ground floor and first floor;
- Noise emitted from the air-conditioning unit;

Issues

- Visual privacy;
- Building articulation; and
- Tree removal.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/197 is recommended for **APPROVAL**, subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the construction of a two (2) storey dwelling and associated landscape works. More specifically, the proposal includes;

Ground floor level:

- One (1) car space garage;
- Home theatre room;
- Guest/home office;
- Bathroom;
- Open plan kitchen, dining, leisure and rumpus room;
- Butler's pantry;
- Alfresco;

First floor level:

- Upper lounge room;
- Three (3) bedrooms;
- Master bedroom with walk-in-wardrobe and ensuite;
- Balcony adjoining master bedroom;

External works:

- Front fence;
- Associated landscaping works; and
- Associated stormwater works.

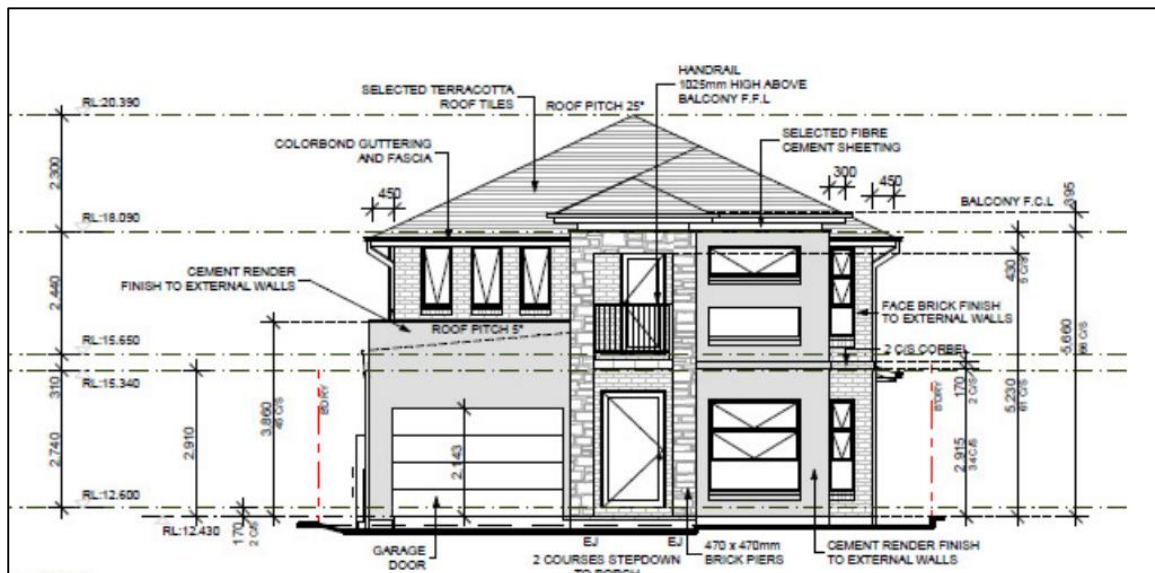


Figure 2: Front (north) elevation

The Site and Locality

The site is identified as 2 Chiswick Street Strathfield South and has a legal description of Lot: 65 DP: 11110. The site is located on the southern side of Chiswick Street near the T-intersection of Chiswick Street and Coronation Parade. The southern property boundary adjoins Chiswick Reserve. The site is a regular shape parcel of land with a 12.19m width, a depth of 45.72m and an overall site area of 556.40m². A single storey dwelling and detached

shed currently occupy the site with vehicle access provided via an existing dwelling from Chiswick Street (Figure 3). The site has a gradual slope from north to south.



Figure 3: Existing dwelling at No. 2 Chiswick Street.

The existing streetscape is undergoing a state of transition with dwelling styles comprising a mixture of original inter-war bungalows with terracotta pitched roofs, facebrick and rendered masonry exterior walls and recently constructed two storey dwelling houses of various styles and external finishes (pitched and flat roof forms, cladding, rendered masonry) (Figures 4 and 5).



Figure 4: Existing dwellings at No. 3 and 1 Chiswick Street.



Figure 5: Streetscape – Southern side of Chiswick Street.

Background

<u>28 October 2020</u>	The subject application was lodged.
<u>5 November 2020</u>	Comments by Council's Tree Management Coordinator are received.
<u>11 November 2020</u>	Comment by Council's Stormwater Engineer are received.
<u>11 November 2020 to 25 November 2020</u>	The application was notified in accordance with the Strathfield Community Participation Plan. One (1) submission were received during this period.
<u>13 November 2020</u>	Comments by Council's Traffic Engineer are received.
<u>17 November 2020</u>	A site inspection was undertaken by the Assessment Officer.
<u>30 November 2020</u>	The site owner submitted a letter responding to the concerns raised in the submission.
<u>12 November 2020</u>	A Complying Development Certificate application for the demolition of a house, pergola, deck and carport at the subject site was lodged at New Home Certification Group.
<u>1 December 2020</u>	Comments by Council's Heritage Advisor are received.
<u>3 December 2020</u>	The Assessment Officer spoke to the objector and identified the following as the main concerns: <ul style="list-style-type: none"> • Visual privacy – Garage window and first floor street facing balcony; and • Noise from the air-conditioning unit.
<u>4 December 2020</u>	Development Application DA2020/222 lodged to Council for the removal of a jacaranda tree at No. 135 Coronation Parade.

11 December 2020

Correspondence received from Council's Tree Management Coordinator raising no objection to the removal of the tree at No. 135 Coronation Parade.

Referrals

INTERNAL REFERRALS

Stormwater Comments

Council's Stormwater Engineer raised no objections to the application, subject to the imposition of the recommended conditions of consent.

Landscaping Comments

Council's Tree Management Coordinator raised no objection to the proposal, subject to the existing driveway crossing and layback is utilised to minimise root disturbance to the existing street tree. Council's Tree Management Coordinator also raised no objection to the proposed removal of a jacaranda tree located at No. 135 Coronation Parade, subject to a separate development application (DA2020/222).

Traffic Comments

Council's Traffic Engineer raised no objections to the application, subject to the imposition of the recommended conditions of consent.

Heritage Comments

Council's Heritage Advisor provided the following comments:

"The rear of the site adjoins heritage item 223 (Interwar Bungalow) at 137 Coronation parade and therefore is in the vicinity of a heritage item.

The application shows a two storey dwelling with a pitched roof. The landscape plan shows that dwelling will have a substantial rear yard and therefore it is unlikely that the development will be seen from the heritage item or Coronation Parade. As such, I do not object to the proposal on heritage grounds."

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential. The proposal, being a dwelling house, is a permissible form of development with Council's consent, in the R2 Low Density Residential.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.39m	Yes
4.4 Floor Space Ratio	0.625:1 (347.75m ²)	0.482:1 (268.32m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

Clause 5.10 requires that consideration be given to the potential impacts of development on the heritage significance of heritage items and heritage conservation areas. The eastern corner of the site adjoins Heritage Item No. 223 'Inter-war bungalow' at No. 137 Coronation Parade with the heritage item orientated to Coronation Parade (Figure 6). The application was referred to Council's Heritage Officer who has raised no objections to the proposal as the location and scale of the dwelling is appropriately distanced so it is unlikely that the development will be seen from Coronation Parade.



Figure 6: Subject site (outlined in yellow) and adjoining heritage listed site (outlined in red).

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as Class 4 and 5 Acid Sulfate Soils, however the proposed development does not involve excavation more than 2m below the natural ground surface. As such the application was not required to submit an Acid Sulphate Soils Management Plan and the provisions under Clause 6.1 are satisfied.

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 proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

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 and the commitments required by the BASIX Certificate have been satisfied.

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

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

A review of the available records 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.

The proposal was referred to Council's Tree Management Coordinator who raised no objection to the removal of the tree (2) trees in the front setback and has recommended that the existing driveway crossover and layback is utilised to minimise excavation and disturbance to the existing street tree. The proposed dwelling design results in a significant encroachment into the TPZ and SRZ of a Jacaranda tree located at the rear of the adjoining property (No. 135 Coronation Parade). As such a development application for the removal of the tree (DA2020/222) has been lodged. Correspondence from Council's Tree Management Coordinator has been received, raising no objections to the removal of the tree. Accordingly a condition of consent has been imposed that the tree removal works proposed under DA2020/222 be completed prior to the commencement of works under the subject development application.

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



Figure 7: Jacaranda tree at No. 135 Coronation Parade.

(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			
Heights: Floor to ceiling heights: Height to underside of eaves: Number of Storeys/Levels:	3.0m 7.2m 2	Ground: 2.74m First: 2.44m 5.9m 2	Yes Yes Yes Yes
Setbacks: Front: Eastern Side: Western Side: Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 2.43m (20%) 6m	5.49m Garage: 1m Remainder of dwelling: 1.51m 1.2m 2.21m and 2.71m 15.3m	No - Acceptable on merit. No - Acceptable on merit. Yes Refer below. Yes
Landscaping			
Landscaping/Deepsoil Provisions: Private Open Space Area: Minimum dimension:	38.5% (214.21m ²) 10m ² 3m	38.9% (216.62m ²) > 10m ² > 3m	Yes Yes Yes
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1.2m 0.6m	Yes Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 2	3m 1 Condition recommended for existing driveway layback and crossover to be used. 1	Yes Yes N/A Acceptable as lot width is less than 15m.

Building Envelope

The design and appearance of the proposed dwelling is compatible with the character of the streetscape. The proposed pitched roof form, rendered masonry and facebrick exterior walls is complementary to the prevailing roof form and external finishes of dwellings within the street.

The front building façade includes a two (2) storey portico with an associated porch protruding 1m forward of the front building façade. The two (2) storey portico is vertically broken by the first floor balcony and is proportional to the building envelope.

Setback

The front porch and portico element is setback 5.49m and the main portion of the front building façade is setback 6.5m from the front property boundary. Whilst the front setback is contrary to the 9m minimum front setback requirement, it is no less than the front setback of the existing dwelling and it is consistent with the prevailing front setbacks along the southern side of Chiswick Street. Accordingly, the front setback will not conflict with the existing streetscape and is acceptable in this instance.

The side setback controls of the SCDP require new dwelling to achieve a combined setback of 20% (2.43m) of the frontage width of the block with a minimum 1.2m setback for each side. Contrary to Section 2.2.3, the western side elevation of the dwelling is not articulated. However, the contrasting colour tones of the facebrick and stormwater downpipes visually break up the bulk and scale of the elevation.

Landscaping and Open Space

The development is considered to enhance the existing streetscape with adequate areas for deep soil planting provided in the front setback and rear yard which comprise of canopy trees. The submitted Landscape Plan proposes the planting of one (1) canopy tree in the front setback and one (1) in the rear setback.

Fencing

The proposed front pier and infill style fence with a maximum 1.2m height is consistent with the prevailing fencing style in the street. However, the horizontal orientation of the infill component of the fence is not consistent and a condition of consent modifying the orientation to vertical has been imposed.

Solar Access

The subject site has a north-south orientation with the dwelling facing north (Chiswick Street), resulting in solar access to windows of habitable rooms and to at least 50% of the private open space is achieved at the winter solstice. Solar access is also achieved for a minimum of three (3) hours to the private open space and habitable rooms of the adjoining properties. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

Privacy

The eastern and western side facing first floor windows are not anticipated to result in any adverse privacy impacts upon the adjoining properties as the windows are either obscurely glazed or incorporate adequate sill heights to minimise overlooking opportunities. In relation to the ground floor, the finished floor level (RL12.60) in conjunction with the 1.8m dividing fences assist in mitigating overlooking opportunities. Contrary to Section 14.3.4 of the SCDP 2005, the first floor rear balcony measures 3.5m (depth) x 3.85m (length). The eastern side elevation of the balcony is a solid wall to the balcony ceiling and a fixed privacy screen (to the balcony ceiling) is proposed to the western elevation. The southern opening of the balcony provides direct views onto the landscaped areas in Chiswick Reserve. In this instance, the design of the balcony would not unreasonably impact upon the privacy of the adjoining premises and is considered acceptable.

Vehicular access and Parking

The provision of one (1) car parking space in the garage is considered acceptable in this instance given the narrow width (12.19m) of the site. As previously discussed, to provide adequate protection to the existing street, a condition of consent is recommended for the existing driveway crossover and layback to be used. This is in accordance with comments from Council's Tree Management Coordinator.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

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

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided and passive surveillance of the public street has been facilitated by the design through glazing and openings in the front façade.

PART H – Waste Management (SCDCP 2005)

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

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

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

The proposed development does not involve the demolition of a building.

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

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The proposal is not considered to result in any adverse environmental or social impacts.

(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. One (1) submission was received raising the following concerns:

1. Inaccuracy of survey

Concern is raised that the submitted plans and survey do not reflect the dwellings or swimming pool at No. 131 and 133 Coronation Parade.

Assessment Officer's Comment: The submitted survey is dated November 2018 which is acceptable. Whilst the survey does not detail the residences or swimming pools at No. 131 and 133 Coronation Parade, these structures are currently under construction and their locations noted at the site inspection.

2. Visual Privacy

Concern is raised that proposed window No. W2 (laundry), W3 (garage), W15 to W17 (bedroom 3) provide overlooking opportunities into the adjoining eastern dwelling and private open space.

Assessment Officer's Comment: These concerns are discussed in more detail below.

3. Air Conditioning Unit

Concern is raised that the proposed location and noise emitted from the air conditioning unit will affect the enjoyment of the rear yard.

Assessment Officer's Comment: The air-conditioning unit is appropriately positioned 750mm from the eastern side boundary. Standard conditions of consent are imposed to ensure only a residential grade air-conditioning unit is installed.

4. Building Height

Concern is raised that the proposed building height of the dwelling will obscure the existing views of the nearby Council open space.

Assessment Officer's Comment: The proposed maximum building height of 8.39m is under the 9.5m building height development standard permissible under the SLEP 2012. The building height and building footprint is not considered to unreasonably obscure views to Chiswick Reserve.

Mediation with objector:

During the assessment process, the Assessment Officer spoke to the objector on the telephone regarding the concerns raised in the submission. The objector stated that the main concerns were related to visual privacy, specifically windows W2, W3 and W15-17 and the first floor front balcony.

The objector agreed that no window treatments are necessary for windows W15, 16 and 17 as the windows are orientated to Chiswick Street or for W2 (laundry) as a laundry is considered a low-use inhabitable room and the glass door has no sightline to No. 131 Chiswick Street. Given the low-use nature of a garage and the 1.8m dividing fence between the properties, it is considered unreasonable to require the window to be obscurely glazed.

In relation to the first floor front balcony, the objector commented that they wished for the balcony to be deleted or a privacy screen to be installed to eliminate overlooking opportunities into the eastern adjoining property swimming pool and private open space. The front balcony is located 5m from the eastern side boundary, accessible from the first floor gallery and is 5.28m². The deletion of the balcony is considered unreasonable, however the potential privacy impacts upon the eastern adjoining property are concurred with given the location of the balcony. Accordingly, a condition of consent is recommended to infill the opening on the eastern elevation of the balcony with a fixed privacy screen to a minimum 1.7m in height above the finished floor level.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$6,560.79
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2020/197 should be **APPROVED**, subject to the recommended conditions of consent.

Signed: N. Doughty
Planning Officer

Date: 14 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 7.12 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: 15 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	Ref. No.	Date	Rev.	Prepared by
Site Plan	1	23 September 2020	B-17	Wisdom Homes
Benching Plan	2	23 September 2020	B-17	Wisdom Homes
Site Analysis Plan	3	23 September 2020	B-17	Wisdom Homes
Ground Floor	5	23 September 2020	B-17	Wisdom Homes
First Floor	6	23 September 2020	B-17	Wisdom Homes
North Front & East Left	7	23 September 2020	B-17	Wisdom Homes
South Rear & West Right	8	23 September 2020	B-17	Wisdom Homes
Section A-A & Section B-B	9	23 September 2020	B-17	Wisdom Homes

Roof Plan	12	23 September 2020	B-17	Wisdom Homes
Landscape Plan	01	11 August 2020	B1	Wisdom Homes
Plant List/ Specification	2	11 August 2020	B1	Wisdom Homes
Elevation	3	11 August 2020	B1	Wisdom Homes
Details	4	11 August 2020	B1	Wisdom Homes
Details	5	11 August 2020	B1	Wisdom Homes
Stormwater Layout Sh. 1	1	26 August 2020	B	Ibrahim Stormwater Consultants
Stormwater Details sh.1	2	26 August 2020	B	Ibrahim Stormwater Consultants
Schedule of Colours and External Finishes	Job No: 180450	26 October 2020	-	Wisdom Homes
BASIX Certificate	No. 1101752S_05	22 September 2020	-	Frys Energywise
NatHERS	No. 0004828273-04	22 September 2020	-	Frys Energywise
Arboriculture Impact Assessment Report	-	3 September 2020	-	The Tree MD Pty Ltd
Waste Management Plan	-	14 February 2018	-	Wisdom Homes

2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 20.390 AHD 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.

5. **Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

6. **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

7. 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 s7.12 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)	\$2,296.00
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 94A Indirect Development Contributions Plan 2017	\$6,560.79

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

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

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

8. Required Design Changes

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

Privacy Screen	A privacy screen shall be provided to the eastern side elevation of the first floor front balcony. The privacy screen is to be a minimum of 1.8m high from the finished floor level of the balcony and comprise of a material that cannot be seen through, such as translucent glazing. If louvres are to be used, they are to be fixed in a position that does not allow downward viewing of the adjoining eastern properties.
Driveway Location	The dwelling must utilise the existing vehicular crossover and layback to minimise damage to the existing street tree. Any amendments to the front fence, gate opening and driveway layout as a result of this condition must be illustrated on the plans lodged with the application for the Construction Certificate.
Fencing	The aluminium slatted infill of the front fence, fence return and side gates shall be vertically orientated so as to be consistent with the surrounding streetscape.

9. 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.

10. **Tree Bond**

A tree bond of **\$10,00.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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. 1101752S_05 must be implemented on the plans lodged with the application for the

Construction Certificate.

13. 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.

14. 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.

15. Stormwater System

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

16. 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).

17. Solid Fuel Heaters

Plans and specifications of the solid fuel heater including chimney stack must be submitted with the Construction Certificate for approval that comply with:

- [Protection of the Environment Operations \(Clean Air\) Regulations 2010](#) and
- AS/NZS 2918: 2001: *Domestic solid fuel burning appliances - Installation*.

18. **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.

19. **Compliance with Submitted Arborist Report**

The recommendations outlined in the Arborist's Report titled Arboriculture Impact Assessment Report prepared by the Tree MD Pty Ltd dated 3rd September 2020 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

The tree/s to be protected are listed in the table below.

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Brush Box – Lephostemon confertus	Road Reserve	3m
5	Crepe Myrtle – Lagerstroemia, indica	Adjoining property rear yard	3m
6	Crepe Myrtle – Lagerstroemia, indica	Adjoining property rear yard	4.56

20. **Tree Protection and Retention**

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Brush Box – Lephostemon confertus	Road Reserve	3m
5	Crepe Myrtle – Lagerstroemia, indica	Adjoining property rear yard	3m
6	Crepe Myrtle – Lagerstroemia, indica	Adjoining property rear yard	4.56

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.

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) 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.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

21. **Tree Removal & Replacement**

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Magnolia – magnolia spp.	1	Front Yard
3	Tibouchina – Tibouchina spp.	1	Front yard

General Tree Removal Requirements

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

Tree Replacement

All trees permitted to be removed by this consent shall be replaced by 1 tree for each tree removed by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

22. **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.

23. 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.

24. 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.

25. Tree Removal – DA2020/222

The proposed tree removal works under DA2020/222 at No. 135 Coronation Parade must be completed prior to the commencement of works of this development consent.

DURING CONSTRUCTION

26. 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.

27. Hours of Construction for 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.

28. Cost of Work to be Borne by the Applicant

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

29. Obstruction of Road or Footpath

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

30. 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.

31. Tree Removal on Private Land

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the Amenity Tree Industry Code of Practice (SafeWork NSW, August 1998).

32. 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

33. 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.

34. 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.

35. Completion of Landscape Works

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

36. Minor Development

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

37. Restriction to User and Positive Covenant for On-Site Detention Facility

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

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

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

38. 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.

39. **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) 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.

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

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

41. **Solid Fuel Heaters**

Prior to the issue of any Occupation Certificate, a Certificate prepared by a professional engineer must be submitted to the PCA to confirm that the installation and design the solid fuel heater meets the following requirements:

- (a) [Office of Environment and Heritage - Selecting, Installing and Operating Domestic Solid Fuel Heaters \(1999\)](#);
- (b) Section G2 of the Building Code of Australia (as amended);
- (c) [Protection of the Environment Operations \(Clean Air\) Regulation 2010](#)
- (d) The Manufacturer's specification; and
- (e) AS/NZS 2918:2001 Domestic solid fuel burning appliances - Installation

OPERATIONAL CONDITIONS (ON-GOING)

42. 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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

43. Requirement for a Construction Certificate

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

44. 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.

45. 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.

46. 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.

47. **Critical Stage Inspections**

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

48. **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.

49. **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

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

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

51. **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.

52. **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.

53. **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](#).

54. **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 of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection 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 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. **Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2020/197) and reference this condition number
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

vii. **Site Safety Fencing**

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

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

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)