

AP REPORT

Property:	50 Wakeford Road STRATHFIELD DA 2020/148
Proposal:	Demolish existing structures on-site and erect a new two storey dwelling with basement level, swimming pool and associated landscaping.
Applicant:	N Lycenko
Owner:	Z Wang
Date of lodgement:	17 August 2020
Notification period:	1 September 2020 – 15 September 2020
Submissions received:	One (1) submission
Assessment officer:	DS
Estimated cost of works:	\$1,533,750.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval

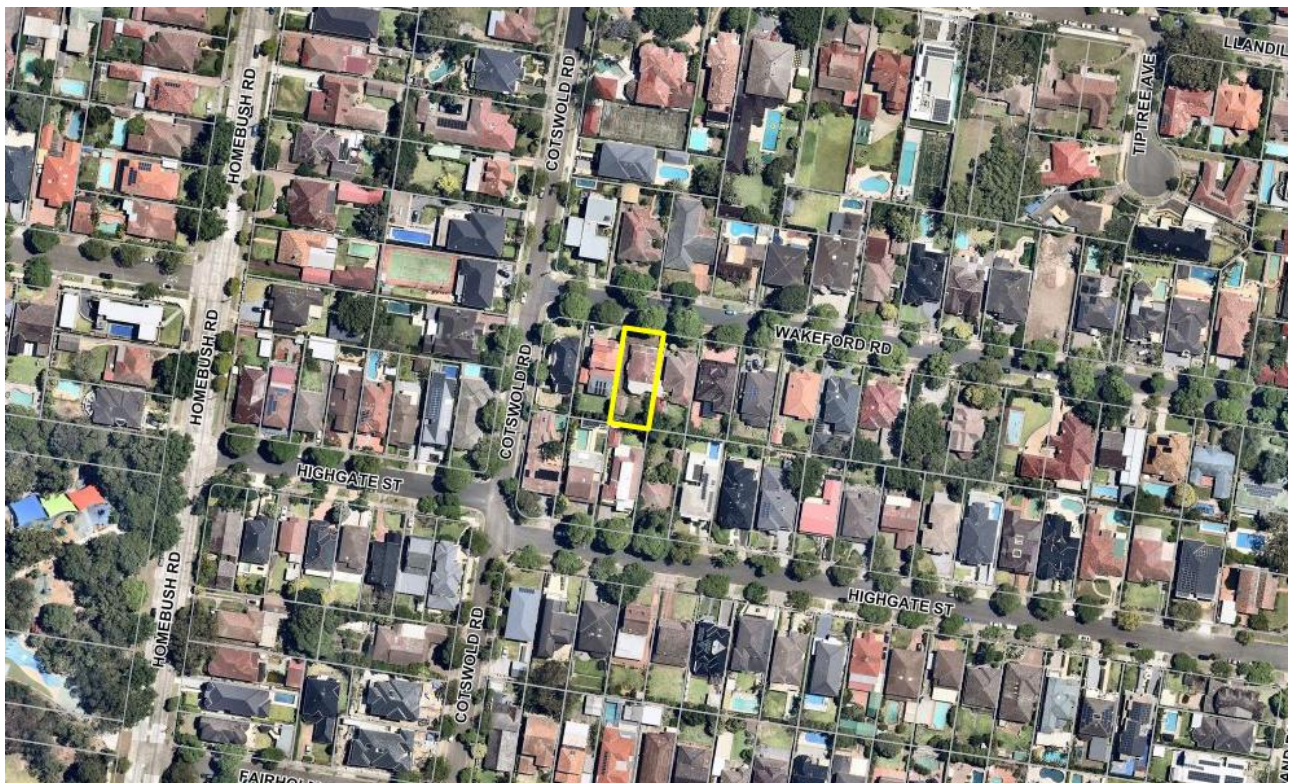


Figure 1: Locality plan with subject site outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures on-site and construction of a new two (2) storey dwelling with basement level, swimming pool and associated landscaping.

Site and Locality

The site is identified as 50 Wakeford Road Strathfield and has a legal description of Lot: 14 DP: 15210. The site is a regular shaped parcel of land and is located on the southern side of Wakeford Road, between Homebush Road and Kingsland Road.

The site has a width of 14.935m, a depth of 37.135m and an overall site area of 554.4m².

The surrounding area is characterised by a mixture of both single and two (2) storey dwelling houses in a range of architectural building styles.

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 1 September 2020 – 15 September 2020. One (1) submission was received during this time, raising the following concerns:

- Privacy impact on 48 Wakeford Road; and
- Loss of solar access on 48 Wakeford Road.

Issues

- Basement size
- Rear balcony size
- Visual privacy

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/148 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures on-site and construction of a new two (2) storey dwelling with basement level, swimming pool and associated landscaping. More specifically, the proposal involves:

Basement level:

- Two (2) car parking spaces and associated manoeuvring areas;
- Storage room (20m²);
- Pool equipment room (5m²);
- Stairwell; and
- Lift.

Ground floor level:

- Lounge room;
- Dining area;
- Kitchen;
- Walk-In-Pantry;
- Family room;
- Laundry;
- Stairwell to the first floor;
- Lift;
- Powder room; and
- Guest bedroom.

First floor level:

- Two (2) bedrooms with walk-in-robe and ensuite;
- Two (2) bedrooms with ensuite;
- Rumpus room; and
- Void (5.3m²).

External works:

- Alfresco area with dining, lounge and BBQ areas over a deck;
- In-ground swimming pool; and
- Landscaping within the front, side and rear setbacks.

A front (north) elevation of the proposed dwelling is included below.

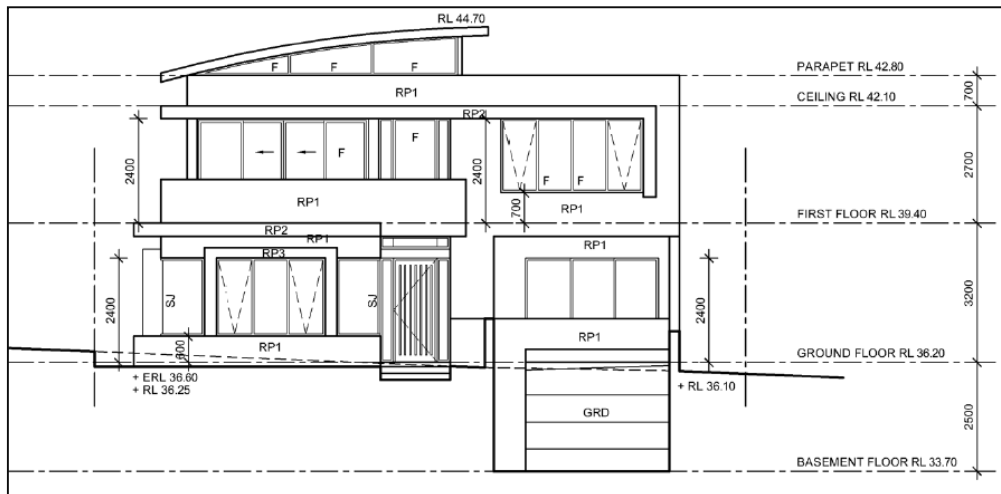


Figure 1: Front (north) elevation of the proposed dwelling.

The Site and Locality

The subject site is legally described as Lot: 14 DP: 15210 and commonly known as 50 Wakeford Road Strathfield. It is located on the southern side of Wakeford Road between Homebush Road and Kingsland Road.

The site is rectangular in shape and has a frontage of 14.935m to the north, side boundary length of 37.135m to the west, side boundary length of 37.105m to the east and an overall site area of 554.4m².

The site slopes from north to south and has a cross-fall of approximately 1.52m.

The site is occupied by a single storey dwelling house (Figure 2). Vehicular access is provided to the site via an existing driveway on the western end of the site's frontage, which leads to an existing detached single garage located at the rear of the site.

Dwellings along Wakeford Road mostly feature facebrick or concrete render finishes and pitched roofs. There is one (1) flat roof exception to the east of the subject site, on the corner of Wakeford Road and Cotswold Road (Figure 5).



Figure 2: Existing development on the subject site



Figure 3: Adjoining development to the west (52 Wakeford Road)



Figure 4: Adjoining development to the east (48 Wakeford Road)



Figure 5: Flat roof dwelling to the north-west of the subject site (47 Wakeford Road)

Background

- 17 October 2020:** The subject application was lodged and publicly notified from 1 September 2020 to 15 September 2020, with one submission raised during this period. The submission was raised by the residents at No. 48 Wakeford Road, located to the east of the subject site, raising concern in relation to overshadowing and privacy.
- 23 September 2020:** A Request for Information letter was sent to the application which raised concerns in relation to excessive basement size, ceiling heights and driveway crossing.
- 19 October 2020:** Amended plans were submitted by the applicant which adequately addressed most of the concerns raised above. The applicant failed to address the concern raised in relation to the excessive basement size.
- 26 November 2020:** A Second Request For Information letter was sent to the applicant which requested that the basement be further reduced in size. The letter also raised additional concerns with respect to overall building height and visual privacy.
- 8 December 2020:** Amended plans were submitted by the applicant which adequately addresses the concerns raised in the second request for changes.

Referrals – Internal and External

Stormwater Engineer Comments

Council's Stormwater Engineer raised no concerns with the proposal, subject to the imposition of conditions of consent.

Traffic Manager Comments

Council's Traffic Manager raised no concerns with the proposal, subject to the imposition of conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential. The proposal is defined as a dwelling house under the SLEP 2012, and is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance
4.3 Height of Buildings	9.5m	8.9m	Yes.
4.4 Floor Space Ratio	0.625:1 (346.5m ²)	0.59:1 (328.3m ²)	Yes.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The proposed basement is mostly contained within the footprint of the ground floor level above. During the assessment process, proposed storage areas within the basement that exceeded the ground floor footprint were requested to be deleted. Whilst the revised basement design still exceeds the footprint of the ground floor above (Figure 6), it is noted that the areas of the basement that exceed the ground floor footprint are required for the minimum two (2) car parking spaces and sufficient manoeuvring area to allow vehicles to enter and exit the basement in a forward direction. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls. 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, drinking water catchment or environmentally sensitive areas. The excavation works proposed for the basement are considered to be reasonable and the non-compliance is minor and acceptable in this instance.

The proposed excavation works are considered to satisfactorily address the objectives of this clause.

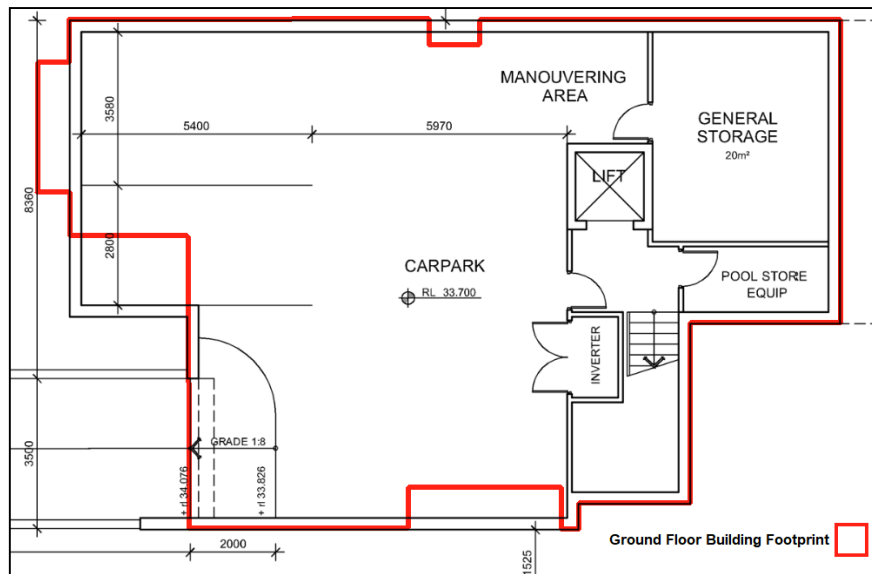


Figure 6: Basement floor plan with ground floor building footprint outlined in red.

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/Comment
Building Envelope			
Floor Space Ratio:	0.625:1 (346.5m ²)	0.59:1 (328.3m ²)	Yes.
Heights: Floor to ceiling heights: Height to underside of eaves: Parapet height: Overall height for flat roof dwelling: Basement height above NGL: Number of Storeys/Levels:	3.0m 7.2m 0.8m 7.8m 1.0m 2	2.75m 7m 0.7m 7.62m 0.978m 2	Yes. Yes. Yes. Yes. Yes. Yes.
Setbacks: Front: Side: Side: Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 2.987m (20%) 6m	7.57m 1.52m (east) 1.525m (west) 3.045m 6m	No. Yes. Yes. Yes. Yes.
Landscaping			

Landscaping/Deepsoil Provisions:	38.5% (213.4m ²)	38.53% (213.6m ²)	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:	3m	3m	Yes.
Vehicular Crossing:	1	1	Yes.
Driveway setback – side:	0.5m	1.5m	Yes.
No. of Parking Spaces:	2	2	Yes.
Basement:			
Basement protrusion:	Less than 1m	Less than 1m.	Yes.
Basement ramp/driveway	3.5m	3.25m	Yes.
Internal height:	2.2m	2.24m	Yes.
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	1.5m (min)	Yes.
UPPER FLOOR REAR BALCONY			
Depth:	1.0m	2.4m	No.
Length:	2.0m	1.96m	No.

Building Envelope

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

Front Setback

Whilst the proposed front setback of the dwelling is less than the required 9m, it is noted that the predominant front setback in Wakeford Road is less than 9m, and the proposed 7.57m front setback is consistent with the front setback of existing dwelling houses immediately adjoining and in close proximity. It is also noted that the front setback of the proposed dwelling is comparable to the front setback of the existing dwelling on the subject site. The front setback proposed is unlikely to disrupt the streetscape rhythm and development pattern of the locality. As such, the proposed variation is considered to be acceptable and reasonable in this instance.

Contemporary Design

It is noted that there are some elements in the proposed dwelling that are not common architectural traits observed along Wakeford Road. However, given the surrounding locality does comprise a number of dwelling houses with modern architectural features (e.g. squared facades, front facing pop-up balconies and brick rendering), the proposed development provides some consistency and is regarded as a compatible design in this street. The majority of houses have a pitched roof with the exception of one (1) flat roof dwelling house to the

north-east of the site which is of a similar design to the proposed development. The proposed development has also incorporated a curved pitched roof element to soften the appearance of its flat roof form and to better integrate with a predominately pitched roof streetscape.



Figure 7: Flat roof dwelling to the north-west of the subject site (47 Wakeford Road)



Figure 8: Contemporary dwelling houses along Wakeford Road (east of the subject site)

Privacy

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

During the assessment process, the windows off Bedroom 4 and Bedroom 2 were modified to incorporate obscure glazing up to 1.7m above the finished first floor level. This is annotated in the revised set of architectural plans (Revision C).

It is noted that the window off Bedroom 4 does not directly face a window of the adjoining dwelling at 48 Wakeford Road. Further, this room is considered to be a low-activity space and therefore it is unlikely that this window will create any unreasonable privacy impacts to the eastern adjoining property (48 Wakeford road). As such, a condition is included in the consent

recommending that the obscure glazing be removed from this window in order to maintain amenity for the bedroom.

The window off Bedroom 2, however, does directly face a window of the adjoining dwelling at 52 Wakeford Road. Therefore, in order to maintain privacy between these adjoining dwellings, the proposed obscure glazing on this window should be maintained and is supported.

Rear Balcony

It is noted that the proposed rear balcony (2.4m deep and 1.96m wide) does not comply with Section 7.2.3 of the SCDP 2005 which permits a maximum depth of 1m and width of 2m. The proposed rear balcony has been generously setback 4.2m from the western side boundary and it will also be screened on the western side so as to reduce overlooking opportunities onto 52 Wakeford Road (Figure 9). The proposed rear balcony non-compliance is considered acceptable and minor in this instance as it is unlikely to unreasonably impact on the privacy of the adjoining dwelling at 52 Wakeford Road and it will provide good amenity to the occupants of the dwelling.

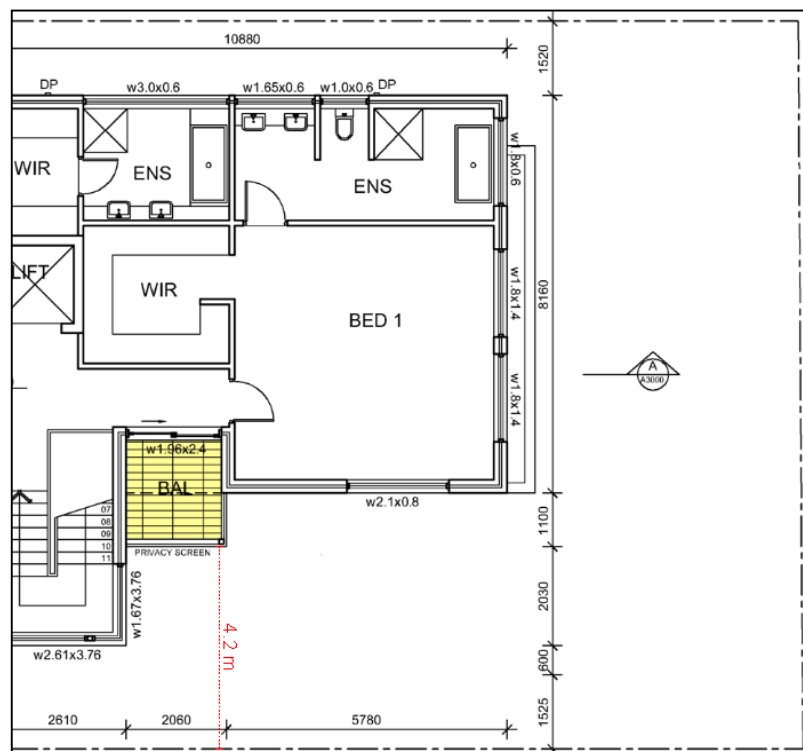


Figure 9: First floor plan with rear balcony highlighted in yellow.

Vehicular Access, Parking and Basements

The proposed basement exceeds the footprint of the ground floor above (Figure 6). However, the areas of the basement that exceed the ground floor footprint are considered necessary to allow for the minimum two (2) car parking spaces and sufficient manoeuvring area for vehicles to enter and exit the basement in a forward direction. The areas beyond the ground floor footprint are minor and will not be highly visible nor contribute to excess bulk and scale. Further, the built form is appropriately setback and balanced by the proposed landscaping treatments within the setback zones. 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. The basement has been kept to less than 1m above natural ground level and maintains an internal

height of 2.2m. The excavation works proposed for the basement are considered to be reasonable and the non-compliance is minor and acceptable in this instance.

Internal Basement Clearance

The submitted plans do not indicate the headroom clearance at the basement entry. A condition is therefore recommended to ensure compliance with the minimum 2.2m internal clearance requirement.

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.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

The proposed landscaping works does not meet the requirements for new canopy trees within the front and rear setbacks. A condition of consent has been imposed requiring the provision of two canopy trees within the front setback and one canopy tree within the rear setback. The condition of consent notes that a canopy tree is a tree which is expected to have a minimum mature height of 10m planted within a minimum 50 litre container.

Solar Access

Given the north-south orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

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, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

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

PART H – Waste Management (SCDCP 2005)

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

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

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

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

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

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

(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) submissions was received raising the following concerns:

1. Overshadowing

Comment: “The shadowing in the afternoon fully covers our property.” (48 Wakeford Road)

Council Response: The POS and habitable rooms of the adjoining dwelling at 48 Wakeford Road will receive at least 3 hours of solar access between 9.00am-3:00pm at the winter solstice. As mentioned above, the proposal demonstrates compliance with specific

requirements regarding provision of solar access to neighbouring properties under the SCDCP 2005.

2. Loss of privacy

Comment: "The two windows in the middle of the second floor along the eastern elevation are too big and should be made smaller."

Council Response: During the assessment process, the window off Bedroom 4 was modified to incorporate obscure glazing up to 1.7m above the finished first floor level. This is annotated in the revised set of architectural plans (Revision C).

It is noted that the window off Bedroom 4 does not directly face a window of the adjoining dwelling at 48 Wakeford Road. Further, this room is considered to be a low-activity space and therefore it is unlikely that this window will create any unreasonable privacy impacts to the eastern adjoining property (48 Wakeford road). As such, a condition is included in the consent recommending that the obscure glazing be removed from this window in order to maintain amenity for the bedroom.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$15,337.50
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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 SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 148/2020 should be approved subject to conditions.

Signed:

**D Strbac
Planner**

Date: 4 January 2021

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

Report and recommendations have been peer reviewed and concurred with.

Signed:

**M Rivera
Senior Planner**

Date: 4 January 2021

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	A01	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Basement Floor Plan	A1000	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Ground Floor Plan	A1001	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
First Floor Plan	A1002	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Roof Plan	A1003	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Elevations 01	A2000	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Elevations 02	A2001	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Section/ Outbuilding Elevs	A08	8 December 2020	C November 2020	N. Lycenko Architect Reg No. 3010
Landscape Plan	20-4229 L01	19 October 2020	Revision B 9 October 2020	Zenith Landscape Designs

Schedule of Materials and Finishes	-	17 August 2020	Revision A	N. Lycenko Architect Reg No. 3010
Stormwater Management and Sediment Control Plan	WR50 Sheet 1 of 5	17 August 2020	Revision A 20 July 2020	Hydro Engineers Civil
Stormwater Management and Sediment Control Plan	WR50 Sheet 2 of 5	17 August 2020	Revision A 20 July 2020	Hydro Engineers Civil
Stormwater Management and Sediment Control Plan	WR50 Sheet 3 of 5	17 August 2020	Revision A 20 July 2020	Hydro Engineers Civil
Stormwater Management and Sediment Control Plan	WR50 Sheet 4 of 5	17 August 2020	Revision A 20 July 2020	Hydro Engineers Civil
Stormwater Management and Sediment Control Plan	WR50 Sheet 5 of 5	17 August 2020	Revision A 20 July 2020	Hydro Engineers Civil
Waste Management Plan	-	17 August 2020	Revision A	N. Lycenko Architect Reg No. 3010
BASIX Certificate No. 1120119S	-	17 August 2020	Revision A	N. Lycenko Architect Reg No. 3010

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

3. **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.

4. **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

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. **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)	\$ 5,368.13
Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,000.00
Administration Fee for Damage Deposit	\$ 127.00
DEVELOPMENT CONTRIBUTIONS	
TOTAL Section 94 Contributions	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$15,337.50

General Fees

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

Development Contributions

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

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

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the

indices provided by the relevant Development Contributions Plan.

Timing of Payment

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

Further Information

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

7. **Damage Deposit – Minor Works**

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

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

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

8. **Tree Bond**

A tree bond of **\$10,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

9. **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. 1120119S must be implemented on the plans lodged with the application for the Construction Certificate.

10. **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.

11. **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.

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

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

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 48 Wakeford Road (Lot: 15 DP: 15210)
- (c) 52 Wakeford Road (Lot: 13 DP: 15210)

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

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

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

13. 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.

14. Detailed Stormwater Drainage Design

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

15. 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.

16. **Waste Manage Plan (WMP)**

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

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

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

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

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

18. **Fire Safety Measures**

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

19. **Structural Details**

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

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

20. **Engineer's Certificate**

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

21. **Geotechnical Report**

Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared

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

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 48 Wakeford Road (Lot: 15 DP: 15210) and 52 Wakeford Road (Lot: 13 DP: 15210) prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

22. **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.

23. **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).

24. **Landscape Plan**

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

25. **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.

26. **Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

27. **Required Design Changes**

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Tree planting within front and rear setbacks	A revised Landscape Plan must be prepared detailing the provision of 2 canopy trees within the front setback and 1 canopy tree within the rear setback. A canopy tree is a tree which is expected to have a minimum mature height of 10m planted within a minimum 50 litre container (Refer to Appendix 1 of General Introduction of SCDP 2005 for weblink to Council's

recommended tree list).

Obscure glazing	The obscure glazing on the window off Bedroom 4, along the eastern elevation, is to be removed.
Basement headroom clearance	A minimum 2.2m headroom clearance is to be provided between the floor and an overhead obstruction along the vehicle travel path. Any overhead obstruction (e.g. planter box) adjustments required as a result of this headroom clearance must be illustrated on the plans lodged with the application for the Construction Certificate.

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

28. 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.

29. 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.

30. 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](#).

31. 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.

32. 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.

33. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water

sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

DURING CONSTRUCTION

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. Removal & Filling of Swimming Pools

- (a) The site of the swimming pool must be filled (if necessary) so as to restore the site to the ground levels (existing) adjacent to the pool, and
- (b) The swimming pool must not be filled with building demolition waste of any kind and if constructed as a concrete shell must be demolished so as to allow ground water to escape or drain to groundwater and
- (c) The fill must be certified clean imported soil or virgin excavated material (VENM) and compacted, and
- (d) Any piping or similar material must be removed from the site before the site is filled.

40. Swimming Pools – Filling with Water

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

41. 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.

42. 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.

43. 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.

44. Post Construction Dilapidation Report – Private Land

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

- (a) 48 Wakeford Road (Lot: 15 DP: 15210)
- (b) 52 Wakeford Road (Lot: 13 DP: 15210)

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

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

45. **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.

46. **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.

47. **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.

48. **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) 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.

49. **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.

50. **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.

OPERATIONAL CONDITIONS (ON-GOING)

51. **Maintenance of Landscaping**

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

52. **Swimming Pools – Resuscitation Notice**

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

53. **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.

54. Greywater System (OG1372)

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

55. Requirement for a Construction Certificate

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

56. 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.

57. 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.

58. 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.

59. 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](#).

60. 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.

61. 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

62. Clause 97A – BASIX Commitments

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

63. 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.

64. 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](#).

65. Clause 98E – Protection & Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

66. **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. **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).

vii. **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