

IDAP REPORT

	60 Shortland Avenue Strathfield
Property:	Lot: 202 DP: 15259 DA2020/209
Proposal:	Demolition of the existing structures and construction of a two (2) storey dwelling house, in-ground swimming pool and landscaping works.
Applicant:	Morrison Homes Pty Ltd
Owner:	S Tarvade and K Shrisat
Date of lodgement:	11 December 2020
Notification period:	13 to 29 January 2021
Submissions received:	One (1) submission
Assessment officer:	M Rivera
Estimated cost of works:	\$1,553,329.00
Zoning:	R2 – Low Density Residential – SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

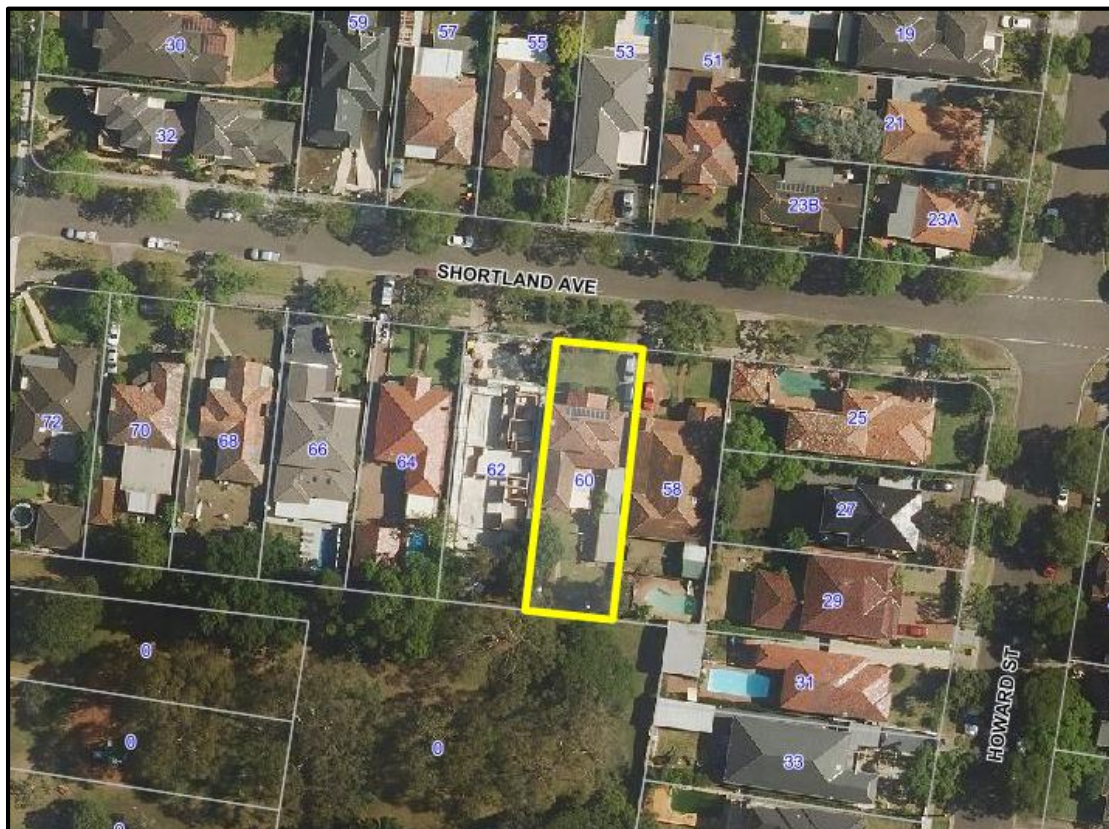


Figure 1. Locality plan. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a two (2) storey dwelling house, in-ground swimming pool and landscaping works.

Site and Locality

The site is identified as No. 60 Shortland Avenue, Strathfield and has a legal description of Lot: 202 DP: 15259. The site is a rectangular shaped parcel of land and is located on the southern side of the street.

The site has a north-south orientation, a width of 15.24m, a minimum depth of 45.72m and an overall site area of 696.7m².

The subject site is within a low density residential suburban area, generally characterised by dwelling houses of diverse architectural style and scale.

Strathfield Local Environmental Plan

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal, being a dwelling house and ancillary structures, 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 Development Control Plan 2005 (SCDCP 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 (CPP) from 13 to 29 January 2021, where one (1) submission was received from No. 58 Shortland Avenue Avenue, Strathfield. The following issues were raised in this submission:

- Floor space ratio;
- Asbestos;
- Setbacks;
- Privacy impacts;
- Solar access;
- Air conditioning system;
- Pool filter and equipment;
- Boundary fencing; and
- Planning process.

Issues

- Privacy impacts
- Contemporary design

- Landscaped area

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/209 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for demolition of existing structures and construction of a two (2) storey dwelling house, in-ground swimming pool and landscaping works. More specifically, the proposed development involves the following elements:

- Demolition of existing dwelling house, detached garage and carport;
- Removal of one (1) tree within the site;
- Ground floor with two (2) car garage with storage area, entry foyer, formal living room, guest bedroom with ensuite, theatre room, powder room, laundry, kitchen with walk-in-pantry, living and dining rooms and alfresco area;
- First floor with a family room and rear-facing balcony, master bedroom with walk-in-robe and ensuite, three (3) bedrooms, two (2) bathrooms, hallway and front-facing balcony;
- Construction of an in-ground swimming pool in the rear yard; and
- External works surrounding the new dwelling house including landscaping works.

A Site Analysis Plan, Floor and Roof Plans, Elevations and Section are shown in Figures 2 to 6 below.

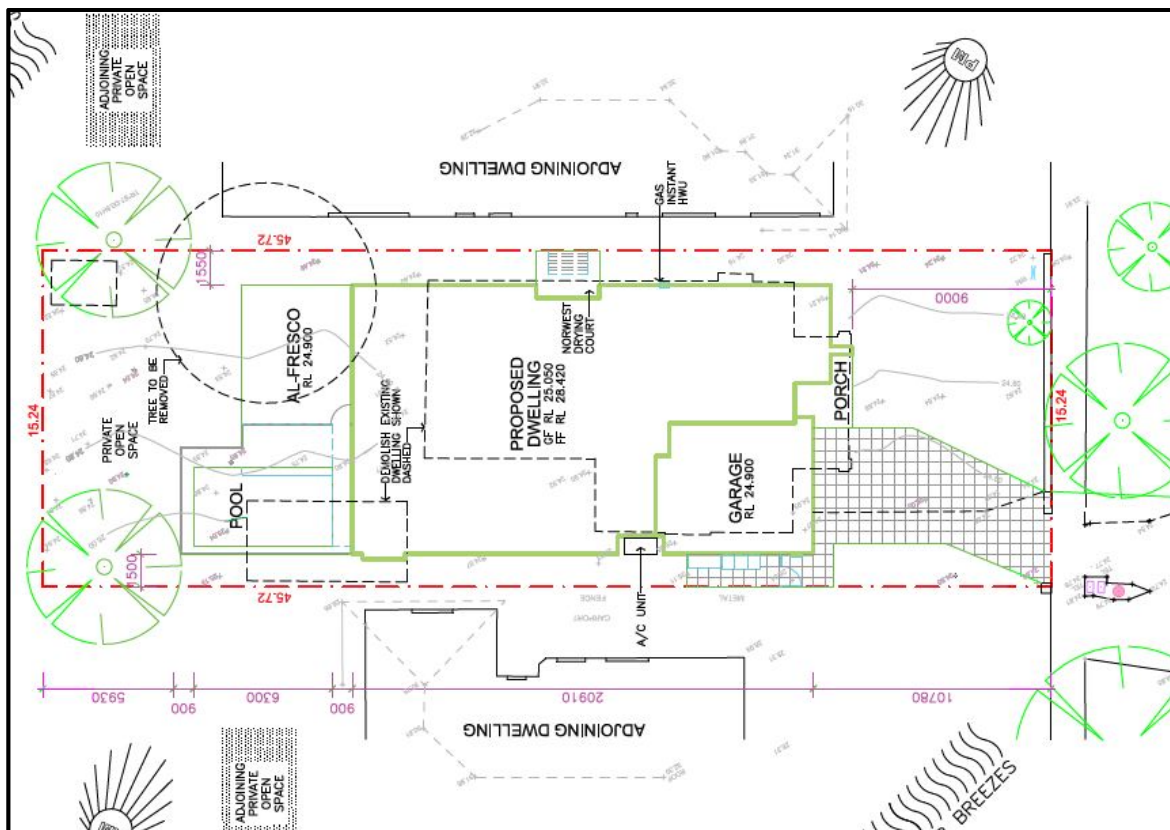


Figure 2. Site Analysis Plan

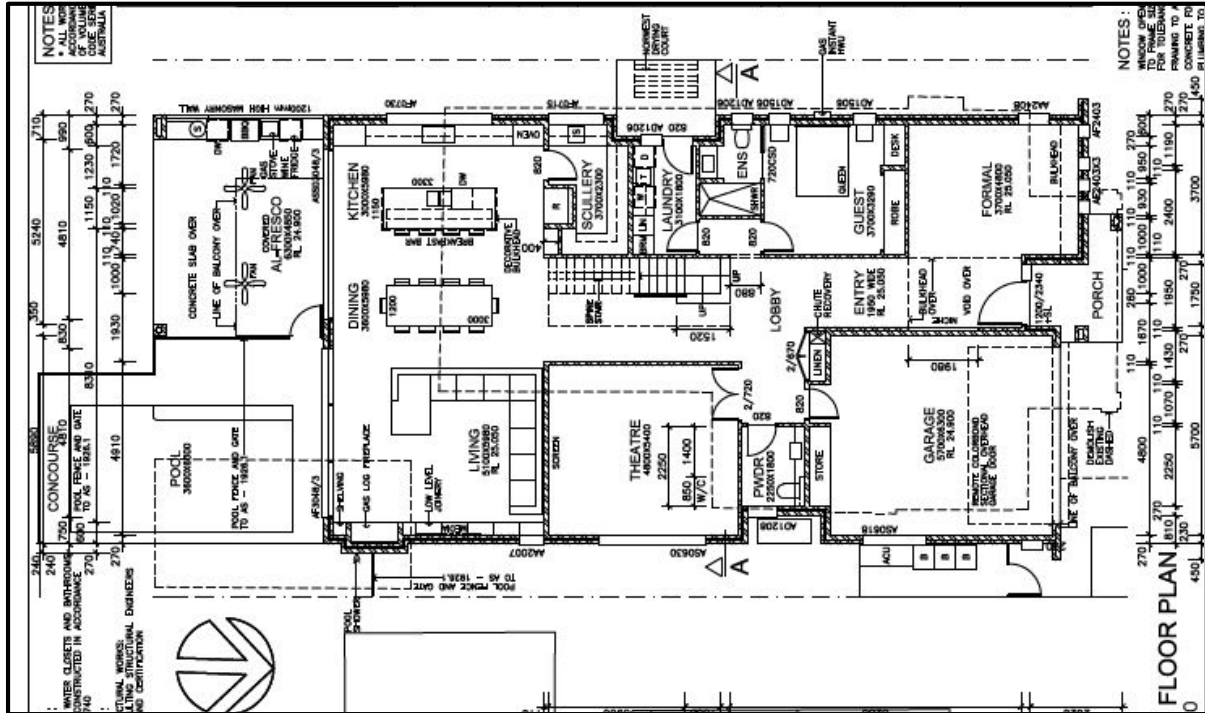


Figure 3. Ground Floor Plan

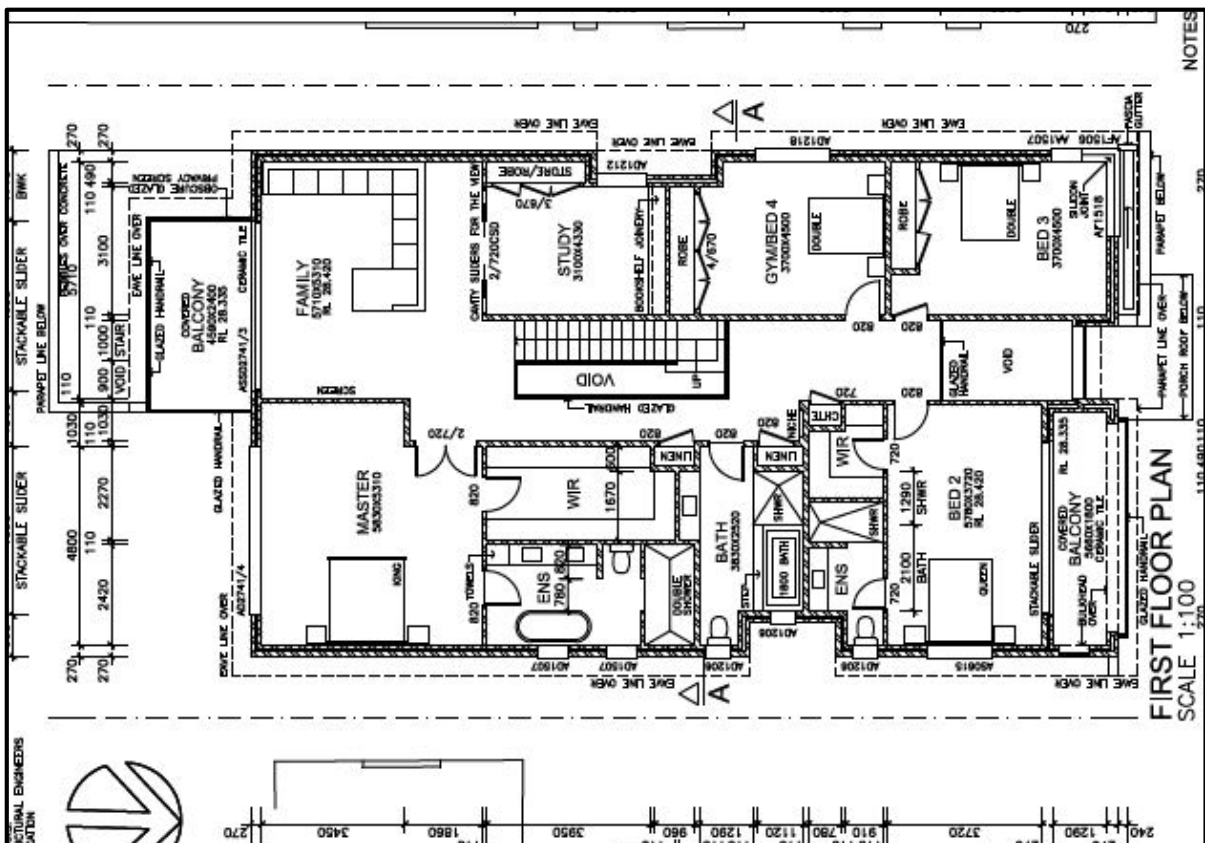


Figure 4. First Floor Plan

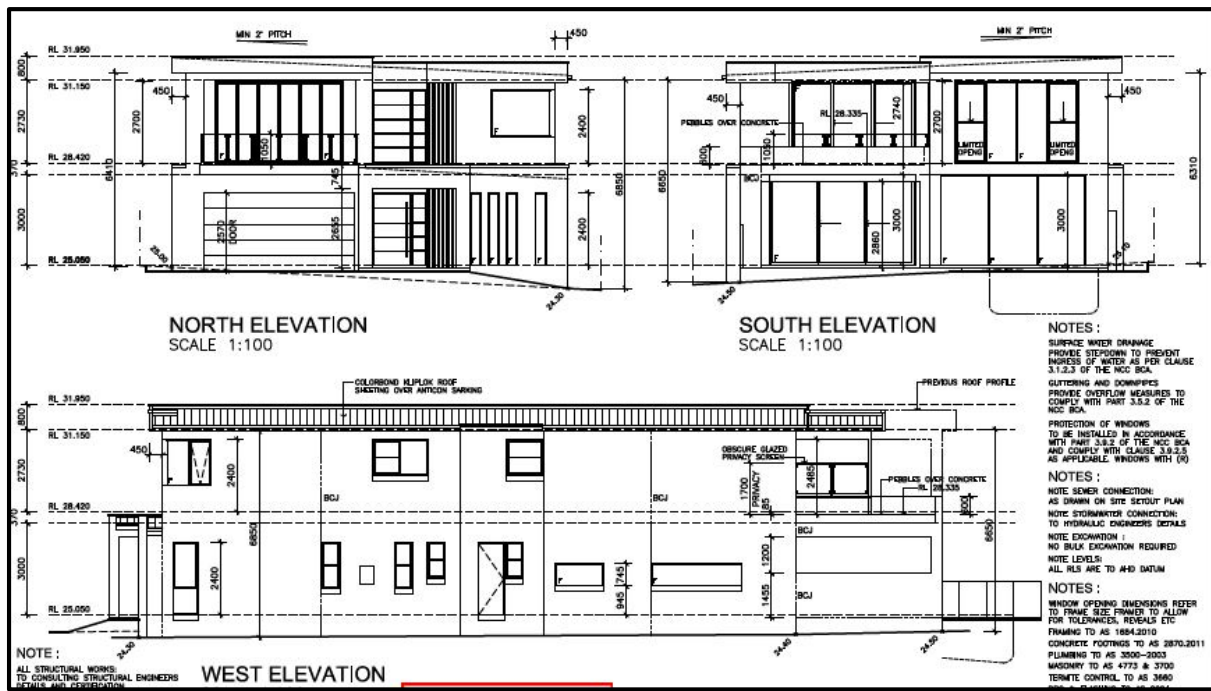


Figure 5. Elevations

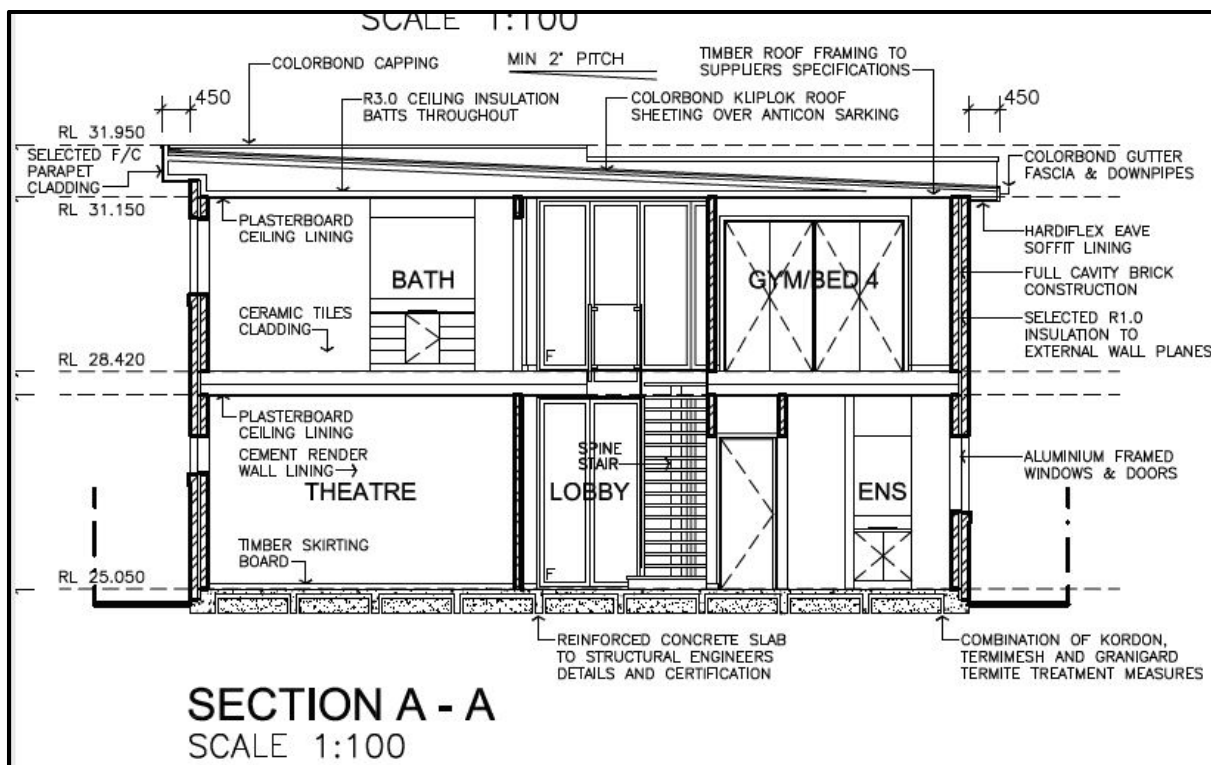


Figure 6. Section

The Site and Locality

The subject site is legally described as Lot: 202 DP: 15259 and commonly known as No. 60 Shortland Avenue, Strathfield. It is located on the southern side of the street.

The site is rectangular in shape and has a frontage of 15.24m, a minimum depth of 45.72m and an area of 696.7m². The site has a north-south orientation and is mostly flat.

The site is occupied by an existing split-level dwelling house and detached garage and carport (refer to Figures 7 and 8). The site is predominantly modified with some vegetation comprising grassed lawn areas, garden beds and scattered trees in the front setback and rear yard. A single street tree (a Brush Box – *Lophostemon confertus*) is situated within the road reserve directly in front of the subject site (refer to Figure 9). Vehicular access to the site is via an existing driveway from Myee Avenue, located on the northern side of the front setback.

The current streetscape features a suburban, low density residential character, featuring dwelling houses of diverse architectural styles and scale (refer to Figures 10 and 11). Most of the dwelling houses are two (2) storey, feature dark brown/red brick walls and pitched, tiled roofing and masonry/brick front fencing. Several contemporary, flat-roofed dwelling houses occur along Shortland Avenue and/or within 100m of the site – including No. 21 Howard Street, No. 16 Howard Street and No. 47 Shortland Avenue. It is noted that a flat-roof design at No. 31 Howard Street (situated within 100m from the site) was approved on December 2020.



Figure 7. Front of existing dwelling house.



Figure 8. Existing garage and carport



Figure 9. Existing front fence and street tree in front of premises.



Figure 10. Streetscape on the northern side of Shortland Avenue and north of the site.



Figure 11. Streetscape on the southern side of Shortland Avenue and west of the site.

Background

11 December 2020	The subject application was lodged.
18 December 2020	A site visit was undertaken by Council's assessment officer.
22 December 2020	A 'Stop the Clock' letter was sent to the applicant raising the following issues: <ul style="list-style-type: none"> ○ Height controls; ○ Landscaped area; and ○ Privacy.
23 December 2020	The applicant provided a response to the 'Stop the Clock' letter including a request to extend the deadline for submitting additional information to 15 February 2021.
6 January 2021	Council's assessment officer confirmed acceptance of new deadline date.
13 January 2021	The application was placed on exhibition, with the last date for submissions being 29 January 2021. One submission was received during this period.
13 February 2021	The applicant provided additional information to address the issues raised in the 'Stop the Clock' letter via the Planning Portal. Council's assessment officer advised that the issues relating to privacy and landscaped area remain outstanding.
18 February 2021	Council's assessment officer provided a written response to the property owner to clarify the privacy issue (rear-facing balcony) as mentioned in the 'Stop the Clock' letter.
3 March 2021	The applicant provided additional information to address any outstanding issues raised in the 'Stop the Clock' letter via the Planning Portal.
15 March 2021	Council's assessment officer spoke to objector to confirm issues raised in their submission and course of action in addressing these matters. It was confirmed that a site visit will not be required.

Referrals – Internal and External

Stormwater Engineer Comments

Council's Stormwater Engineer provided the following advice:

"The subject site has a natural fall to the front and disposal by means of gravity is attainable hence enabling the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m². OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff drains into below ground rainwater tank in accordance with BASIX requirements by gravity means via downpipes. Overflow from tank drains into boundary pit by gravity means via overflow pipe. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to conditions."

Accordingly, Council's Stormwater Engineer offered no objections to the final design of the proposal subject to the imposition of conditions.

Traffic Manager Comments

Council's Traffic Manager provided the following commentary:

"Council DCP requires that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient. It is a common practice to design driveways perpendicular to property boundaries. In this way, drivers can maintain the optimal sight lines to the frontage pedestrians in both directions. A perpendicular driveway will also allow the most efficient vehicle manoeuvres in all directions. In particular, with an existing power pole located in the crossover, an angled internal driveway would increase the risk of vehicles hitting the power pole and subsequently causing damages to the utilities.

The applicant shall modify the internal driveway design in such a way that a vehicle leaving the property can be positioned fully perpendicular to the property boundary."

Accordingly, it is recommended that conditions are imposed to address the above matters.

Tree Management Coordinator Comments

Council's Tree Management Coordinator provided the following commentary:

"The removal of the tree (T1), a Camphor Laurel (Cinnamomum camphora) – which is an exempt species, is supported.

The trees (number T2, T3 and T4) are to be retained and protected.

A bond is required for the street tree.

Two (2) Australian native canopy trees are to be planted in the front setback. These trees must be capable of reaching a mature height of at least 15 metres. These trees are to be planted from 300 litre containers.

The Stormwater Management Plan will need to be amended to better protect the street tree and delete the below ground stormwater storage so that there is sufficient soil volume (48 cubic metres) and setbacks for the required tree planting."

Accordingly, Council's Tree Management Coordinator offered no objections to the final design of the proposal subject to the imposition of conditions.

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 (SLEP 2012).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 – Low Density Residential under SLEP 2012.

Dwelling houses are permissible within the R2 – Low Density Residential zone with consent and is defined under SLEP 2012 as follows:

“Dwelling house means a building containing only one dwelling.”

The proposed development for the purpose of a dwelling house is consistent with the definition above and is permissible within the R2 – Low Density Residential zone with consent.

Part 4 – Principal Development Standards

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Yes
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	N/A

Comments: The proposed development satisfies the above objectives as it will retain the existing land use as a single dwelling house.

Part 4 – Principal Development Standards

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of Building	9.5m	7.65m	Yes

Objectives	Complies
(a) <i>To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area</i>	Yes

(b)	<i>To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area</i>	Yes
(c)	<i>To achieve a diversity of small and large development options.</i>	Yes

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor Space Ratio	0.6:1 (418.08m ²)	0.573:1 (399.5m ²)	Yes

	Objectives	Complies
(a)	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	Yes
(b)	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	Yes
(c)	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	Yes
(d)	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	N/A
(e)	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	N/A
(f)	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	N/A

Comments: The proposed development demonstrates compliance with the maximum floor space ratio (FSR) provision. The bulk and scale of the new dwelling house are considered to be consistent with the built form character of the streetscape and surrounding locality.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 of the SLEP 2012 are triggered by the proposal.

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 excavation works for the provision of an in-ground swimming pool. The extent of excavation is considered reasonable and supportable.

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.

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 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 proposed development involves the removal of one (1) site tree – a Camphor Laurel (*Cinnamomum camphora*), which is an exempt species. The proposed landscaping treatments are considered adequate in balancing and softening the new dwelling house and ancillary structures. Therefore, 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:	0.6:1 (418.08m ²)	0.573:1 (399.5m ²)	Complies

Heights:			
Floor to ceiling heights:	3.0m (max)	3m	Complies
Height to underside of eaves:	7.2m (max)	6.85m	Complies
Parapet height:	0.8m	0.8m	Complies
Overall height for flat roof dwelling:	7.8m	7.65m	Complies
Number of Storeys/Levels:	2 (max)	2	Complies
Setbacks:			
Front:	9m (min)	10m (GF) 10m (FF)	Complies Complies
Side:	1.2m (min)	1.5m	Complies
Side:	1.2m (min)	1.55m	Complies
Combined Side Setback:	3.048m (20%)	3.05m (21%)	Complies
Rear:	6m (min)	>12m (GF) >12m (FF)	Complies Complies
Landscaping			
Landscaping/Deep soil Provisions:	41.5% (289.172m ²) (min)	41.6% (289.9m ²)	Complies
Front landscaped area	50% (min)	60%	Complies
Private Open Space Area:	10m ²	>10m ²	Complies
Minimum dimension:	3m	>3m	Complies
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3 hours to habitable windows and to 50% of POS	Complies
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Complies
Vehicular Crossing:	1	1 crossing	Complies
Driveway setback – side:	0.5m	1.6m	Complies
No. of Parking Spaces:	2	2 spaces	Complies
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	Side: >1.5m Rear: >5m	Complies Complies

Architectural Design and Streetscape Presentation

The final design of the proposed development generally meets the architectural feature and design requirements under SCDP 2005. The character and streetscape featured along Shortland Avenue and the surrounding locality consist of dwelling houses with various architectural designs. Whilst a modern, flat-roofed design is not a common style in the vicinity, a number of examples do occur within 100m of the site. Further, the proposed development contains several elements such as rendered brick and neutral colouration, which are also occurring within the built forms along Shortland Avenue. Given the above considerations, facilitating a new contemporary, flat-roofed built form in the streetscape will not disrupt the general pattern of development.

Building Envelope

The final design of the proposed development demonstrates compliance with all relevant height controls under the SLEP 2012 and SCDCP 2005 including maximum building height for flat roofed dwelling houses.

Landscaping and Open Space

The proposed development achieves the relevant objectives and meets the controls of the SCDCP 2005 that relate to landscaped area and private open space.

Solar Access

The north-south orientation of the site and adjoining properties as well as the siting and design of the proposed development ensures that compliance is achieved against the relevant objectives and controls of the SCDCP 2005 with regard to solar access and overshadowing impacts.

Privacy

The proposed development generally complies with the relevant requirements with regard to providing appropriate building separation and privacy to both future occupants and neighbouring properties.

The windows on the first floor are mostly within bedrooms, bathrooms and study – which are considered low activity spaces. The rear-facing glazed sliding door in the family room is centralised and has a minimum side setback of 3.2m. The rear-facing balcony off the family room is also centralised and has an identical western side setback. A 1.7m high privacy screen is also proposed for the balcony. To minimise potential overlooking and amenity impacts a condition is recommended to either delete the balcony or reduce the size of the balcony to be maximum 2m in length by 1m width.

The entire ground floor including rear alfresco and pool areas are situated close to the natural ground level. As such, any overlooking from these areas are considered minimal and acceptable.

Vehicular access, Parking and Basements

The proposed development meets the relevant requirements under the SCDCP 2005 with regard to vehicular access, parking and manoeuvring.

Cut and Fill

The proposed development generally satisfies the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill was kept to a minimum. As mentioned above, the proposed excavation works for the basement level and pools are considered acceptable and supportable.

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. If supported, conditions can be imposed 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 is 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 1992* and relevant standards.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of SCDCP 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,*

The proposed development is considered to be suitable for the site given that it involves a dwelling house with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling house. Therefore, the site is suitable for the proposed development.

(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 minimum 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 from the east-adjoining neighbour at No. 58 Shortland Avenue, Strathfield.

A table listing the issues and concerns raised and responses to these is contained below:

Issue / Concern	Response
Floor space ratio	Typically, it is preferred that independent calculations of gross floor area and FSR are made to confirm compliance with the development standard. Regardless of whether floor space calculation plans are provided to Council, the assessment process generally involves independent calculations as part of assessing FSR. Calculations of gross floor area and FSR indicated compliance with the development standard.
Asbestos	In general, any potential risk relating to demolition of structures containing asbestos can be addressed by a condition of consent. It is unreasonable and unnecessary to take exception to this approach for this application.
Setbacks	<p>The setbacks of the new dwelling house are considered compliant against the minimum setback requirements under the DCP. There is no requirement that enforces a redevelopment of a site to capture the same footprint and setbacks as the existing dwelling house.</p> <p>The ground floor of the new dwelling house is situated at or very close to natural ground. Any overlooking impacts from the ground floor spaces are considered minimal and reasonable. The majority of the windows/openings on the first floor are from bedrooms and bathrooms, and a study, which are considered low utility spaces. Concern is raised with regard to the rear-facing balcony (see separate matter below).</p> <p>The north-south orientation of the site ensures that a minimum three (3) hours of solar access can be facilitated for neighbouring properties. Therefore, the proposal complies with the requirements associated with solar access and overshadowing impacts under the DCP.</p>
Privacy – rear-facing balcony	<p>In context of the site having an outlook on a public reserve, a rear-facing balcony that takes advantage of this outlook without compromising the privacy of neighbours is considered a reasonable and appropriate planning outcome. It is further noted that the balcony is over 7m away from the east-adjoining neighbour.</p> <p>The size of the balcony is considered excessive and a condition is recommended to either delete the balcony or</p>

Issue / Concern	Response
	reduce its dimensions to have a maximum length of 2m and maximum width of 1m.
Privacy – master bedroom	A condition will be imposed to modify the slider doors to be windows with a minimum sill height of 1.2m to minimise privacy impacts.
Solar access	The orientation of the site, the location and orientation of the proposal and the proposed setbacks and building height – all ensure that the proposal is able to comply with the relevant requirements associated with solar access and overshadowing impacts under the SCDCP 2005.
Rear setbacks	The proposed swimming pool complies with the minimum setbacks under the SCDCP 2005. A condition can be imposed to ensure that deep soil landscaped areas comprising shrubs/screen planting are established along the eastern extent of the pool.
Air conditioning system	A condition can be imposed to ensure that an acoustic engineer can certify the design and construction of an air conditioner to not produce a sound level exceeding 5 db(A) above the ambient background level of the closest neighbouring boundary prior to the issuing of an Occupation Certificate.
Pool filter and pool equipment	A condition can be imposed to ensure that the pool filter and equipment are located in the rear yard and enclosed in soundproof housing.
Boundary fencing	The proposal does not involve any changes to the existing boundary fencing.
Planning process	This matter is independent of the actual development application and any specific issues relating to the proposal. Further discussion with the Manager / Director is required.

(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 7.12 (previously Section 94A) of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. Section 7.12 of the *Environmental Planning and Assessment Act 1979* reads as follows:

“A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.”

STRATHFIELD INDIRECT DEVELOPMENT CONTRIBUTIONS PLAN

The proposed development has a value of greater as \$100,000. In order to provide additional public facilities and infrastructure to meet the demand created by development, the proposed development will attract Section 7.12 Indirect Contributions in accordance with the Strathfield

Indirect Development Contributions Plan (3 September 2010). This contribution is based on the proposed cost of works for the development and has been calculated at 1% of \$1,553,329 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is **\$15,533.29**.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2020/209 should be approved subject to the recommended conditions of consent.



Signed:

M Rivera
Senior Planner

Date: 16 March 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:

D Strbac
Planner

Date: 16 March 2021

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) It is in the public interest.

DEVELOPMENT DETAILS

1. Approved Plans and 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	1 of 8	22/01/21	-	Absolute Building Designers Pty Ltd
Ground Floor Plan	3 of 8	25/02/21	-	Absolute Building Designers Pty Ltd
First Floor Plan	4 of 8	25/02/21	-	Absolute Building Designers Pty Ltd
Roof Plan	5 of 8	25/02/21	-	Absolute Building Designers Pty Ltd
Elevations	6 of 8	25/02/21	-	Absolute Building Designers Pty Ltd
East Elevation Section	7 of 8	25/02/21	-	Absolute Building Designers Pty Ltd
BASIX Commitments Colour and Material Schedule	8 of 8	22/01/21	-	Absolute Building Designers Pty Ltd
General Notes	C00.01	03/12/20	B	Engineering Studio
Sediment and Erosion Control Plan	C01.01	03/12/20	B	Engineering Studio
Sediment and Erosion Control Details	C01.02	03/12/20	B	Engineering Studio
Stormwater Drainage Plan	C02.01	03/12/20	B	Engineering Studio
Stormwater Details Sheet	C02.02	03/12/20	B	Engineering Studio
Driveway Details Sheet	C02.03	03/12/20	B	Engineering Studio
Landscaping Plan	MM060-20	03/11/20	-	Maretta Design and Developments
BASIX Certificate	No. 1095834S_02	01/12/20	-	Thermal Performance
Waste Management Plan for Construction	-	03/12/20	-	No author
Arboricultural Impact Assessment Report	-	05/2020	-	Arboricultural Consulting

SEPARATE 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) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$8,482.00
Security Damage Deposit	\$15,000.00
Administration Fee of Bond Deposit	\$127.00
Tree Bond	\$10,000.00
Administration Fee of Tree Bond	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Indirect (Section 7.12) Contributions	\$15,533.29

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. Required Design Changes

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

Internal driveway	<p>The internal driveway must be modified to have additional paving on the eastern side and reduced paving on the western side as reflected in the stamped Site Plan.</p> <p>The removal of any proposed paving on the western side must be replaced with landscaped area (such as grassed lawn or garden beds with ground cover species) to compensate for the increased hardstand area.</p>
Landscape Plan	The Landscape Plan must be amended to reflect the above changes to the internal driveway.
Rear-facing balcony (first floor)	The balcony on the first floor, off the Family Room, must be deleted completely or reduced in size to have a maximum dimension of 2m (length) and 1m (width). The entire roof area above the alfresco (not including the balcony) must remain non-trafficable. These details are to be clearly shown and annotated on all plans and documentation submitted as part of the Construction Certificate.
Master Bedroom window (south-facing)	The south-facing window in the Master Bedroom must be modified to have a minimum sill height of 1.2m.
Stormwater Plan	The Stormwater Plan must be amended to re-locate the below-ground stormwater storage and any stormwater infrastructure so all existing street trees are retained and protected and that there is sufficient soil volume (48m ³) and setbacks for the required tree planting within the front setback.

8. 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.

9. Utility Relocation

The applicant must acquire an approval from the energy authority for relocating the existing power pole on Dickson Street. The new driveway is to be no closer than 1.2m from the relocated power pole. All costs associated with relocating the power pole will be borne by the applicant.

Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

10. **Tree Protection and Retention**

The existing trees indicated to be retained on the approved plans must be retained and protected.

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

A Tree Management Plan comprising an Arboricultural Method Statement and a Tree Protection Plan must be provided to Council and to the PCA prior to the issue of any Construction Certificate. The Tree Management Plan must feature adequate details on tree protection measures including both inspection and hold points.

All Tree Protection Plans must include information showing the location of the tree protection fencing, ground/root protection works, positioning of scaffolds, locations for material storage, etc., and acts as a pictorial and diagrammatic representation of Arboricultural Method Statement for the site trees and their protection.

Any tree protection signage must comply with *AS4970 -2009, Protection of trees on development sites*.

General Tree Protection Measures

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.

The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.

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).

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.

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.

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.

11. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of all trees indicated to be removed on the approved plans and on the Arboricultural Impact Assessment Report, prepared by Arboricultural Consulting and dated May 2020.

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

Any new trees to be planted within the front setback of the site shall be a minimum 50 litre container size.

All new 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.

12. Site Management Plan – Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

13. 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. 1095834S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

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. **Driveway Surface Waters**

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

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. **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.

19. 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.

20. Waste Management Plan

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.

21. 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.

22. Tree Removal/Pruning Prohibited

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

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).

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

24. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard S2601:2001 – 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.

25. 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.

26. 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.

27. Dial Before Your 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.

28. Registered Surveyors Report - During Development Work

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

- (b) Set out before commencing excavation.
- (c) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (h) 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.
- (i) 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.

29. Utility Arrangements

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

DURING CONSTRUCTION

30. 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.

31. 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.

32. Ground Levels and Retaining Walls

The ground levels of the site and outside the footprint of the new dwelling house and approved ancillary structures, 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.

33. 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

34. 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.

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. 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.

37. Maintenance Schedule – On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

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. 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.

40. 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) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (d) 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.

41. 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.

42. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary)

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

OPERATIONAL CONDITIONS (ON-GOING)

43. 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.

44. 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.

45. Roof Area not comprising Rear-facing Balcony (First Floor)

All roof areas not comprising, adjacent to and/or surrounding the rear-facing balcony on the first floor must remain non-trafficable areas in perpetuity.

46. 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 AND ASSESSMENT ACT 1979

47. Requirement for a Construction Certificate

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

48. 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.
- (c) If the work is not going to be undertaken by an Owner - Builder, the applicant must:
 - 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
 - Notify the PCA of the details of any such appointment; and
 - 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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

Prescribed conditions are those which are mandated under Division 8A of the Environmental Planning and Assessment Regulation 2000 and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at www.legislation.nsw.gov.au.

54. Clause 97A – BASIX Commitments

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

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.