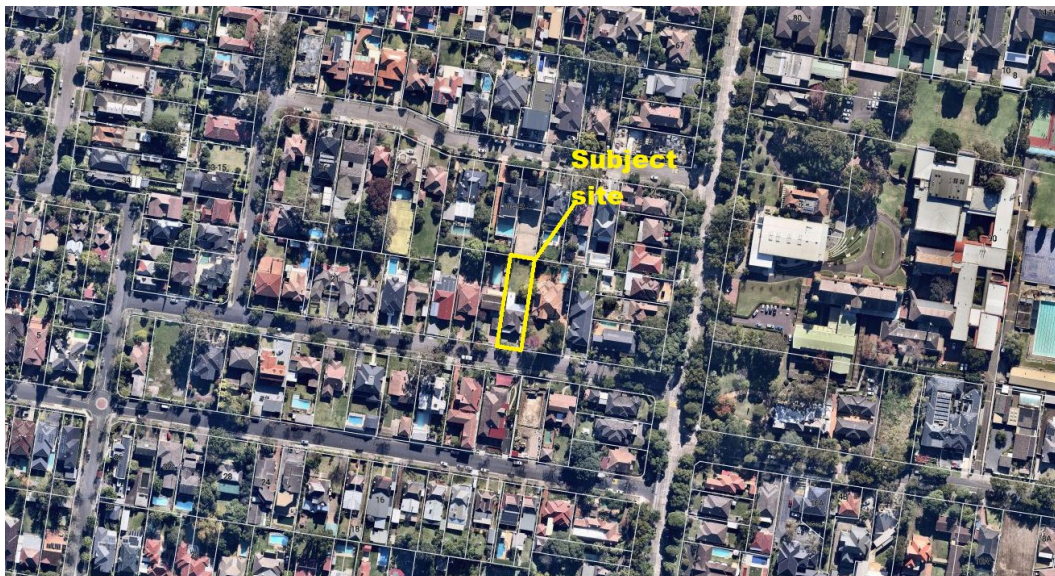


IDAP REPORT

Property:	5 Torrington Road STRATHFIELD LOT: 19 DP: 582 DA2021.77
Proposal:	Demolition of existing structures and construction of a new two (2) storey dwelling house with basement level, in-ground swimming pool and associated landscaping works.
Applicant:	P Kokuleraaj
Owner:	Mr S. Paramsothy
Date of lodgement:	26 April 2021
Notification period:	29 April 2021 to May 13 2021
Submissions received:	NIL
Assessment officer:	G I Choice
Estimated cost of works:	\$1,381,429.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



EXECUTIVE SUMMARY

Proposal

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

Site and Locality

The subject site is legally described as Lot: 19 DP: 582 and commonly known as 5 Torrington Road STRATHFIELD NSW 2135. The site is located on the northern side of Torrington Road between Strathfield Avenue to the north; The Boulevard to the east; Woodward Avenue to the south; and Nichol Parade to the west.

Existing development on the site comprises a single-storey dwelling house and detached garage. The current streetscape is characterised by a mixture of single-storey and two-storey dwelling houses.

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 29 April 2021 to May 13 2021. Council received no submissions for the subject application.

Issues

- The proposed basement extends beyond the ground floor dwelling footprint.
- The proposal includes double height vertical slats to a section of the front façade.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/77 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of an existing dwelling house and detached garage; and construction of a new two-storey dwelling house with basement level, in-ground swimming pool and associated landscaping. Specifically, the proposed development includes:

Basement level:

- Two (2) parking spaces
- Media room
- Workshop
- Storage area
- Lift access

Ground floor level:

- Open plan kitchen/living/dining area with walk-in pantry
- Separate rumpus area
- Study
- Gym
- Guest bedroom with ensuite and balcony
- Separate living area WC
- Dry Garden
- Laundry

First floor level:

- Four (4) bedrooms including Master with WIR and en suite
- Separate bathroom and additional ensuite (Bedroom 5)
- Balconies from Master bedroom and Bedroom 5
- Family area
- Prayer room

External works:

- Alfresco
- Swimming pool
- Rear veranda and courtyard
- Associated landscaping



Figure 1: Concept photomontage of proposed dwelling

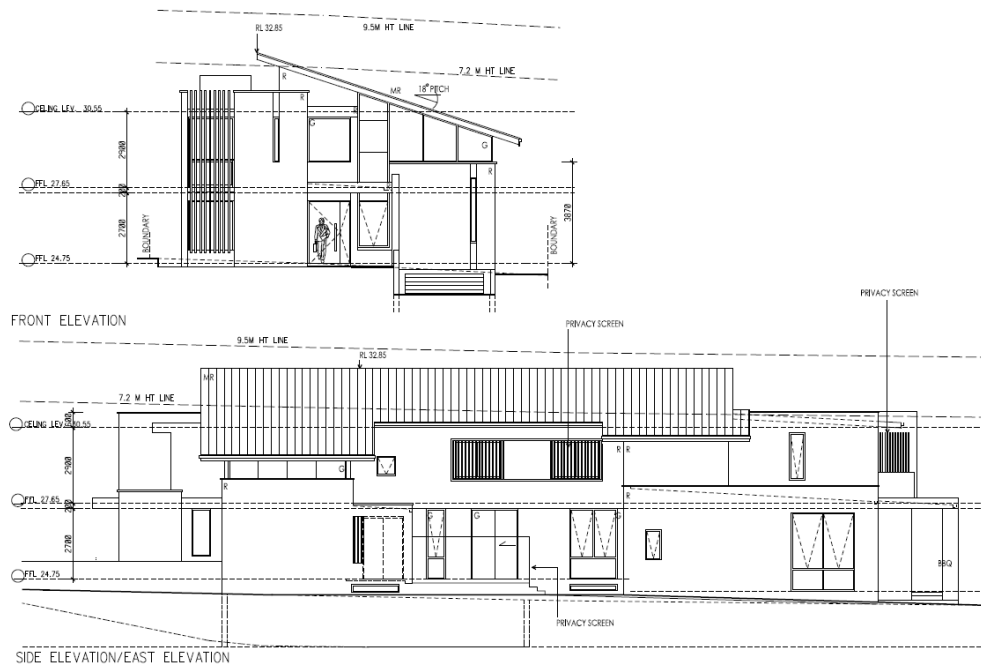


Figure 2: Proposed front and east elevations

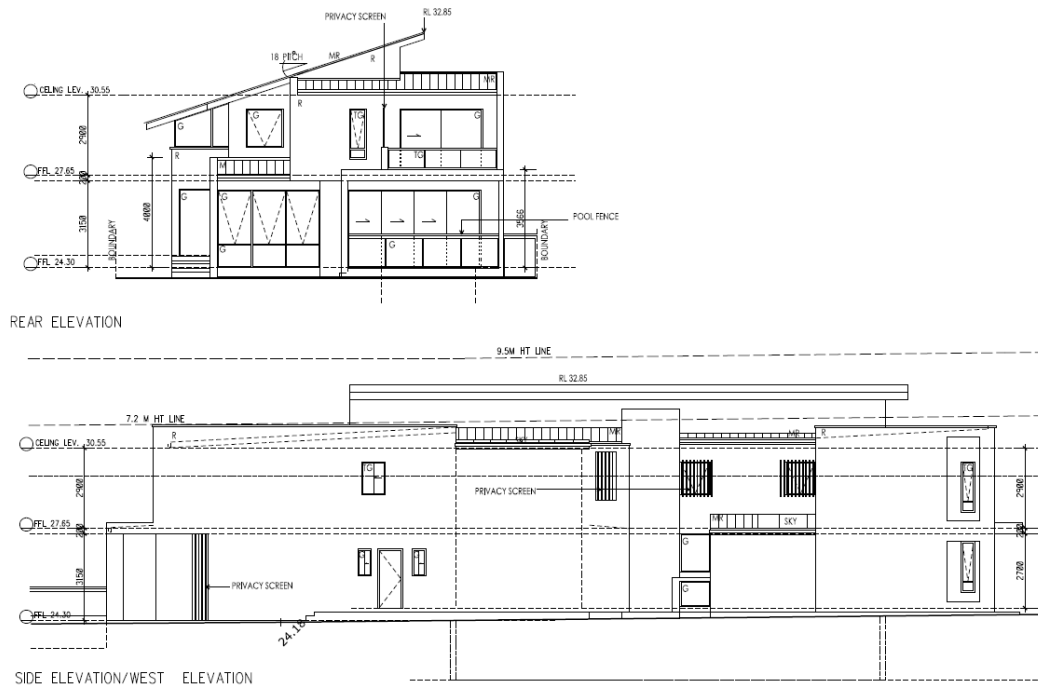


Figure 3: Proposed rear and west elevations

The Site and Locality

The subject site is legally described as Lot: 19 DP: 582 and commonly known as 5 Torrington Road STRATHFIELD NSW 2135. The site is located on the northern side of Torrington Road between Strathfield Avenue to the north; The Boulevard to the east; Woodward Avenue to the south; and Nichol Parade to the west.

The site is a rectangular shape (north-south orientation) with boundary widths of 15.24m and side boundary depths of 56.16m, and an area of 855.9m². The site slopes from the front to the rear and has a cross-fall of 2 to 3 degrees in a north-east direction.



Figure 4: Subject site cadastral mapping

Existing development on the site comprises a single-storey dwelling and detached garage. Vehicular access is provided from Torrington Road via an existing driveway on the right side (east) of the site. The site frontage is bound by a rendered brick fence with decorative timber paling trim and timber paling driveway gate.



Figure 5: Subject site existing dwelling house

Vegetation on the site includes three (3) trees that are proposed to be removed.

Development on adjoining properties comprises a two-storey redbrick dwelling at 7 Torrington Road (west side); and a single-storey dwelling at 3 Torrington Road (east). Both adjoining properties are bound by open construction brick fences with decorative metalwork. Development adjacent the subject site comprises an existing childcare centre at 6 Torrington Road and vacant allotment at 4 Torrington Road which is undergoing works associated with DA2020/121 at the time of this report.



Figure 6: Existing dwelling house at 3 Torrington Road STRATHFIELD



Figure 7: Existing dwelling house and garage at 7 Torrington Road STRATHFIELD

The current streetscape is characterised by a mixture of single-storey and two-storey dwelling houses with hipped and/or pitched roofs with tiles in earthy tones. Property frontages in the street are predominantly bound by masonry fences with decorative metalwork in a variety of styles. Dwellings are generally bare brick or rendered brick. New development within the immediate context includes a modern two-storey dwelling house with flat roof and smooth rendered finish.



Figure 8: Adjoining Torrington Road streetscape (west)



Figure 9: Adjacent Torrington Road streetscape (south-west)



Figure 10: Adjacent Torrington Road streetscape and childcare centre



Figure 11: Adjoining Torrington Road streetscape (east)

Background

Council records show now previous applications related to the subject site.

- 26 April 2021

DA 2021/77 lodged for the demolition of existing house, removal of two trees and construction of a new two story dwelling with basement parking and swimming pool at the rear. Front fence and landscaping as required.

- 7 May 2021

Council site inspection and photographic survey.

- 20 May 2021

A Council request for additional information was issued to The Applicant which required amended plans to show the following:

- i. Additional details on Reduced Levels.
- ii. Removal of the proposed two-storey privacy screening the south-east façade corner (Guest Bed and Bedroom 5 areas).

- iii. All non-essential markings removed such as NATHERS and/or BASIX notes and labelling.

- 28 May 2021

The Applicant proposed two (2) possible design options to retain the front façade privacy screening (item ii) while reducing the visual bulk. Council accepted one of the options.

- 3 June 2021

Council received amended plans from The Applicant with sufficient information to complete a full assessment.

Referrals – Internal

Tree Management Coordinator

The proposed development has been assessed by Council's Tree Management Coordinator whom supports the development application subject to conditions as discussed elsewhere in this report.

Stormwater

The site is mapped as flood affected. Council's Development Engineer confirmed no objections to its approval subject appropriate 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*.

Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

State Environmental Plan (Sydney Harbour Catchment) 2005

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application is accompanied by BASIX Certificate No.1188684S (dated 27 March 2021) prepared by Energy Ratings Australia Pty Ltd committing to environmental sustainable measures. The commitments made result in the following reductions in energy and water consumption:

Reduction in Energy Consumption: 51%

Reduction in Water Consumption: 40%

Thermal Comfort: Pass

The proposed development satisfies the provisions of the SEPP BASIX.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K- Contamination of the Botany Bay Development Control Plan 2013. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

1. The site appears to have been continuously used for residential purposes;
2. The adjoining and adjacent properties are currently used for residential purposes;
3. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in SEPP 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal includes the removal of two (2) *Celtis sinensis* (Chinese Celtis) and one (1) *Morus alba* (Mulberry) growing within the root plate of one of the said Chinese Celtis trees. An Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural (dated 20 March 2021) provides recommendations for the retention and protection of trees on adjoining properties as well as a single *Tristanopsis laurina* (Water Gum) street tree. The proposed development has been assessed by Council's Tree Management Coordinator who has recommended appropriate conditions of consent to ensure significant vegetation is protected.

The proposal has provided sufficient information and is satisfactory with regards to the SEPP (Vegetation in Non-Rural Areas) 2017 and Part O of the Strathfield Consolidated Development Control Plan 2005

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 - Low Density Residential under the SLEP 2012. *Dwelling Houses* are a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Proposal	Compliance/ Comment
4.3 Height of Buildings Maximum building height Area J = 9.5 metres	The proposed dwelling has a maximum building height of 8.895m and does not exceed the maximum building height.	Yes
4.4C Exceptions to floor space ratio (Zone R2) Lot area (m ²) 800-899 = 0.55:1	Site Area: 855.9m ² GFA (m ²) Basement: 40 Ground floor: 226.1 First Floor: 173.3 Total: 439.4m ² Total FSR 439.4 / 855.9 = 0.52:1 (51.3%)	Yes

Part 5 – Miscellaneous Provisions

Clause 5.1 – 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

Applicable SLEP 2012 Clause	Development Proposal	Compliance/ Comment
6.1 Acid Sulfate Soils Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Acid Sulfate Soils (ASS) – Class 5 affects the property. However, development consent is not required as the site is not within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD.	Yes

<p>6.2 Earthworks</p> <p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, b) the effect of the development on the likely future use or redevelopment of the land, c) the quality of the fill or the soil to be excavated, or both, d) the effect of the development on the existing and likely amenity of adjoining properties, e) the source of any fill material and the destination of any excavated material, f) the likelihood of disturbing relics, g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>The proposal involves significant excavation works for the provision of a basement, driveway ramp and swimming pool.</p> <p>The extent of excavation for the basement has been limited to the footprint of the ground floor above and access to and from the basement.</p> <p>The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls for basements and swimming pools.</p> <p>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.</p> <p>The proposed excavation works are considered to satisfactorily address the objectives of this clause.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>6.3 Flood planning</p> <p>Development consent must not be granted to development</p>	<p>The subject site has been identified as being at or below the flood planning</p>	<p>Yes</p>

<p>on land to which this clause applies unless the consent authority is satisfied that the development— is compatible with the flood hazard of the land etc.</p>	<p>level. The application has been reviewed by Council's Development Engineer who has advised that subject to suitable conditions. The development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.</p>	
<p>6.4 Essential services</p> <p>Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) the disposal and recycling of waste, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access. 	<p>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</p> <p>It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.</p>	<p>Yes</p>

Section 4.15(1)(a)(ii) - Provisions of any Draft EPI's

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

Section 4.15(1)(a)(iii) – Provisions of any development control plan

The following comments are made with respect to the proposal satisfying the objectives and controls contained within the Strathfield Consolidated Development Control Plan 2005.

Applicable DCP Controls	DCP Controls Development Proposal	Compliance / Comment
2 ARCHITECTURAL DESIGN AND STREETScape PRESENTATION		
2.2.1 Streetscape Presentation <p>1. New dwellings must be positioned and oriented on their site to address the street frontage with a clearly identifiable entry.</p> <p>2. Consistently occurring positive building façade features within the existing streetscape should be incorporated into the proposed dwelling design such as roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; and the location and proportion of windows and doors.</p> <p>Excessive parapets, irregular- shaped and irregular-spaced windows, excessive glazing to building facades and double-height vertical elements including columns are not permitted.</p> <p>3. Streetscape elements that should be taken into account in the design of new and altered residential development include topography; width and location of carriageway; street tree planting and landscaping; allotment size/width; boundary fences; setbacks; building character and scale; bulk; setback and rhythm; and roof forms.</p>	<p>The proposed dwelling will address Torrington Road with a main entrance clearly identifiable from the street.</p> <p>The east-sloping skillion roof and flat parapet façade on the west side speaks to the hip and gabled roof of 3 Torrington and the flat roof of the attached garage at 7 Torrington respectively.</p> <p>Proposed materials and finishes includes light grey smooth render and paint is in keeping with several of the existing dwellings in the immediate context, and the charcoal metal roof is a similar colour to the existing dwelling tiled roof on the site.</p> <p>The proposed double height vertical slats have been amended to with greater separation to reduce bulk and add visual interest and modulation to the front façade.</p> <p>The proposed dwelling incorporates architectural features that create a modern style dwelling that is sympathetic the existing streetscape.</p> <p>The proposed development will retain the existing vehicle entrance and create a similar</p>	<p>Yes</p> <p>Yes</p> <p>Accepted on merit</p> <p>Yes</p> <p>Yes</p>

<p>4. Where security grilles/screens, ventilation louvres and garage doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.</p>	<p>front yard configuration and landscaped area.</p> <p>The amended privacy slats/louvres have been amended to reduce massing and contribute positively to the modulation of the facade.</p>	
<p>2.2.2 Scale, Massing and Rhythm of Street</p> <p>1. The overall scale, massing, bulk and layout of the proposed building must complement the existing streetscape. New buildings and alterations and additions should reflect the dominant building rhythm in the street.</p> <p>2. Building height and mass must not result in loss of amenity to adjacent properties, open space or the public domain.</p>	<p>The proposed front façade provides sufficient modulation and articulation. The flat parapet and skillion roof design provides an appropriate transition from 7 to 3 Torrington Road.</p> <p>The proposed dwelling distributes greater height and bulk to the west side of the site and increases side setback and articulation on the east side adjoining 3 Torrington Road. It is considered this will minimise impacts to the general amenity to adjoining properties and visual impacts to the public domain.</p>	<p>Yes</p> <p>Yes</p>
<p>2.2.3 Building Forms</p> <p>1. The building form must be articulated to avoid large expanses of unbroken wall. Articulation can be provided by setbacks, verandahs, awnings, recesses, blade walls or projecting bays.</p>	<p>The proposal provides sufficient articulation to both side elevations, with a wall cut-in behind first floor Bedroom 5; and increased 6m setback at ground floor between front living area and rear kitchen/living area.</p>	<p>Yes</p>
<p>2.2.4 Architectural Detailing, including Roof Forms, Materials and Colours</p> <p>Roof Forms</p> <p>1. The proposed roof design must be similar in pitch, materials and colour to</p>	<p>The east-sloping skillion roof and flat parapet façade on the</p>	<p>Yes</p>

<p>roofs in the immediate streetscape. Roof forms should complement, but not necessarily replicate the predominant form in the locality.</p>	<p>west side speaks to the hip and gabled roof of 3 Torrington and the flat roof of the attached garage at 7 Torrington respectively.</p>	<p>Yes</p>
<p>2. The proposed roof form shall minimise the appearance of bulk and scale of the building and be treated as an important architectural element in the street. First floor additions must complement the architectural style of the ground floor and where possible permit the existing roof form, slope and ridge to be easily discerned.</p>	<p>The proposed front façade provides sufficient modulation and articulation. The flat parapet roof design on the west boundary provides an appropriate transition from the flat roof garage and east-west pitched roof orientation of 7 Torrington. The skillion roof design on the east boundary speaks appropriately to the roof form of 3 Torrington Road and provides appropriate transition to the single storey dwelling at the adjoining east property.</p>	<p>Yes</p>
<p>3. For flat roofed dwellings, the height of the parapet is to be kept to the minimum height required to ensure adequate screening of the proposed flat or low pitch skillion roof.</p>	<p>The proposal has addressed this control.</p>	<p>Yes</p>
<p>4. Roof structures must be designed so that roof installations including solar energy panels, telecommunication facilities, hot water tanks or skylights are not visible from the public domain and are integrated into the design of the development.</p>	<p>The proposed roof design is such that such rooftop installations can be appropriately hidden from street view.</p>	
<p>Materials</p> <p>6. Monotone face brick walls and terracotta tiles for roofs shall be used where they are existing in the immediate streetscape. Alternative materials may be considered as architecturally appropriate to the style of the dwelling and the locality in some circumstances.</p>	<p>The proposed smooth light grey render finish is sympathetic to the colour and finishes of the existing dwelling on the subject site.</p>	<p>Yes</p>
<p>7. Highly reflective materials are not acceptable for roof or wall cladding. New</p>		<p>Yes</p>

<p>2. The maximum height to the top of parapet for flat roofed dwelling houses is to be 7.8 metres.</p> <p>3. The maximum height of the parapet wall for flat roofed dwelling houses is to be 0.8 metres above the uppermost ceiling level.</p> <p>4. The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres.</p> <p>5. The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.</p> <p>8. The building height should respond to the gradient of any given site and minimise the need for cut and fill.</p>	<p>Proposed parapet height: 7.2m</p> <p>The proposed parapet will sit a maximum of 0.8m above the uppermost ceiling level with the exception of the lift shaft (1.4m)</p> <p>Ceiling heights do not exceed 6.5m and external walls do not exceed 7.2m.</p> <p>Proposed ceiling heights are a maximum 2.9m.</p> <p>The proposed dwelling responds appropriately to the slope of the land minimising cut and fill.</p>	<p>Yes</p> <p>Accepted on merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.2.3.1 Street Setbacks</p> <p>1. The street setbacks in Table A.1 and illustrated in Figure A.10 apply to new dwellings and extensions (where the building footprint is proposed to be altered) except where exempted below in Subclause 2:</p>	<p>Proposed Setbacks</p> <p>Front: 9m East Side: 2m West Side: 1.2m Rear: 18.6m</p>	<p>Yes Yes Yes Yes</p>
<p>4.2.3.2 Side and Rear Setbacks</p> <p>1. New dwellings and extensions (where the building footprint is proposed to be altered) are to have a combined side setback equivalent to 20% of the width of the block (measured at right angles for splayed frontages). The combined side setback may be unevenly distributed between both sides as long as a minimum side setback of 1.2m is provided on each side.</p>	<p>Combined Side Setback: 3.2m or 21% of 15.24m site frontage</p>	<p>Yes</p>

5 Landscaping		
5.2.1 Landscaped Area		
<p>1. The minimum landscaped area required on each lot is indicated in Table A.3 below.</p> <p>Site area 855.9m² Landscaped area for 800 – 1300m² = 45%</p>	<p>Landscaped area is calculated as follows:</p> <p>402.9m² / 855.9m² = 47.1%</p>	Yes
<p>2. At least 50% of the minimum landscaped area should be located behind the building line to the rear boundary.</p>	<p>A minimum 299.2m² or 74.3% of total landscaped area is located behind the building line.</p>	Yes
<p>3. At least 50% of the front yard should be maintained as deep soil soft landscaping.</p>	<p>A minimum 74m² or 52.8% of the total front setback shall be deep soil landscaped area.</p>	Yes
<p>4. The amount of hard surface area (in the form of concrete/brick/stone paving and bitumen) shall be minimised to reduce run-off and to maintain the prevailing early twentieth century garden character. Run off from hard surfaces is to be directed to permeable surfaces such as garden beds.</p>	<p>Landscaped areas are adequate with the capacity to absorb stormwater.</p>	Yes
<p>5. Planting areas shall include a mix of low-lying shrubs, medium-high shrubs and canopy trees in locations where they will soften the built form.</p>		Yes
<p>6. The design and quality of front gardens must respond to the character of the street and surrounding area and contribute to the garden character of Strathfield.</p>	<p>The proposed landscaped plan is in keeping with the character of the surrounding locale.</p>	
5.2.2 Tree Protection		
<p>1. Applicants must engage an Australian Qualification Framework (AQF) Level 5 Arborist to prepare an Arboricultural Impact Assessment Report in accordance with <i>Australian Standards 4970: Protection of trees on development sites</i> to determine the feasibility of retaining existing site trees prior to the design of a development.</p>	<p>See section: State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 of this report for more details.</p>	Yes

<p>6. New developments should provide opportunities for planting new canopy trees within the front setback, except where the existing front setback already contains at least two (2) trees. These trees should achieve a minimum mature height of 10m.</p> <p>7. At least one (1) canopy tree must be provided in the rear yard if not already provided.</p> <p>8. Generally, the trunk of a proposed canopy tree must be planted a minimum of 4m from built structures, or a minimum of 3m from pier beam footings. New trees must have a minimum setback of 3m from all boundaries, unless a species with non-invasive root system is proposed.</p> <p>11. A minimum of 25% of canopy trees and other vegetation shall be locally sourced indigenous species.</p>	<p>The front setback has sufficient space for the planting of a large canopy tree.</p> <p>The proposed landscape plan provides two (2) new canopy trees in the rear yard.</p>	<p>Yes</p> <p>Yes</p> <p>Conditioned</p> <p>Conditioned</p>
<p>5.2.3 Private Open Space</p> <p>1. Private open space is to be provided in a single parcel rather than a fragmented space and shall be directly accessible from internal living areas of the dwelling.</p> <p>2. The principal private open space area should be generally level and may be in the form of a deck, patio, terrace or paved area. The principal private open space must include a deep soil area compliant with the minimum landscaped area.</p> <p>3. For terraces and decks to be included in calculations of areas for private open space, they must be of a usable size (at least 10m²) with one length or width being at least 3 metres and be directly accessible from an internal living area of</p>	<p>The proposal provides a minimum 100m² in the rear yard.</p> <p>Private open spaces are level, usable with sufficient landscaping.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

6 Solar Access		
6.2.1 Sunlight access		
1. In new dwellings, solar access to the windows of habitable rooms and to at least 50% of private open space must be provided or achieved for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 21).	The subject site is north-south orientation. The dwelling has been designed with sufficient glazing to the east and north elevations to allow sunlight into kitchen and living areas in the morning. The rear private open space area will receive in excess of three (3) hours solar access daily.	Yes
3. 50% of the principal private open space of any adjoining premises should receive solar access for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice (June 21).	Shadow diagrams were submitted with the subject proposal which demonstrate minimal overshadowing impacts to adjoining properties both internally and externally.	Yes
7 PRIVACY		
Visual Privacy		
7.2.1 Building Envelope and Dwelling Layout		
1. Private open space, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking by locating living areas on the ground floor and orientating them towards the rear and front setback.	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.	Yes
2. Provide adequate separation of buildings.	The proposal provides adequate side setbacks. Proposed finish floor levels are appropriate to existing NGL.	Yes

3. Ensure finished floor levels are not excessively elevated above natural ground level.		
7.2.3 Elevated Decks, Verandahs and Balconies 2. Elevated decks, verandahs and balconies shall incorporate privacy screens where necessary.		Yes
8 Vehicle Access and Parking		
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 2m 2	Yes
8.2.1 Driveway and Grades 1. Existing driveways must be used et. 2. The width of driveways at the property boundary is to be 3m. 5. A maximum of one (1) vehicular crossing to any public road will be permitted per property except for corner allotments where Council may consider one on each frontage in appropriate circumstances. 6. Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction (i.e. vehicle manoeuvring shall be fully maintained within the site). 7. Vehicular turning areas for garages shall comply with the relevant Australian Standard. 9. Driveways must be designed to avoid a long and straight appearance by using landscaping and variations in alignment.	The proposed development shall retain the existing east side vehicle entrance. Driveway width at Boundary: 3m Vehicular Crossing: 1 Adequate swept-path in the basement parking area is provided. Driveway setback – side: 2m	Yes Yes Yes Yes Yes – conditioned Yes Yes

<p>10. A driveway should be set back a minimum of 0.5 metres from side boundaries to provide for landscaping between the driveway and side boundary.</p>		
<p>8.2.2 Garages, Carports and Car Spaces</p> <p>1. Two (2) car parking spaces are to be provided and maintained behind the front building line of all new dwellings (i.e. garage, carport or car space).</p>	<p>The proposal includes two (2) basement parking spaces.</p>	<p>Yes</p>
<p>8.2.3 Basements</p> <p>1. The maximum area of a basement shall be limited to and contained within the footprint of the dwelling at ground level.</p> <p>2. No excavation is permitted within the required minimum side setbacks. Furthermore, the location of basement walls may warrant increased setbacks to provide sufficient area for water proofing, drainage etc.</p> <p>3. Where a basement is proposed, the maximum height of the basement above natural ground level measured to the floor level of the storey immediately above is to be less than 1 metre. Where the basement protrudes above ground level by more than 1 metre, it does not comply with the SLEP 2012 definition of a basement, it will be considered as a storey and the gross floor areas excluded within a basement under SLEP 2012 do not apply and will be included in the floor space ratio. Basement protrusion of more than 1 metre will</p>	<p>The proposed basement extends beyond the building footprint and under the proposed courtyard which extends from the front ground floor living area.</p> <p>A condition is imposed requiring the reconfiguration of the basement garage so as to be contained within the ground level dwelling footprint.</p> <p>Excavation for the proposed basement does not extend closer than 2m from the east boundary.</p> <p>The proposed basement does not exceed 500mm above NGL at any point.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>generally not be accepted especially if it is considered to adversely impact the bulk and scale of the dwelling and may require the setback of the upper level.</p> <p>4. Minimum internal clearance of 2.2m in accordance with the <i>Building Code of Australia</i> requirements.</p> <p>5. Driveways shall comply with the relevant <i>Australian Standards (AS2890.1: Parking Facilities, AS1248.1: Design for access and mobility)</i> and a maximum 1:4 gradient.</p> <p>6. Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.</p>	<p>Proposed minimum internal clearance is 2.3m.</p> <p>The proposed driveway gradient is 1:4.8 and does not comply with this control. Appropriate conditions are imposed requiring the driveway to be amended to satisfy this control.</p> <p>The proposed driveway ramp does not exceed 3.5m.</p>	<p>Yes</p> <p>Conditioned to comply</p> <p>Yes</p>
9 ALTERING NATURAL GROUND LEVEL (CUT & FILL)		
<p>9.2 Controls</p> <p>1. Fill is limited to a maximum of 1m above natural ground level.</p> <p>2. For all excavation works that require the use of fill, only clean fill is to be used.</p> <p>3. Cut and fill batters must be stabilised consistent with the soil properties.</p> <p>4. Vegetation or structural measures are to be implemented as soon as the site is disturbed.</p> <p>5. All areas of excavation shall be setback from property boundaries in accordance with the building setback controls. No excavation is permitted within the minimum required setbacks.</p> <p>6. Where excavation work is proposed, the work must not affect or undermine the soil stability or structural stability of any buildings and Council assets on adjoining properties.</p>	<p>The proposed development is considered to satisfy the relevant objectives and controls of the SCDGP 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.</p>	<p>Yes</p>

<p>7. Applicants may be required to produce a dilapidation report for all buildings which adjoin proposed excavation areas, a copy of which will be made available to the relevant neighbour.</p> <p>8. Avoid excessive fill that may create the potential for overlooking of adjoining properties.</p>		
10 WATER AND SOIL MANAGEMENT		
<p>10.2 Controls</p> <p>10.2.1 Stormwater Management and Flood Prone Areas</p> <p>1. Applicants seeking to develop on lands identified as flood prone are advised to contact Council before designing their proposal.</p> <p>3. Flood affected properties must comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas and Through Site Drainage).</p> <p>4. Where a site is subject to flooding applicants should seek written advice from Council's Planning & Environment section in relation to minimum habitable floor height for the site.</p> <p>6. Applicants must comply with Council's Stormwater Management Code with regard to drainage and stormwater detention matters. Full details and plans of the stormwater system are to be submitted for approval as part of the development application.</p>	<p>The site is mapped as flood affected. Council's Development Engineer whom has reviewed the stormwater drainage concept plan prepared by Rammy Associates (dated 21 April 2021).</p> <p>The subject site has a natural fall to the rear, but a proposed charged drainage means the proposal will result in a compliant design.</p> <p>There are no objections to its approval subject to the following conditions.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>10.2.3 Soil Erosion and Sediment Control</p>		<p>Yes</p>

1. Appropriate soil erosion and sediment control measures during construction must be detailed in the development application and implemented prior to the commencement of work.	The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A Soil Erosion and Sediment Control has been submitted with the application to prevent or minimise soil disturbances during construction.	
11 ACCESS, SAFETY AND SECURITY		
11.2.1 Address and Entry Sightlines		
1. Buildings are to be designed to allow occupants to overlook public places in order to maximise passive surveillance.	The proposed development satisfies the relevant objectives and controls of the SCDCP 2005.	Yes
2. Design landscaping around dwellings and ancillary structures so that when plants are mature they do not unreasonably restrict views of pathways, parking and open space areas.	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.	Yes
3. External lighting should enhance safe access and security around the dwelling and light spill must not adversely impact on adjoining properties. Lighting must be designed and located so that it minimises the opportunity for vandalism or damage, is appropriate for the street and minimises glare.		
11.2.2 Pedestrian Entries		
1. Pedestrian entries and vehicular entries should be suitably separated to ensure the safety of pedestrians and residents.		Yes
2. Dwelling entrances should be easily identifiable with walkways and landscaping used to direct visitors to the main dwelling entrance.	The proposed main primary entrance to the dwelling is clearly identifiable from the site frontage.	Yes
12.2.6 Swimming Pools		
		Yes

<p>1. The minimum side and rear setback of a swimming pool from the outside edge of the pool concourse (and any paved/concreted area adjacent to the concourse) must be at least 1m wide and consist of a deep soil soft landscape area containing a continuous planting of screening shrubs.</p> <p>3. The pool filter and pump equipment is to be designed and located so as not to emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible.</p> <p>4. Any lighting associated with a swimming pool should be positioned to prevent light spillage and minimise any nuisance to adjoining premises.</p> <p>5. Swimming pool enclosures shall comply with the <i>Swimming Pools Act</i> and relevant Australian Standards as amended.</p>	<p>The proposed swimming pool setbacks are:</p> <p>West side: 2.23m East side: 9.61 Rear: 6.073m</p> <p>A condition is imposed to ensure appropriate attenuation measures are taken and pool pump, filter and equipment are housed effectively to prevent noise impacts to adjoining properties.</p> <p>Appropriate conditions imposed.</p> <p>Appropriate conditions imposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
13 ECOLOGICALLY SUSTAINABLE DEVELOPMENT		
<p>13.2.3 Water Tanks</p> <p>1. Above ground water tanks shall be located behind the dwelling. Where it is not possible to locate a water tank wholly behind the dwelling, it should be located behind the front building line and screened from view from the public domain with appropriate landscaping.</p> <p>2. Where water tanks are visible, the tanks and any associated support structure and plumbing must be a colour that complements the dwelling.</p> <p>3. Above ground water tanks must be located at least 450mm from any property boundary.</p>	<p>Proposed plans depict a 3500 litre (as per BASIX requirements) water tank located on the east elevation of the proposed dwelling.</p> <p>Proposed plans depict a 3500 litre (as per BASIX requirements) water tank located on the east elevation of the proposed dwelling.</p> <p>The proposed water tank will be setback a minimum 1m from the east boundary.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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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.

Section 4.15(1)(b) - 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 dwellings being constructed in the locality. Appropriate conditions are imposed to see a reduction of the proposed basement to be contained wholly within the dwelling ground floor footprint. 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.

Section 4.15(1)(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.

Section 4.15(1)(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. Council received no submissions during this period.

Section 4.15(1)(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

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 \$1,381,429.00 (the estimated cost of development identified in the development application). Therefore, the Section 94 Indirect Contributions for the proposed development is **\$13,814.29**.

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

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. 2021/77 should be APPROVED.

Signed:

Date: 5 July 2021

**G I Choice
Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 5 July 2021

Miguel Rivera
Senior Planner

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Analysis Plan	DA 01	06/2021	C	P. Kokuleraaj
Site Plan	DA 02	06/2021	C	P. Kokuleraaj
Basement Plan	DA 03	06/2021	C	P. Kokuleraaj
Ground Floor Plan	DA 04	06/2021	C	P. Kokuleraaj
First Floor Plan	DA 05	06/2021	C	P. Kokuleraaj
Roof Plan	DA 06	06/2021	C	P. Kokuleraaj
Side Elevation / East Elevation	DA 07	06/2021	C	P. Kokuleraaj
Side Elevation / West Elevation	DA 08	06/2021	C	P. Kokuleraaj

Section AA / Section BB	DA 09	06/2021	C	P. Kokuleraaj
Indicative Landscape Plan / Front Fence Detail / Street Elevation	DA 11	06/2021	C	P. Kokuleraaj
Street Elevation / External Colour Scheme	DA 12	06/2021	C	P. Kokuleraaj
Demolition Plan	DA 14	06/2021	C	P. Kokuleraaj
Stormwater Plans				
Document	Reference No.	Date	Revision	Prepared by
Contour Plan	2021/319824	11/11/2020	N/A	Donovan Associates
Aboricultural Impact Assessment and Tree Management Plan	6710	20/03/2021	N/A	Redgum Horticultural
BASIX Certificate	1188684S	27/03/2021		Energy Ratings Australia P/L
Waste Management Plan	5 Torrington Road STRATHFIELD			

2. Duration of Consent

The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.

3. Amended Basement Plan

The Basement Plan shall be amended so that the entire basement area is limited to and contain within the footprint of the dwelling at ground level. The amended basement plan shall be submitted to the Principle Certifying Authority for approval prior to the issue of any

Construction Certificate.

Note: External patios, courtyards, alfresco areas etc. are excluded from the dwelling footprint.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

4. 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.

5. 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.

6. 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

7. 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 THE CONSTRUCTION CERTIFICATE

8. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 4,900.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 3050.00
Administration Fee for Damage Deposit	\$ 130.00
Tree Bond Administration Fee	\$ 130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$13,814.29

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

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.

9. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Basement plan	<p>The Basement Plan shall be amended so that the entire basement area is limited to and contained within the footprint of the dwelling at ground level. The amended basement plan shall be submitted to the Principle Certifying Authority for approval prior to the issue of any Construction Certificate.</p> <p>Note: External patios, courtyards, alfresco areas etc. are excluded from the dwelling footprint.</p>

Driveway width	The vehicular access driveway ramp must be reduced from the proposed 1.48 gradient to 1.4 as per SCDGP 2005 controls.
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10. Schedule of External Finishes

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

11. Damage Deposit – Major 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 security damage 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: \$130.00
- (c) Submit to Council, before the commencement of work, a dilapidation report 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 review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

12. Tree Bond

A tree bond of \$3050.00 (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.

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. 1188684S must be implemented on the plans lodged with the application for the Construction Certificate.

14. Low Reflectivity Roof (CC8016)

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

15. Erosion & Sedimentation Control (CC8036)

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.

16. 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.

17. 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.

18. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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).

25. 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.
 - (i) Two (2) canopy tree must be provided in the rear yard if not already provided.
 - (ii) One (1) canopy tree must be provided in the front yard if not already provided.
 - (iii) A minimum of 25% of canopy trees and other vegetation shall be locally sourced indigenous species.
- (iv) Details of planting procedure and maintenance;
- (v) Landscape specification;
- (vi) Details of garden edging and turf; and
- (vii) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

26. 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.

27. 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.

28. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment and Tree Management Plan (Ref.6710) prepared by Redgum Horticultural (dated 20 March 2021) must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The project arborist is to certify the installation of protection measures as per D/A conditions prior to commencement of works and to be monitored throughout the project at approx. 3 mthly intervals depending on the length of the development. The specimens should remain viable beyond completion of development provided recommended installation & protection measures are adhered to.

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	<i>Tristaniaopsis laurina</i> – Water Gum	Road reserve	<p>AS4970 (2009) section 3 requires a Tree Protection Zone (TPZ) setback of 5.5 metres (m) radial from centre of trunk (COT), the setback for the proposed paving adjacent to this specimen is estimated at 2.2m from COT, which is an encroachment estimated at 9.6% by the proposed development.</p> <p>The alignment of the entry paving will be a minor encroachment to this specimen. The section of the entry paving within the TPZ of this specimen is to be constructed using tree sensitive excavation (for piers) and construction techniques such as either permeable paving or pier and beam construction with a suspended slab to reduce any impact on its stability with piers to be dug by hand with non-motorised machinery to further assist in its protection.</p>
2	<i>Liquidambar styraciflua</i> – Sweet Gum	Front yard of 3 Torrington Road	<p>TPZ setback of 6.6 m radial from COT, the setback for the proposed driveway adjacent to this specimen is estimated at 6.3m from COT, which is an encroachment estimated at 0.6% by the proposed driveway.</p> <p>This specimen is subject to an encroachment but is sufficiently setback to not be impacted by the proposed development.</p>
3	<i>Celtis sinensis</i> – Chinese Celtis	Front west boundary of 3 Torrington Road	TPZ setback of 2.1m for T3 radial from COT

4	<i>Lagerstroemia indica</i> – Lilly Pilly	Front west boundary of 3 Torrington Road	<p>TPZ setback of 3.4 m radial from COT, the setback for the proposed basement driveway adjacent to this specimen is estimated at 2.4m from COT, which is an encroachment estimated at 9.3% by the proposed driveway.</p> <p>The section of the basement driveway within the TPZ of this specimen is to be constructed using tree sensitive excavation and construction techniques such as a vertical cut with shotcrete and contiguous pilings to reduce any impact on its stability.</p>
5	<i>Jacaranda mimosifolia</i> – Jacaranda	Front west boundary of 3 Torrington Road	TPZ setback of 3.0m radial from COT
6	<i>Lagerstroemia indica</i> – Crepe Myrtle	Front west boundary of 3 Torrington Road	<p>TPZ setback of 4.8m radial from COT, the setback for the proposed basement adjacent to this specimen is estimated at 2.7m from COT, which is an encroachment estimated at 15.1% by the proposed development.</p> <p><i>The alignment of the development will be a major encroachment to this specimen. A root mapping investigation is recommended to be undertaken along the basement footprint closest to the specimen to ascertain if the tree would remain viable.</i></p> <p>If the results are supportive of the proposed development in its current design, then the alignment of the basement will be a minor encroachment to this specimen. The section of the basement within the TPZ of this specimen is to be constructed using tree sensitive excavation</p>

			and construction techniques such as a vertical cut with shotcrete and contiguous pilings to reduce any impact on its stability.
7	<i>Pittosporum eugenioides</i> – Tarata	Mid-west boundary of 3 Torrington Road	TPZ setback of 2.3m radial from COT
10	<i>Prunus spp.</i> – Peach	Rear west boundary of 3 Torrington Road	TPZ setback of 3.6m radial from COT
11	<i>Syzygium spp.</i> – Lilly Pilly	Mid-west boundary of 3 Torrington Road	TPZ setback of 2.4m radial from COT

General Tree Protection Measures

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

non-motorised machinery to further assist in the protection of the trees.

- (h) If associated infrastructure (pipe works) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist.

Excavation works near tree to be retained

- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

29. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees as per the recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment and Tree Management Plan (Ref.6710) prepared by Redgum Horticultural (dated 20 March 2021):

Tree No.	Tree species	Number of trees	Location
8	<i>Celtis sinensis</i> - Chinese Celtis	1	Mid-east boundary
9	<i>Celtis sinensis</i> - Chinese Celtis	1	Rear east boundary
12	<i>Morus alba</i> - Mulberry	1	Rear east boundary

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 and New Tree Planting

Each of the replacement are to be a vigorous specimen with a straight trunk, gradually tapering and continuous, crown excurrent, symmetrical, with roots established but not pot bound in a volume container or approved similar and be maintained by an appropriately qualified and experienced landscape contractor for up to one (1) year after planting, or as appropriate.

All trees permitted to be removed by this consent shall be replaced – two (2) canopy trees in rear yard and one (1) canopy tree in front yard - by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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

35. 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.

36. 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.

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. 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.

40. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

41. Excavation Works Near Tree to be Retained

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

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

42. 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.

43. 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.

44. 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.

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. 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.

49. 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)

50. 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.

51. No Structures on Street-Facing Roof Plane or Awning

No solar hot water heater storage tanks, solar panels, ventilators, air conditioning units, satellite dishes and antennae or the like are to be placed on roof planes, parapets or street awnings of the building which are visible from a public street (other than rear laneways).

52. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

54. Requirement for a Construction Certificate

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

55. 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.

56. 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.

57. 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.

58. 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](#).

59. 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.

60. 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.

61. Clause 97A – BASIX Commitments

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

62. 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.

63. 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](#).

64. Clause 98F – 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 or 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 or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVICES

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

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

2. 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.

3. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/77) and reference this condition number (Condition 67)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

4. 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).

5. Electricity Supply

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

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Australian Height Datum	Is a system of control points for height based on a network of levelling measurements that covered the whole of Australia and was fitted to mean sea level, as measured at tide gauges distributed around the Australian coast, over a period 1968-1970 see cl.5 Surveying and Spatial Information Regulation 2012.
Applicant	The applicant referred to at the front of this consent notice or anyone else entitled to act on this consent.
Application	The development application and the accompanying drawings plans and documentation described in this consent.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Strathfield Council
Certification of Crown Building works	Certification under s6.28 of the EP&A Act [delete if not a Crown application]
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Industry & Environment or its successors
Development Application (DA)	A DA is a formal request for consent to carry out a proposed development, such as a change of use of land, subdivision of land and/or carrying out of building, landscaping or any other works.

Council's approval, agreement or satisfaction	A written approval from the General Manager of Council (or nominee/delegate)
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Landscape Designer	A person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
HNSW	Heritage NSW, Department of Premier & Cabinet
OSD	On-site Stormwater Detention. OSD involves the temporary storage and controlled discharge of stormwater generated within a site.
PCA	Principal Certifying Authority, or in the case of Crown development, the supervising Certifying Authority, who will fulfil an equivalent role
Professional Engineer	Has the same meaning as in the BCA
TfNSW	Transport for New South Wales
Subject Site	Lot 19 DP 582
TPZ	Tree Protection Zone