

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	14 Wentworth Street, Greenacre Lot 2 DP 36122 DA2020.154.2
Proposal:	S4.55(1A) Modification Application involving alterations and additions to the approved dual occupancy and construction of an in-ground swimming pool with attached outbuilding.
Applicant:	ZTA Group
Owner:	Z Abdul Rahman
Date of lodgement:	20 April 2021
Notification period:	27 April 2021 to 11 May 2021
Submissions received:	N/A
Assessment officer:	P Santos
Estimated cost of works:	\$940,653.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55(1A) Modification Application involving alterations and additions to the approved dual occupancy and construction of an in-ground swimming pool with attached outbuilding.

Site and Locality

The site is identified as 14 Wentworth Street, Greenacre and has a legal description of Lot 2 DP 36122. The site is a regular shaped parcel of land and is located on the eastern side of Wentworth Street, with Drone Street being the nearest cross section.

The site is rectangular in shape and has a frontage of 18.3m with an average depth of 45.74m, with a total area of 836.9m².

The locality surrounding the subject site contains a mixture of dwelling houses, dual occupancy developments and industrial buildings.

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 27 April 2021 to 11 May 2021, where no submissions were received.

Issues

- Landscaping.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/154/2 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the S4.55(1A) Modification Application involving the alterations and additions to the approved dual occupancy and construction of an in-ground swimming pool with attached outbuilding. More specifically, the proposal includes:

Basement level of both dwellings -

- Addition to the basement footprint.

Ground floor level of both dwellings-

- An additional bedroom,
- Reduction in depth,
- Addition of a laundry room,
- Increase in alfresco size, and
- Removal of the attached swimming pool.

First floor level -

- Dwelling A
 - Increase in size of the front balcony due to the reduction of master bedroom area, and
 - Filling-in of the articulated section.
- Dwelling B
 - Extension of the front balcony, covering the whole façade of Dwelling B, due to the reduction of master bedroom area, and
 - Filling-in of the articulated section.

External works:

- Relocation of the swimming pool to the backyard, with an attached shower outbuilding.

The immediate images below show the approved development in DA2020/154 ('the original consent') and the proposal in this modification application.

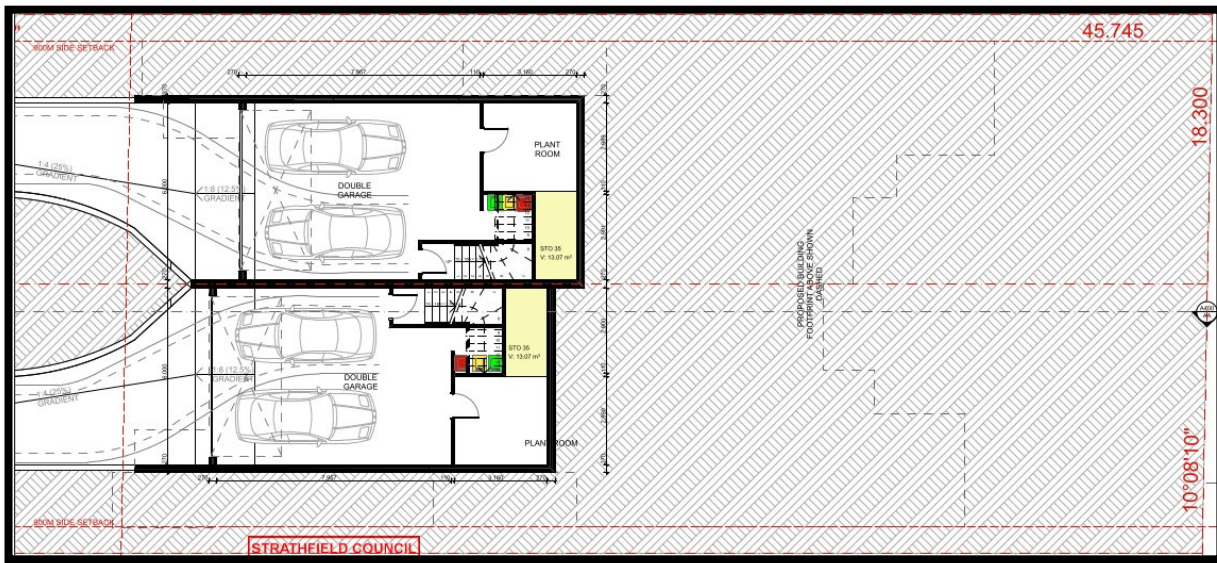


Figure 2. Extract of the approved basement plan in the original consent.

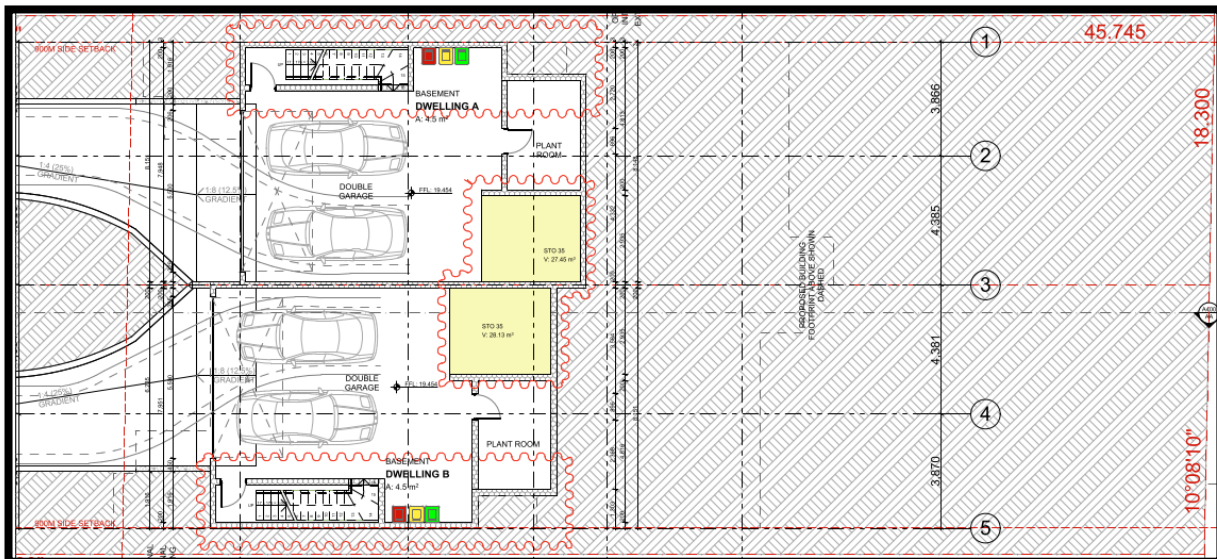


Figure 2A. Extract of the proposed basement in the subject modification application.

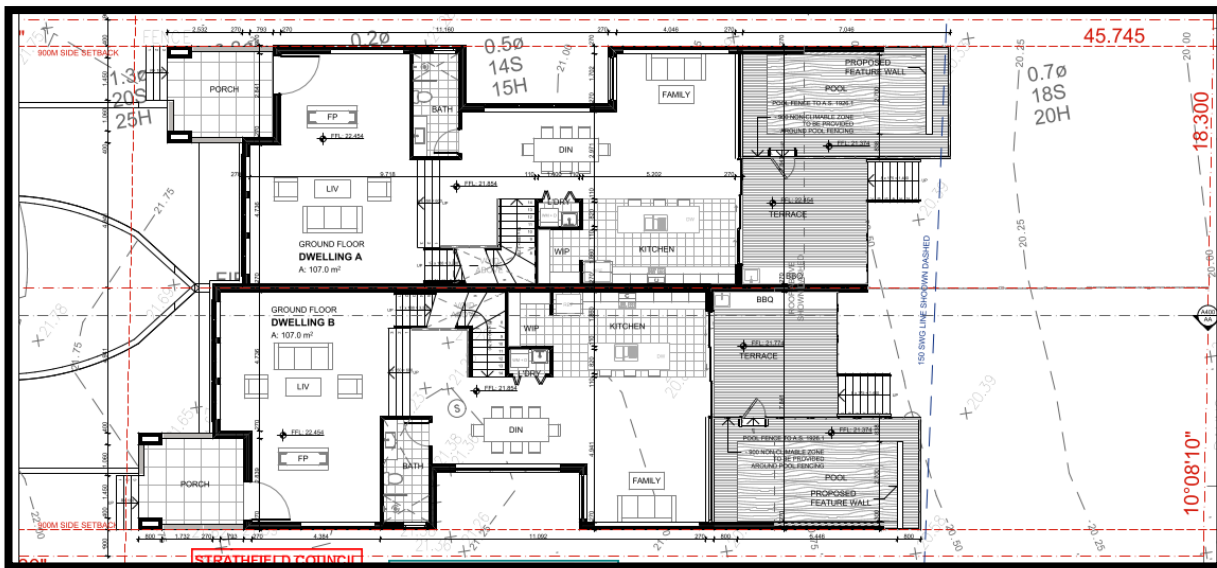


Figure 3. Extract of the approved ground floor plan in the original consent.

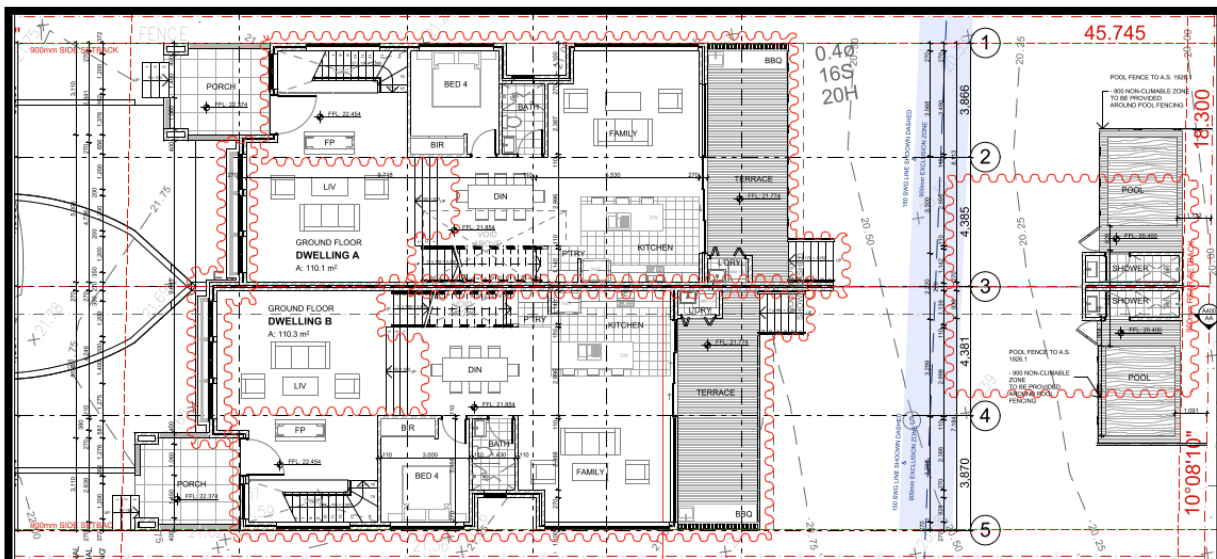


Figure 3A. Extract of the proposed ground floor plan in the subject modification application.

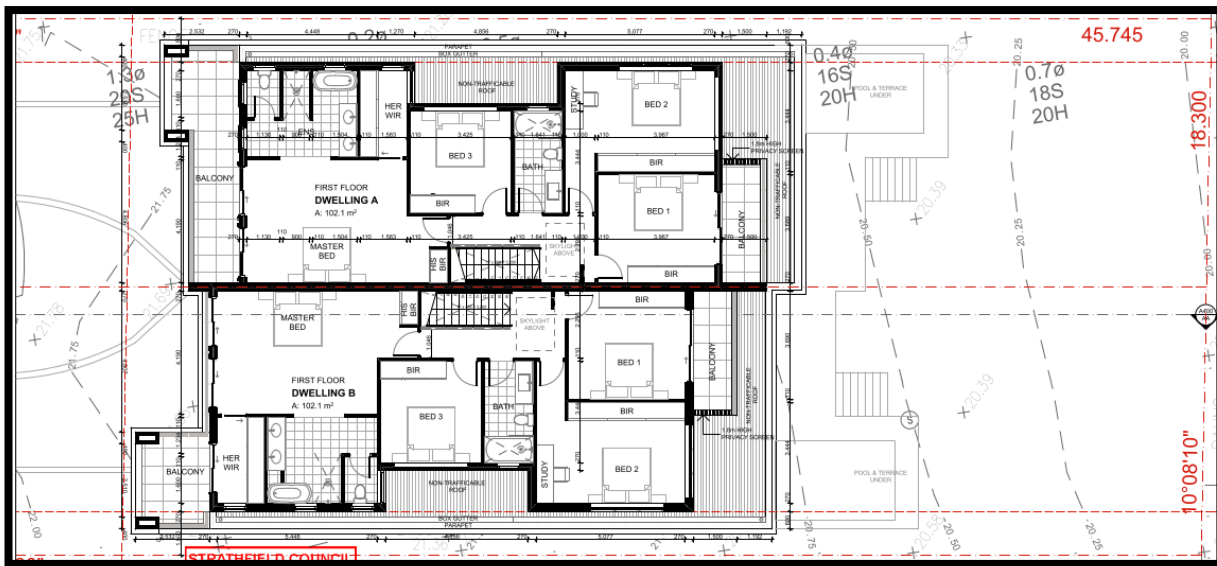


Figure 4. Extract of the approved first floor in the original consent.

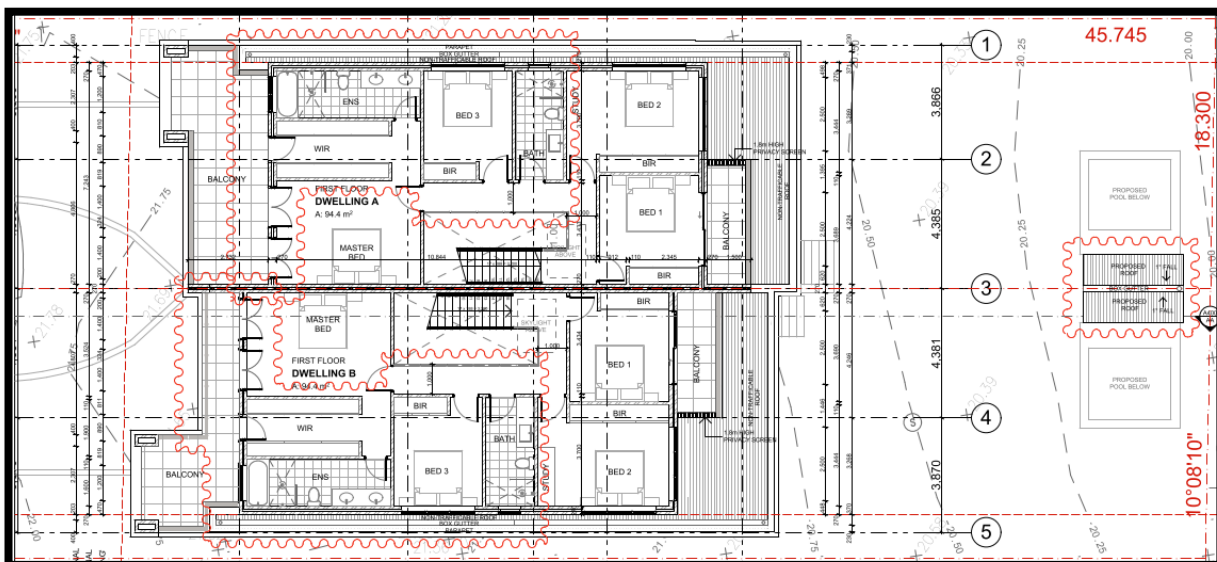


Figure 4A. Extract of the proposed first floor in the subject modification application.

The Site and Locality

The subject site is legally described as Lot 2 DP 36122 and commonly known as 14 Wentworth Street, Greenacre. It is located off the eastern side of Wentworth Street, towards the northern cul-de-sac, with Drone Street being the nearest cross section.

The site is rectangular in shape and has a frontage of 18.3m with an average depth of 45.74m, with a total area of 836.9m².



Figure 5. Closer imagery of the subject site (outlined) and immediate developments.

The site is currently vacant and the construction for the purpose of the approved development in the original consent is under way.

The current streetscape is mostly a mix of dwelling houses and dual occupancy developments. An industrial building is located on the north-western side of the cul-de-sac but with its frontage facing Bellfrog Road.

The locality is a mixture of low density residential, comprised of single dwellings and dual occupancies, and industrial developments, mostly located along Bellfrog Road on the northern and eastern side of Greenacre.



Figure 6. Subject site currently vacant is construction is on-going for the approved dual occupancy in DA2020/154.

Background

11 December 2020	A consent was granted to the development application DA2020/154 for the purpose of the demolition of the existing dwelling and construction of a dual occupancy development with basement level car parking.
20 April 2021	The subject modification application was lodged.
27 April 2021	The application was put on neighbour notification/public exhibition until 11 May 2021, where Council received no submissions.
11 June 2021	Council Planner carried out a site visit.
18 June 2021	An additional information letter was issued via the NSW Planning Portal, raising the following concerns: <ul style="list-style-type: none"> • Amended BASIX Certificate, • Compliance with the floor space ratio development standard, • Supportable landscaping and tree planting condition, • Articulation on side elevations, and • Amended shadow diagrams.
06 July 2021	The additional information was provided to Council.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved	Development Proposal	Compliance/ Comment
4.4C Exceptions to floor space ratio (Zone R2)	0.55:1 (460.29m ²)	0.54:1 (456.3m ²)	0.5:1 (425m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

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

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application as modified has been reviewed by Council's 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. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves extensive excavation works for the provision of an in-ground swimming pool. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

It is considered that the proposed modifications satisfy the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

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

A BASIX Certificate has been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

(iii) any development control plan,

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

Applicable Controls	DCP	DCP Controls	Approved	Development Proposal	Compliance/ Comment
Building Envelope					
Site Coverage		65% (543.99m ²)	61.49% (514.66m ²)	61.8% (517.2m ²)	Yes
Side Setback		0.9m – walls <3m high 1.5m – walls >3m high	0.9m – walls <3m high 0.9m – both north & south front balconies and 1.5m – walls >3m high	0.9m – walls <3m high No change in the balconies' setback 1.5m – walls >3m high	Yes
Basement Setbacks		0.9m	2.7m	0.9m	Yes
Solar Access		Solar access to the windows of habitable rooms and to the majority of private open space of adjoining properties are substantially maintained or achieved for a minimum period of 4 hours	<i>“The west-east orientation of the site results in unavoidable overshadowing impacts on the south- adjoining neighbour”</i>	Acceptable solar access for the southern neighbour	Yes

Landscaping	40% (334.76m ²)	38.5% (322.24m ²)	39% (326.7m ²)	No
--------------------	--------------------------------	----------------------------------	-------------------------------	----

Landscaping and Open Space

The proposed development as modified does not satisfy the landscaping requirements for a dual occupancy development, as indicated in Part B of the SCDCP 2005. However, despite the non-compliance, note that the proposal in this modification application is an improvement of the approved landscaping in DA2020/154.

As a result of the above, the proposal is supportable and relevant conditions of consent will be imposed to ensure compliance with the landscaping requirement of Council will be carried out at the construction certificate stage.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 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. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Cut and fill

The proposed development, as modified, is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance.

Water and Soil Management

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

ANCILLARY STRUCTURES

Outbuildings

The proposed development, as modified, satisfies the relevant objectives and controls the SCDCP 2005 complying with the height, setbacks and floor space controls.

Swimming Pools, Spas & Associated Enclosures

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

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

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

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

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

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

(d) *any submissions made in accordance with this Act or the regulations,*

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. Where no submissions were received during this period.

(e) *the public interest.*

The proposed development, as modified, 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).

The nature of the proposed development does not warrant additional contributions to be imposed. For completeness, the matter relating to any contributions had been dealt with in the original consent – DA2020/154.

Conclusion/Recommendation

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

Pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2020/154/2 to be approved.

1. The original conditions of consent of Development Consent No. 2020/154 as approved for except were amended as below.
2. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
 - Amend condition #1 - Approved Plans & Documentation,
 - Amend condition #9 – Required Design Changes
 - Amend condition #13 – BASIX Commitments
 - Amend condition #21 – Landscape Plans

Accordingly, Development Consent 154/2020/2 is approved as per the following;

Signed:

Date: 27 July 2021

**P Santos
Development Assessment 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 modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 02 August 2021

**J Brown
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 & Site Analysis Plan	A100	02/12/2020	G	Zta Group
Demolition Plan	A101	02/12/2020	C	Zta Group
Sediment & Erosion Control Plan	A102	02/12/2020	C	Zta Group
Basement	A200	02/12/2020	G	Zta Group
Ground Floor Plan	A201	02/12/2020	G	Zta Group
Level 1	A202	02/12/2020	G	Zta Group
Roof Plan	A203	02/12/2020	C	Zta Group
North Elevation	A300	02/12/2020	G	Zta Group
South Elevation	A301	02/12/2020	G	Zta Group
East Elevation	A302	02/12/2020	G	Zta Group
West Elevation	A303	02/12/2020	G	Zta Group

Streetscape	A304	02/12/2020	G	Zta Group
Section AA	A400	02/12/2020	G	Zta Group
Schedule of Colours & Finishes	A600	02/12/2020	G	Zta Group
Subdivision Plan	A602	16/10/2020	B	Zta Group
General Notes Plan	D1	-	A	AKT Engineering & Consulting
Basement Floor Plan	D2	-	A	AKT Engineering & Consulting
Concept Stormwater Plan	D3	-	A	AKT Engineering & Consulting
OSD Details Plan	D4	-	A	AKT Engineering & Consulting
Landscape Plan	LP100	7/12/2020	B	AKT Engineering & Consulting
Flood Impact Assessment Report	-	4/11/2020	-	AKT Engineering & Consulting
BASIX Certificate	No: 1125775M_02	07/08/2020	-	AKT Engineering & Consulting
Assessor Certificate	# HO53618	7/12/2020	-	A. Eleche
Waste Management Plan	-	-	-	Zta Group
Site & Site Analysis Plan	A100	Print Date: 15/07/2021	B	ZTA Group
General Arrangement – Basement	A200	28/06/2021	B	ZTA Group
General Arrangement –	A201	28/06/2021	B	ZTA Group

Basement				
General Arrangement – Ground Floor Plan	A202	28/06/2021	B	ZTA Group
General Arrangement – Level 1	A203	28/06/2021	B	ZTA Group
North Elevation	A300	28/06/2021	B	ZTA Group
South Elevation	A301	28/06/2021	B	ZTA Group
East Elevation 01 & 02	A302	28/06/2021	B	ZTA Group
West Elevation 01 & 02	A303	28/06/2021	B	ZTA Group
Streetscape	A304	28/06/2021	B	ZTA Group
Section AA	A400	28/06/2021	B	ZTA Group
Schedule of Colours & Finishes	A502	28/06/2021	B	ZTA Group
Shadow Diagram – Winter Solstice	A601	28/06/2021	B	ZTA Group
3D Winter Solar Access Diagrams	A602	28/06/2021	B	ZTA Group
Landscape Reference	A606	28/06/2021	B	ZTA Group
Landscape Plan	LP100	03/07/2021	C	AKT Engineering & Consulting
General Notes Plan	D1	03/07/2021	C	AKT Engineering & Consulting
Basement Floor Plan	D2	03/07/2021	C	AKT Engineering & Consulting

Concept Stormwater Plan	D3	03/07/2021	C	AKT Engineering & Consulting
OSD Details Plan	D4	03/07/2021	C	AKT Engineering & Consulting

AMENDED 06/08/2021: DA2020/154/2

2. Building Height

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

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

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

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

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

4. **Vehicular Crossing - Minor Development**

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. **Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

6. **Notice of Requirements for a Section 73 Certificate**

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

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

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

7. **Section 73 Compliance Certificate**

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. **Certification of Driveway Access**

Given the steepness of the driveway, location of retaining walls and splay of the driveway, a Traffic Engineer is to certify, prior to the issue of a Construction Certificate, that vehicular access to both spaces within the garage is adequately available for each space independently of the other car space.

9. **Required Design Changes**

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

Driveway width	The vehicular access driveway width for both dwellings must be no more than 3m at the front boundary line. Any front fence or gate opening adjustments required as a result of this reduction must be illustrated on the plans lodged with the application for the Construction Certificate.
Vehicular crossover width	The vehicular crossover and layback of Dwelling A be must located a minimum of 3m from the trunk of the street tree. Any driveway, front fence or gate opening adjustments required as a result of this condition must be illustrated on the plans lodged with the application for the Construction Certificate.
Landscape Plan	<p>The landscape plan is to be amended to reflect supportable landscaping as shown in the approved 'Landscape Reference' plan, drawing #A606, issue B, with print date 15 July 2021.</p> <p>The six (6) eight (8) canopy trees shown on the approved Landscape Plan are to be planted from 100 litre containers and are not be planted closer than 2.5m from a dwelling or property boundary.</p>
Dwelling A — Terrace RL	The RL of the terrace on Dwelling A being confirmed so that it sits appropriately between the RL of the dwelling and the RL of the swimming pool coping, similarly to Dwelling B.
Ceiling Height – Storage and Plant Rooms	The ceiling height of the storage area and plant rooms in the basement of both dwelling A & B are to have a maximum ceiling height of 2.2m.

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/	\$3,292.00
Security Damage Deposit	\$12,200.00
Tree Bond	\$10,000.00
Administration Fee for Damage Deposit	\$127.00
Administration Fee for Tree Bond	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 7.11 Development Contributions - Roads and Traffic Management	\$0.00
Strathfield Section 7.11 Development Contributions – Local Open Space	\$ 3,016.96
Strathfield Section 7.11 Development Contributions – Major Open Space	\$13,709.85
Strathfield Section 7.11 Development Contributions – Community Facilities	\$3,013.35
Strathfield Section 7.11 Development Contributions –	\$259.83

Administration	
TOTAL Section 7.11 Contributions	\$20,000.00

General Fees

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

Development Contributions

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

Indexation

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

Timing of Payment

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

Further Information

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

11. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$12,200.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

12. **Site Management Plan**

Minor Development

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

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

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. ~~442577M_02~~ **1125775M_03** must be implemented on the plans lodged with the application for the Construction Certificate.

AMENDED 06/08/2021: DA2020/154/2

14. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

15. **Stormwater System**

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

16. **Compliance with Flood Study**

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

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

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

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

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. **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.

19. **Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) No ground level may be raised or filled except where shown specifically on the approved plans;
- (b) All pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) The swimming pool must not be used for commercial or professional purposes;
- (d) Drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) Arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

20. **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).

21. **Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans, **as amended as per condition #9**, and maintained in accordance with the approved plans in perpetuity.

AMENDED 06/08/2021: DA2020/154/2

22. **Tree Protection and Retention**

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

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

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone

within the tree protection zone to implement the tree protection measures as required.

- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

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

23. Allocation of Street Addresses

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

Proposed Lot No.	Proposed street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
Lot A	No. 1/14 Wentworth Street
Lot B	No. 2/14 Wentworth Street

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

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

24. 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.

25. **Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

26. **Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

27. **Dial Before 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.

28. **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.

29. **Utility Arrangements**

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

DURING CONSTRUCTION

30. **Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

31. **Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

32. Ground Levels and Retaining Walls

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

33. Construction Management Plan

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

34. Swimming Pools – Filling with Water

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

35. 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

36. Completion of Landscape Works

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

37. 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.

38. Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all

services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

39. 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.

40. 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.

41. Stormwater Drainage Works – Works As Executed

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

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

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

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

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

43. Final Strata Subdivision Plan

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

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

OPERATIONAL CONDITIONS (ON-GOING)

44. Private Swimming Pools & Spas – Pump Noise

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) Before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) Before 7 am or after 8 pm on any other day.

45. **Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dual occupancy to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

46. **Requirement for a Construction Certificate**

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

47. **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.

48. **Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

49. **Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

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

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

51. **Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

52. **Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

53. **Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

54. **Clause 98E – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

SIGNED on behalf of
Strathfield Municipal Council



GEOFF BAKER
PUBLIC OFFICER

END CONDITIONS

ADVISORY NOTES

i. **Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. **Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

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

v. **Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

vi. **Strata Subdivisions**

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

- (b) Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

vii. **SYDNEY WATER SECTION 73 CERTIFICATES**

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

viii. **Electricity Supply**

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

ix. **Register your Swimming Pool**

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au

x. **Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf)