

IDAP REPORT

Property:	31 Fitzgerald Crescent STRATHFIELD Lot 39 DP 15823 DA2021/190
Proposal:	Demolition of existing structures incl. existing swimming pool, torrens title subdivision of land creating a new battle - axe lot, construction of a new two storey dwelling on each lot, construction of in-ground swimming pool to new rear (battle axe) lot, landscaping and site associated works to both new dwellings.
Applicant:	DSY Holdings
Owner:	DJ & S Younan
Date of lodgement:	29 July 2021
Notification period:	4 August – 20 August
Submissions received:	Nil
Assessment officer:	J W Brown
Estimated cost of works:	\$1,780,400.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL

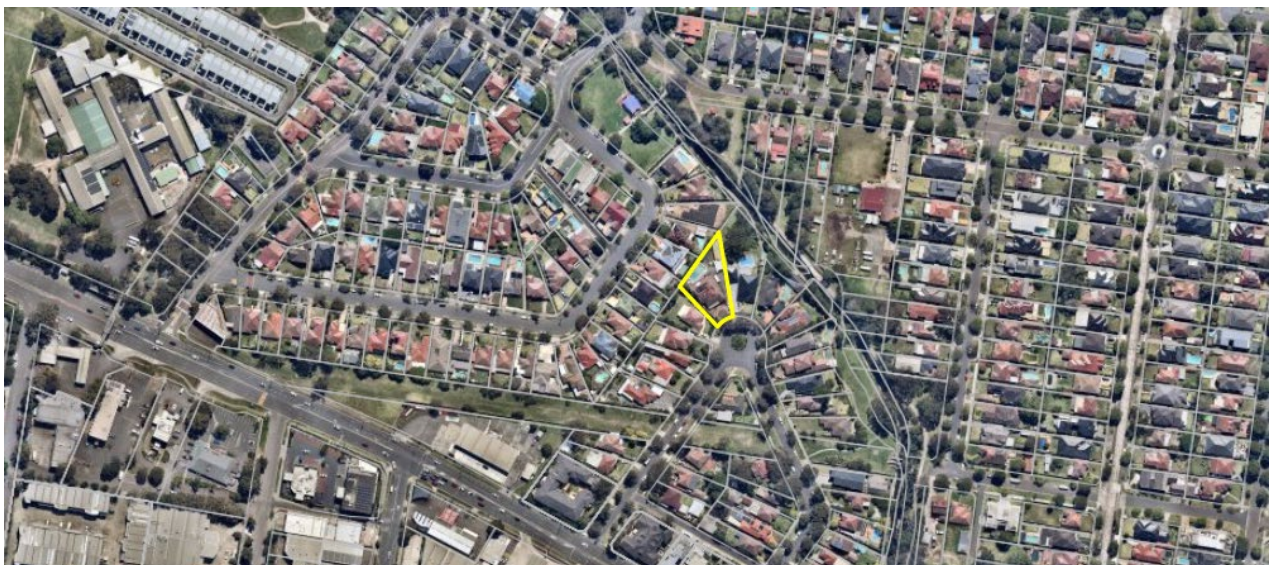


Figure 1: Aerial Image of the subject site

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures incl. existing swimming pool, torrens title subdivision of land creating a new battle - axe lot, construction of a new two storey dwelling on each lot, construction of in-ground swimming pool to new rear (battle axe) lot, landscaping and site associated works to both new dwellings.

Site and Locality

The site is identified as 31 Fitzgerald Crescent Strathfield and has a legal description of Lot: 39 DP: 15823. The site is an irregular shaped parcel of land and is located at the northern end of Fitzgerald Crescent.

The site has an average width of 25m, an average depth of 49m and an overall site area of 1249m².

The locality surrounding the subject site contains a mixture of residential development and industrial development to the south.

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 4 August 2021 – 20 August 2021, where no submissions were received.

Issues

- Stormwater management
- Landscaping

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/190 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures incl. existing swimming pool, torrens title subdivision of land creating a new battle - axe lot, construction of a new two storey dwelling on each lot, construction of in-ground swimming pool to new rear (battle axe) lot, landscaping and site associated works to both new dwellings. More specifically, the proposal includes;

A subdivision of an existing 1249m² lot into a front 571m² lot (31 Fitzgerald Crescent) and rear 678m² lot, including an access handle (31a Fitzgerald Crescent). Both new lots are triangular in shape. The subdivision includes a dwelling house on each proposed lot.

Front Lot: 31 Fitzgerald Crescent, Strathfield

Ground floor level:

- Two (2) car garage
- One (1) bedroom
- Bathroom
- Open plan kitchen, dining and living room
- Rumpus room
- Walk in pantry
- Laundry

First floor level:

- Two (2) bedrooms
- One (1) bedroom with walk in wardrobe
- Bathroom
- Study
- Master Bedroom with dressing room and ensuite

External works:

- Alfresco

Rear Lot: 31a Fitzgerald Crescent, Strathfield

Ground floor level:

- Open planned kitchen, dining and living room
- Walk in pantry
- Bathroom
- Laundry
- One (1) bedroom
- Single attached garage

First floor level:

- Three (3) bedrooms
- Sitting room
- Bathroom
- Master Bedroom with walk-in-wardrobe and ensuite

External works:

- Attached carport
- Swimming pool
- Alfresco

Figure 2: Survey Plan of the site



Figure 3: Ground floor plan of proposal

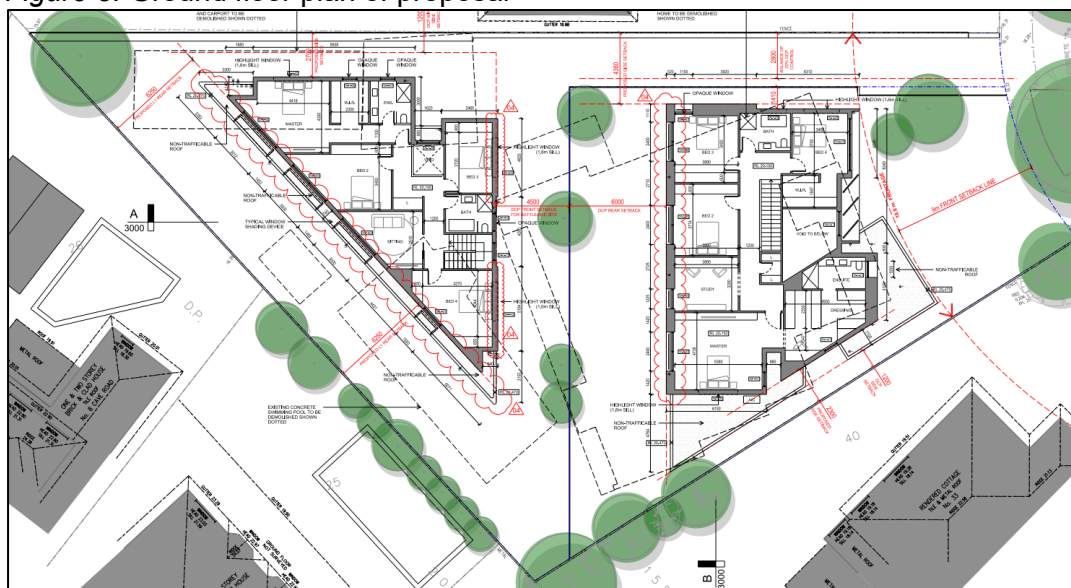


Figure 4: First Floor plan of Proposal

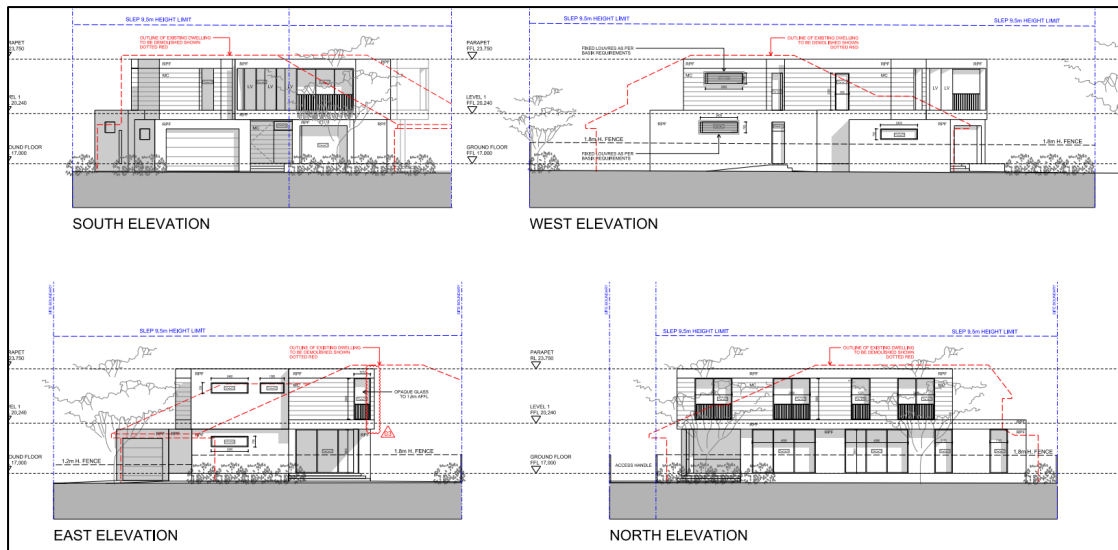


Figure 5: No.31 Elevations (front lot)

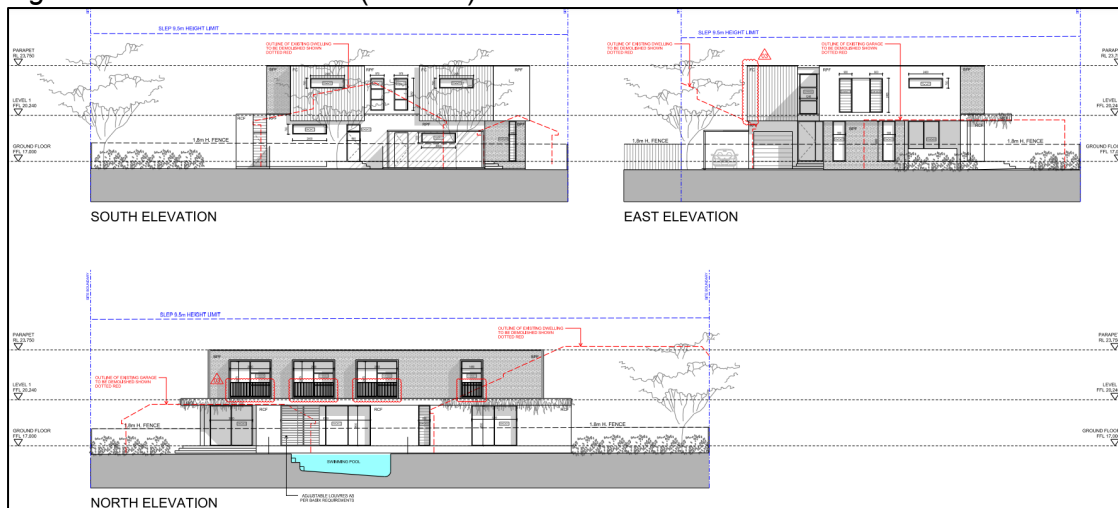


Figure 6: No.31a Elevations (rear battle-axe lot)

The Site and Locality

The subject site is legally described as Lot: 39 DP: 15823 and commonly known as 31 Fitzgerald Crescent Strathfield. It is located at the northern end of a cul-de-sac on Fitzgerald Crescent. Fitzgerald Crescent is an isolated road that only connects with Liverpool Road.

The site is irregular in shape and has a curved frontage of 13.72m to the south, rear boundary of 45.72m to the north, side boundary length of 59.51m to the east, and side boundary length of 39.38m to the south and an overall area of 1249m².

The site has a minor fall to the rear.

The site is occupied by an existing two (2) storey brick and clad dwelling house. Vehicular access is provided to the site via an existing double entry driveway from the street to an existing carport and garage located at the rear. The site also contains a large in ground swimming pool and a small greenhouse at the rear of the property.

The current streetscape is characterised by single dwelling houses of the differing architectural styles on large irregular lots. The surrounding area is characterised by low-density residential development with increased density fronting Liverpool Road. The

proposal is in close proximity to Fitzgerald Reserve and Palmer Reserve to the southeast. The proposal is located near the Cook's River, which is one lot away to the north.



Figure 7: Closer Image of the site (NearMaps 4 Oct 2021)



Figure 8: Front Façade of existing dwelling



Figure 9: Existing driveway to carport and garage at the rear



Figure 10: Rear yard with existing pool facing west



Figure 11: Rear yard with greenhouse facing north



Figure 12: Rear yard facing existing dwelling house



Figure 13: Streetscape view of existing dwelling

Background

21 April 2021	A Pre-DA Meeting (PreDA2021/6) was held over Microsoft Teams
29 July 2021	The subject development application (DA2021/190) was lodged with Council
4 August 2021	The application was publicly exhibited until the 20 August 2021, where no submissions were received
27 October 2021	<p>An additional information request was sent, raising the following concerns:</p> <ul style="list-style-type: none"> • Updated stormwater plan including how pool coping is to be drained • Update No.31a primary setback to be compliant • Update rear setback of both dwellings to be compliant • Update landscape plan and landscape area to be compliant • Further detailed shadow diagrams to be provided • Privacy screening added to north façade windows of No.31a • Increase rear setback of the proposed pool

9 November 2021	The following information was received <ul style="list-style-type: none"> • Updated architectural plans meeting most of the items requested
16 November 2021	Another additional information request was sent for the following <ul style="list-style-type: none"> • The rear setback of No.31a still needs to comply with 6m setback • Updated landscape area needs to be provided to be compliant with SCDCP 2005
18 November 2021	The following additional information was received <ul style="list-style-type: none"> • An updated set of architectural plans were provided
19 November 2021	The planner carried out a site visit

Referrals – Internal and External

Manager Traffic Comments:

The application was referred to Council's Manager of Traffic who offered no objection subject to the conditions of consent including a condition for a Construction Traffic Management Plan due to the site constraints of the site and be submitted to council prior to a construction certificate.

Development Engineers Comments:

The application was referred to Council's Development Engineer who offered no objection subject to the conditions of consent. Further investigation into the removal of the charged stormwater system was requested to the applicant, who provided a rejection letter from the neighbouring northern property at 29 Fitzgerald Crescent in declining a drainage easement. Council's stormwater engineer accepted the rejection letter and no further request to change the charged system was required.

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 is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.1 Minimum subdivision lot size (excl. strata subd.)	560m ² required for each lot	No. 31: 571m ² No. 31a: 591m ² (excluding access handle)	YES
4.3 Height of Buildings	9.5m	No. 31: 7.3m No. 31a 7.3m	YES
4.4 Floor Space Ratio	Lot 31: 0.625:1 Lot 31a 0.60:1	No. 31: 0.53:1 (302.4m ²) No. 39a: 0.35:1 (237.3m ²)	YES

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application 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. 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 does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

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

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

BASIX Certificates have been issued for the proposed development and the commitments required by the BASIX Certificates have been satisfied.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

(iii) *any development control plan,*

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	2.85m	YES

Height to underside of eaves:	7.2m	6.5m	YES
Parapet height:	0.8m	0.3m	YES
Overall height for flat roof dwelling:	7.8m	7.6m	YES
Number of Storeys/Levels:	2	2	YES
Setbacks:			
Front: No.31	9m	9m	YES
Front: No.31a	4.5m	1.5m	NO
Side: No.31 (West)	1.2m (min)	1.2m	YES
Side: No.31 (East)	1.2m (min)	1.51m	YES
Side: No.31a (East)	1.2m (min)	3m	YES
Combined Side Setback:	2.47m (20%)	Min 1.2m Max 3m	NO
Rear: No.31	6m	6m	YES
Rear: No.31a	6m	6m	YES
Landscaping			
Landscaping/Deepsoil Provisions:	No.31: 38.5% (219.8m ²) No.31a 41.5% (281.37m ²)	No.31 39.5% (225.6m ²) No.31a 41.7% (283m ²)	YES YES
Fencing			
Height (overall/piers):	1.5m (maximum)	1m	YES
Solid Component:	0.7m	1m	NO
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	YES
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	YES
Vehicular Crossing:	1 0.5m	2 (existing) 0.3m	YES NO but acceptable
Driveway setback – side:			
No. of Parking Spaces:	2	2 (both dwellings)	YES
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	1.0m	YES

Setbacks

The proposed development satisfies most of the setbacks to the boundary except for two minor non-compliances. The front setback of the rear battle-axe lot (No.31a) has an attached carport that reduces the setback to 1.5m to the boundary. Due to this being an open form structure and still having a reasonable setback to the boundary, it is unlikely to impact on the neighbouring property. The rest of the proposed dwelling house meets the required 4.5m therefore satisfying the control. Thus, the variation is acceptable. The combined side setback is not relevant in this proposal due to the unique shape of the site and that all side boundaries meet the minimum of 1.2m, thus the non-compliance is acceptable.

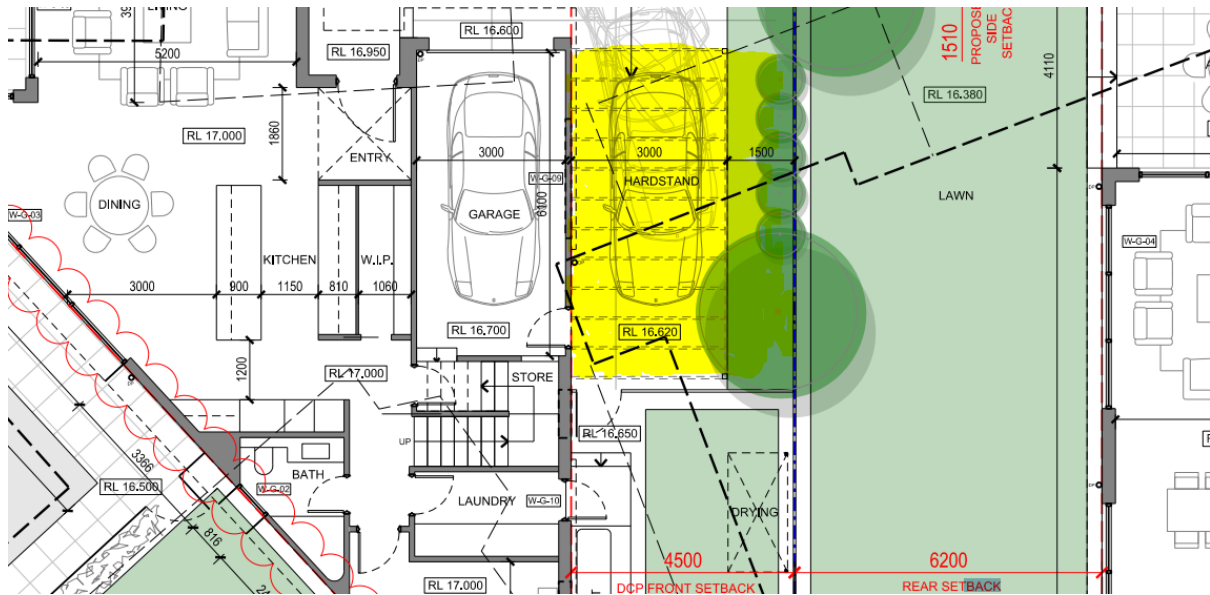


Figure 14: Rear lot parking with carport setback 1.5m

Landscaping and Open Space

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

Fencing

The proposed front and side fencing satisfies the relevant objectives and most of the controls within SCDP 2005. A proportion of solid component of the fence is above 0.7m, reaching maximum height of 1m. This is small proportion of the overall fence and is unlikely impact on sightlines. It also is in keeping with the existing fencing in the street. It is considered to be sympathetic to the existing and desired character of the locality.

Solar Access

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

Privacy

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

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and most of the controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. There is minor non-compliance to the driveway setback of 200mm. This is considered acceptable due to that it is an existing driveway and will be used for access to the rear lot. Therefore no significant changes to the driveway will occur for the proposal.

Cut and fill

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

Water and Soil Management

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has not been submitted and will be conditioned in the development consent

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been conditioned to meet noise mitigation requirements 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 R – Subdivision (SCDCP 2005)

The SCDCP 2005 specifies not to create irregularly shaped allotments. Due to that the proposal includes a mostly compliant dwelling house on each of the new allotments. Which demonstrates that a reasonable development can occur on both blocks. Further, unique shaped subdivisions have already occurred in the street (12 and 37 Fitzgerald Crescent), Due to that, there is already precedence within the street it is acceptable that this subdivision is irregular.

Stormwater is required to be gravity fed within the SCDCP 2005. The stormwater plan shows a charged system to the street. Council's stormwater engineer accepted this, after a denial letter from the downslope neighbour (29 Fitzgerald Crescent) for an easement was provided to Council. Thus the variation is acceptable in this circumstance.

Overall, the subdivision is acceptable and allows reasonable dwelling houses to be built on each new lot. The new lots are of sufficient size and unlikely to impact on the amenity of the neighbouring properties. The objectives of Part R have substantially been met by the proposed development.

PART H – Waste Management (SCDCP 2005)

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

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

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

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

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

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

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

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

(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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$1,060.00
Provision of Major Open Space	\$2,860.00
Provision of Local Open Space	\$13,000.00
Provision Roads and traffic Management	\$2,860.00
Administration	\$220.00
TOTAL	\$20,000.00

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.2021/190 should be approved subject to conditions of consent.

Signed:

**J W Brown
Planner**

Date: 25 November 2021

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

Report and recommendations have been peer reviewed and concurred with.

Signed:

**Patrick Santos
Planner**

Date: 29 November 2021

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

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

DEVELOPMENT DETAILS

(1) Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Cover Sheet/Basix Commitments	DA000_00	17/11/2021	04	Daniel Younan & Associates
Site Analysis Plan	DA000_02	22/07/2021	02	Daniel Younan & Associates
Proposed Demolition Plan	DA050_00	22/07/2021	02	Daniel Younan & Associates
Proposed Subdivision Plan	DA050_10	22/07/2021	02	Daniel Younan & Associates
Proposed Ground Floor Plan	DA100_00	17/11/2021	05	Daniel Younan & Associates
Proposed Level 1 Plan	DA100_10	8/11/2021	04	Daniel Younan & Associates
Proposed Roof Plan	DA100_20	8/11/2021	04	Daniel Younan & Associates
Landscape Calculation Plan	DA100_01	17/11/2021	04	Daniel Younan & Associates
Proposed Elevations – 31 Fitzgerald Cres	DA200_00	8/11/2021	03	Daniel Younan & Associates

Proposed Elevations – 31a Fitzgerald Cres	DA200_01	8/11/2021	03	Daniel Younan & Associates
Proposed Streetscape Elevation	DA210_00	22/07/2021	02	Daniel Younan & Associates
Section A-A, Section B-B & Section C-C Driveway Sections	DA300_00	8/11/2021	03	Daniel Younan & Associates
External Finishes and Materials	DA400_00	22/07/2021	02	Daniel Younan & Associates
Stormwater Drainage / Sediment Control Details	2244 – S1/4	9/11/2021	C	John Romanous & Associates
Stormwater Drainage / Sediment Control Details	2244 – S2/4	27/07/2021	B	John Romanous & Associates
Stormwater Drainage / Sediment Control Details	2244 – S3/4	27/07/2021	B	John Romanous & Associates
Stormwater Drainage / Sediment Control Details	2244 – S4/4	27/07/2021	B	John Romanous & Associates
Landscape / Site Plan	LPDA 22 – 022 (Page No. 1)	8/11/2021	C	Conzept Landscape Architects
Landscape Plan	LPDA 22 – 022 (Page No. 2)	8/11/2021	C	Conzept Landscape Architects
Specifications & Detail	LPDA 22 – 022 (Page No. 3)	27/07/2021	B	Conzept Landscape Architects
Waste Management Plan		21/07/2021		Daniel Younan & Associates
Flood Impact Assessment Report	2244/R1	27/07/2021		John Romanous & Associates

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(2) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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

(3) **Vehicular Crossing - Minor Development**

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(4) **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.

(5) **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.

(6) 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.

(7) Electricity Supply

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

PRIOR TO THE ISSUE OF A 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://longservice.force.com/bci/s/levy-calculator	\$6,231.00
Security Damage Deposit	\$15,000.00
Tree Bond	\$10,000.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$2,860.00
Strathfield Section 94 Development Contributions – Local Open Space	\$13,000.00
Strathfield Section 94 Development Contributions – Major Open Space	\$2,860.00
Strathfield Section 94 Development Contributions – Community Facilities	\$1,060.00
Strathfield Section 94 Development Contributions - Administration	\$220.00
Total	\$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.

(9) Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$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 photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

(10) Tree Bond

A tree bond of \$10,000.00 and an administrative fee of \$130.00 (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.

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.

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

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

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

(11) Site Management Plan

Minor Development

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

(12) BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No.1224456S_02 and No.1224613S must be implemented on the plans lodged with the application for the Construction Certificate.

(13) Service Utilities – Land Subdivision Only

Arrangements shall be made to the satisfaction of all Service Utility Authorities in respect to the services supplied by those authorities to the development. All services to any future dwellings erected on the site shall be underground.

(14) Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

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

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

(15) Stormwater System

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

(16) Driveway Surface Waters

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

(17) Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by John Romanous ref: 2244/R1 dated 27 July 2021.

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction

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.

(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) 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).

(20) Construction Traffic Management Plan

A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the

Construction Certificate.

(21) 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.

(22) Swimming Pools – Use and Maintenance

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

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

(23) 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.

(24) 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.

(25) 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.	Premises / Dwelling Number	Location within development	Proposed street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
Lot 1	31a	Northern	31A Fitzgerald Crescent, Strathfield
Lot 2	31	Southern	31B Fitzgerald Crescent, Strathfield

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)

(26) 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.

(27) 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.

(28) 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](#).

(29) 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.

(30) 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

(31) 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.

(32) 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.

(33) 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.

(34) Removal & Filling of Swimming Pools

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

(35) 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(36) 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.

(37) 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.

(38) 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.

(39) 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.

(40) 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.

(41) Completion of Landscape Works

The approved landscape works have identified that the side setback area between the dwelling and boundary be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area shall be maintained as landscaped area and can only be used for growing plants, grasses and trees and cannot include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems).

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.

(42) 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.

(43) Notice to Council – Allocation of Street Addresses

Prior to the issue of any Occupation Certificate, 'as-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of Council.

(44) Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

(45) Site works to be completed prior to issue of Subdivision Certificate

The following works shall be completed prior to the issue of the 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) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (d) Sydney Water's Section 73 Compliance Certificate.

(46) Final Subdivision Plan Requirements

A final Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following easements created by Section 88B of the [Conveyancing Act 1919](#) on the Final Subdivision Plan.

- i. Any necessary Easements to Drain Water, (minimum 1m wide).
- ii. Any necessary Easements for Services (minimum 300mm wide).
- iii. Any necessary Easements for overhanging roof structures.

OPERATIONAL CONDITIONS (ON-GOING)

(47) 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.

(48) 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.

(49) Greywater System

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(50) Requirement for a Construction Certificate

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

(51) 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.

(52) 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.

(53) 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.

(54) Subdivision Work – Construction Certificate & Appointment of PCA.

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a PCA for the subdivision work.

No later than two days before the subdivision work commences, the PCA must notify:

- (c) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (d) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the subdivision work.

(55) Subdivision Work – Notice of Commencement

The beneficiary of the development consent must give at least two days notice to the Council and the PCA of their intention to commence the subdivision works.

(56) 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](#).

(57) 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.

(58) 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

(59) Clause 97A – BASIX Commitments

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

(60) 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.

(61) 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.

(62) 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](#).

(63) Clause 98E – Protection & Support of Adjoining Premises

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

ADVISORY NOTES

1. 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.

2. 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.

3. 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.

4. 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.

5. 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 2021/190) and reference this condition number (e.g. Condition 23)
- (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.

6. 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).

7. 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

8. Torrens Title Subdivisions

- (a) The Section 73 Certificate required must be a separate certificate for this development consent. Any other Section 73 Certificates (e.g. for the construction of the building) cannot be accepted to approve the Subdivision Certificate.
- (b) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.
- (c) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (d) Plans of subdivision, Administration Sheets, 88B Instruments and copies must not be folded.
- (e) All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).
- (f) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.

9. 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.

10. 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)

