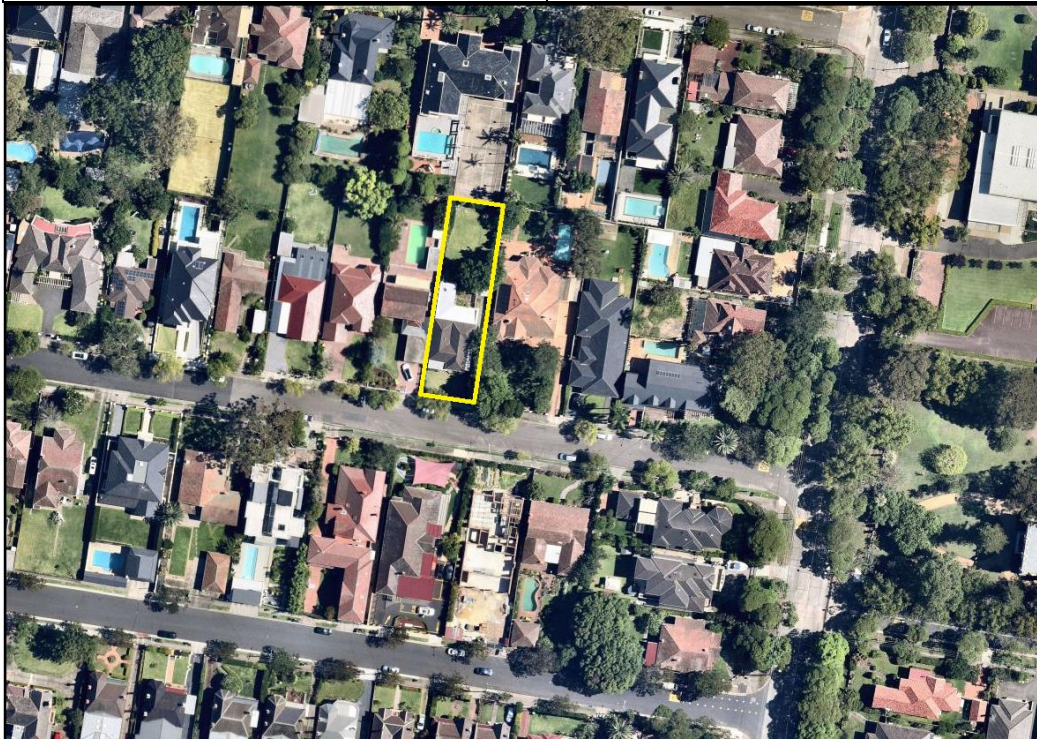


## IDAP REPORT – SECTION 4.55(1A) MODIFICATION

<b>Property:</b>	5 Torrington Road STRATHFIELD LOT: 19 DP: 582 DA2021.77.2
<b>Proposal:</b>	Section 4.55(1A) Modification Application for alterations and additions to height, floor levels, basement layout and ground and first level dimensions.
<b>Applicant:</b>	P Kokuleraaj
<b>Owner:</b>	S. Paramsothy
<b>Date of lodgement:</b>	17 January 2022
<b>Notification period:</b>	N/A
<b>Submissions received:</b>	NIL
<b>Assessment officer:</b>	G I Choice
<b>Estimated cost of works:</b>	\$1,381,429.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	<b>No</b>
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	Approval



**Figure 1:** Subject site aerial photograph (highlighted in yellow)

## **EXECUTIVE SUMMARY**

### **Proposal**

Approval is being sought for the modification of development consent DA2021/77 for the Section 4.55(1A) modification application for alterations and additions to height, floor levels, basement layout and ground and first level dimensions.

### **Site and Locality**

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

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

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

In accordance with the provisions of Council's Community Participation Plan, the application did not require neighbour notification as it involves "*minor works that are considered to have minimal environmental impact*".

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/77/2 is recommended for approval subject to suitable conditions of consent as modified.

## REPORT IN FULL

### Proposal

Council has received an application to modify development consent DA 2021/77 involving and additions to height, floor levels, basement layout and ground and first level dimensions. Specifically, the proposal includes:

#### Basement level:

- Reconfiguration of stairs, lift and store room (basement to first floor)
- Addition of pool pump room, mechanical/electrical services room, wine cellar and bike rack
- Increase of media room and storage room floor area

#### Ground floor level:

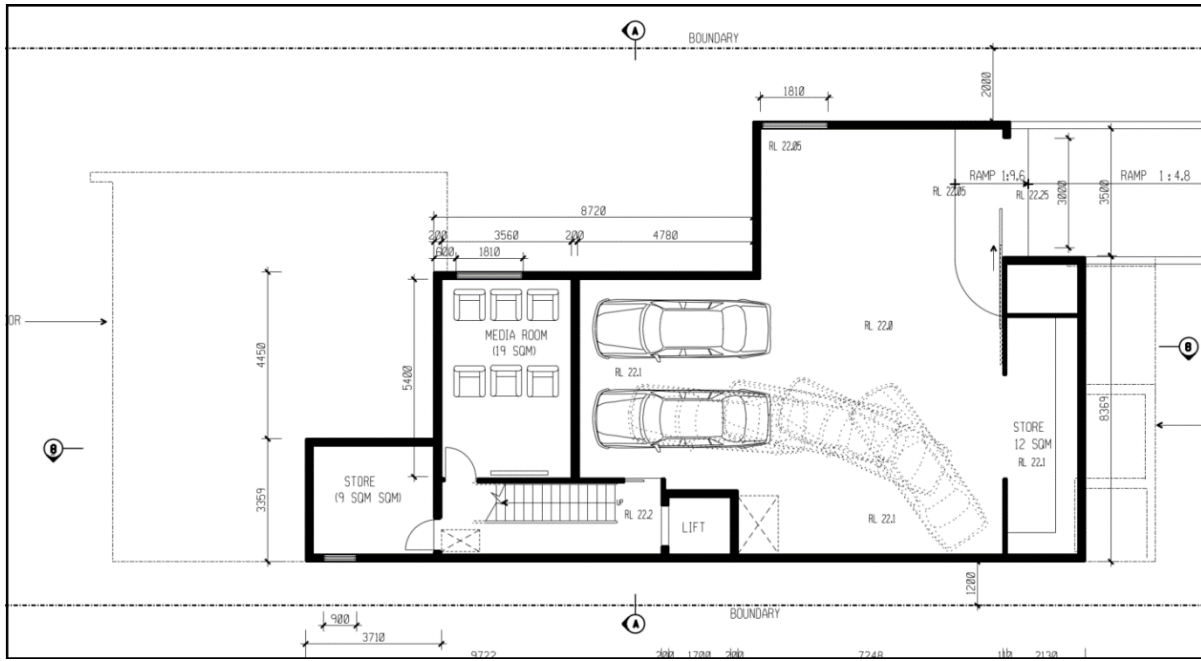
- Deletion of dry garden on west wall near stairs
- Addition of mudroom
- Relocation of the RWT to the west elevation
- Slight increase of open plan family/dining/kitchen area, pantry and sunroom dimensions.
- Raise FFL by 100mm (and overall building height)

#### First floor level:

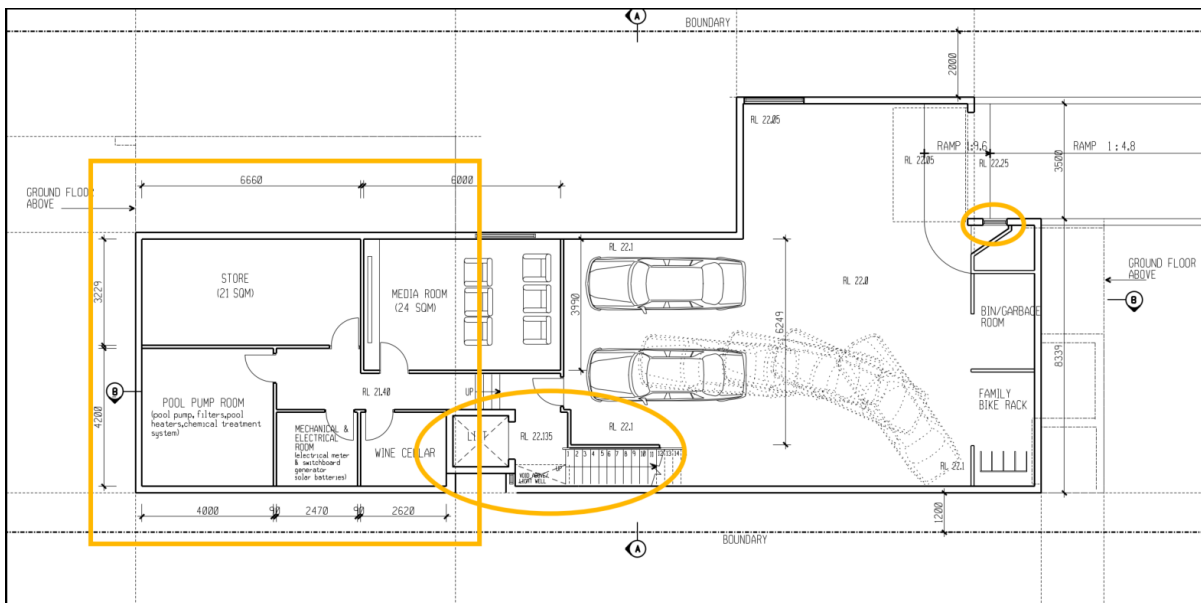
- Slight increase of Bedroom 2 en suite and WIR; and study floor area open plan
- Addition of privacy screening to Bed 5 balcony

#### External works:

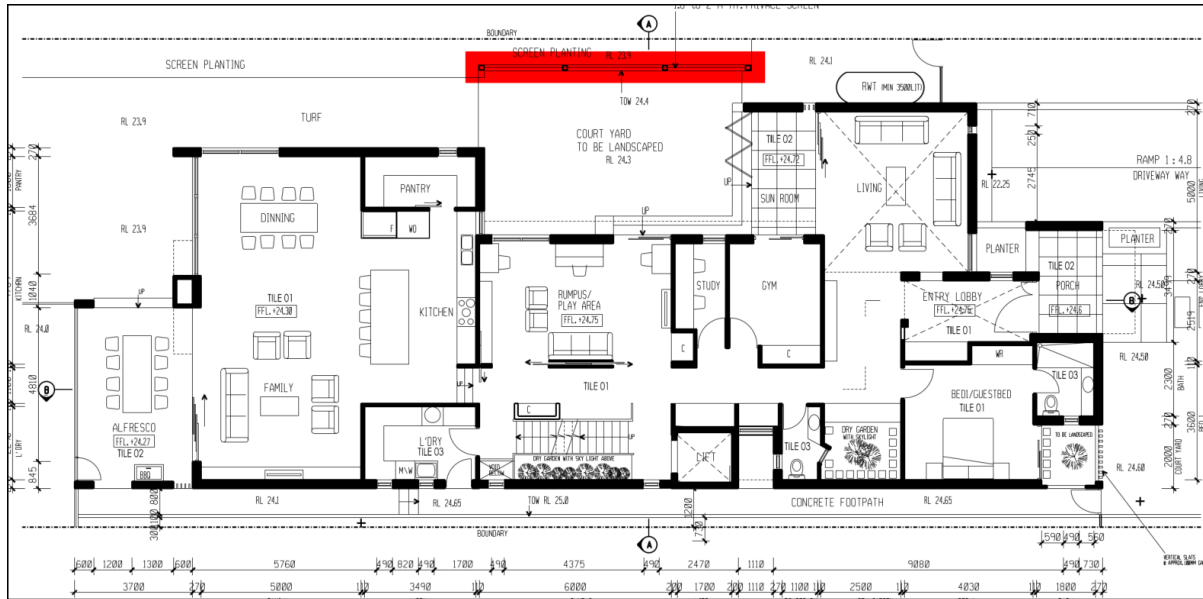
- Increase in pool size and alfresco footprint
- Addition of skylights and double-glazed.



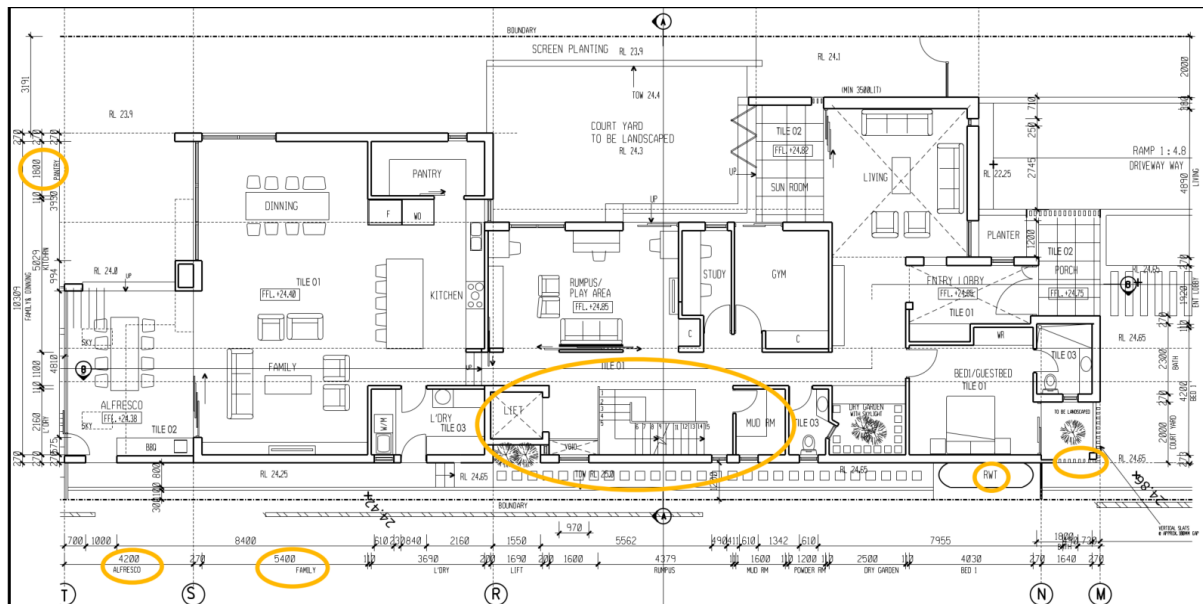
**Figure 2:** Approved basement plan (DA 2021/77)



**Figure 3:** Proposed basement plan



**Figure 4:** Approved ground floor plan (red highlighted screen deleted)



**Figure 5:** Proposed ground floor plan



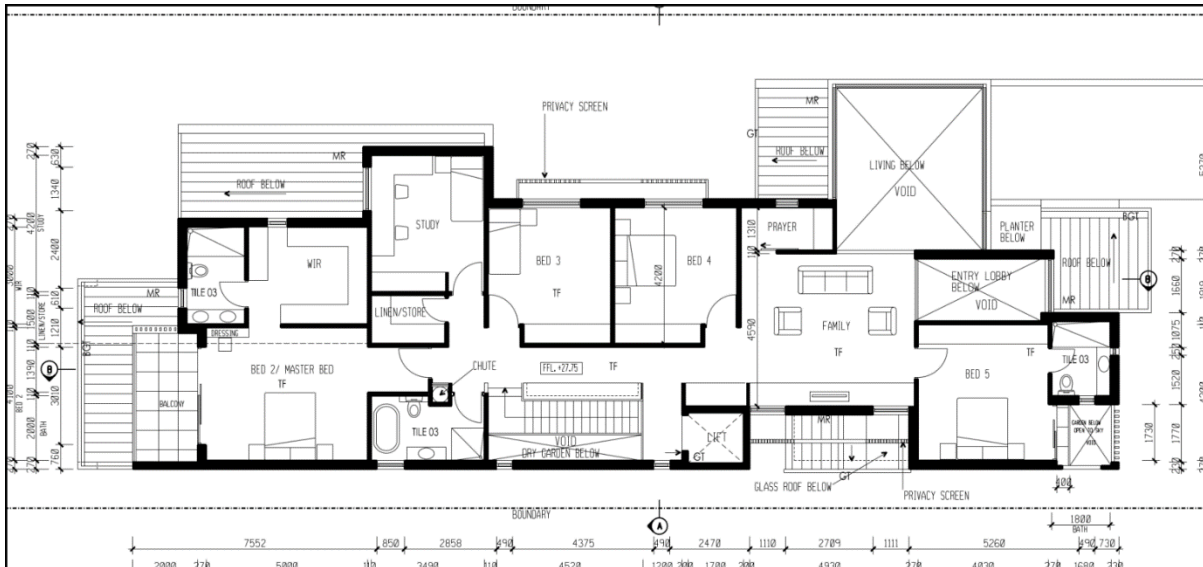


Figure 6: Approved first floor plan (DA 2021/77)

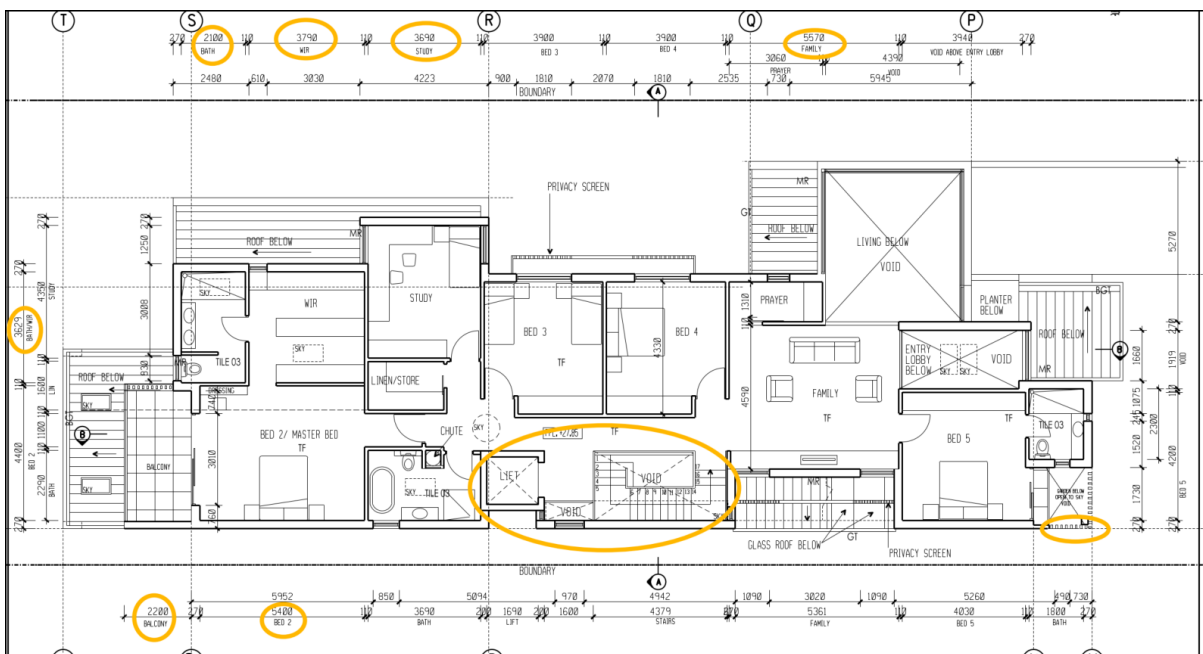
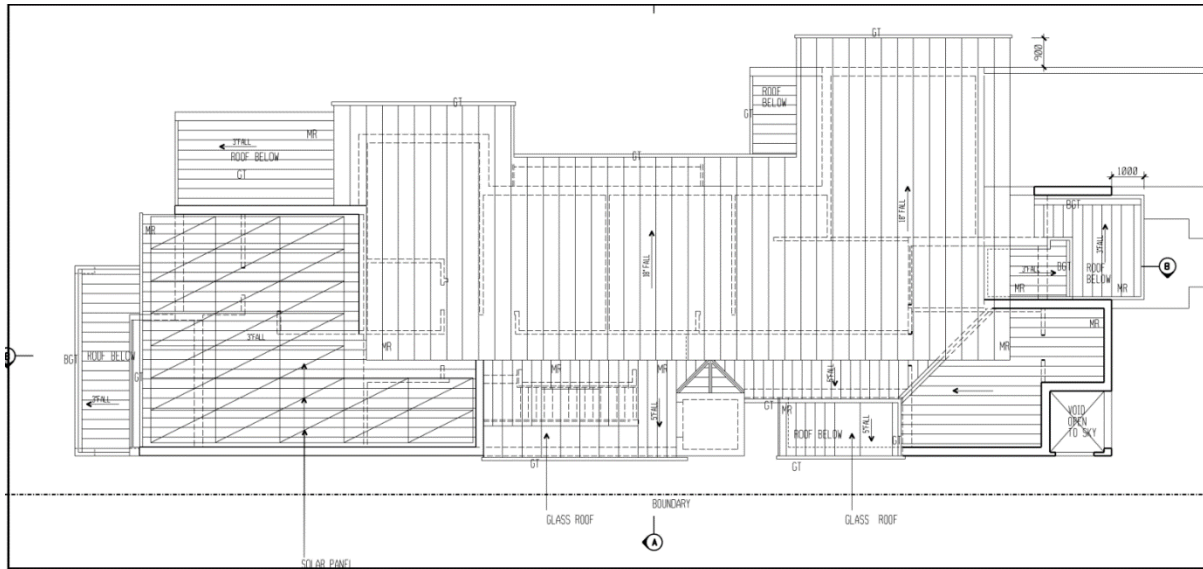
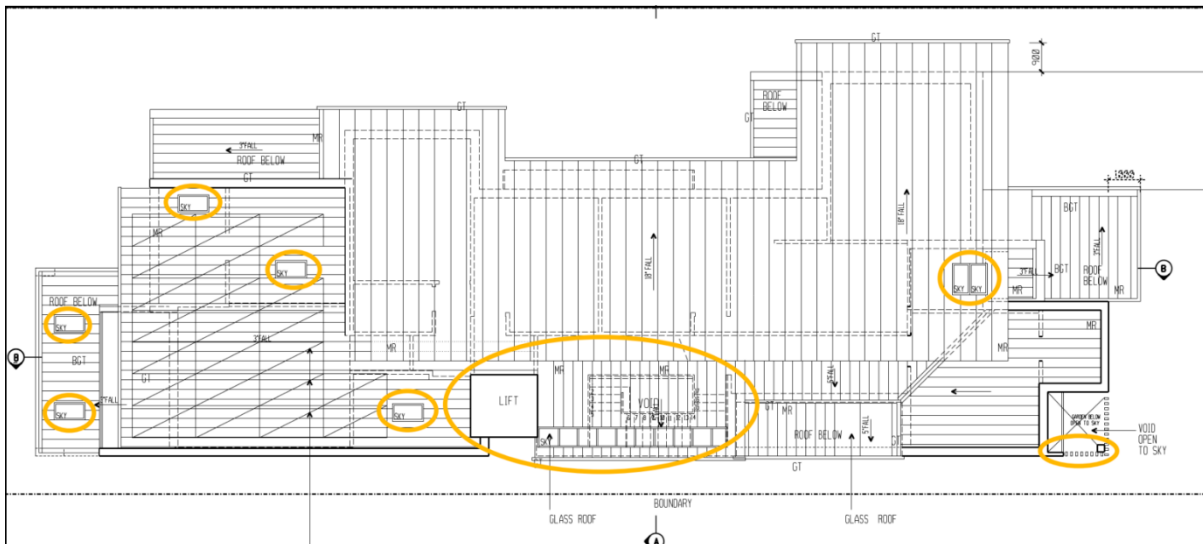


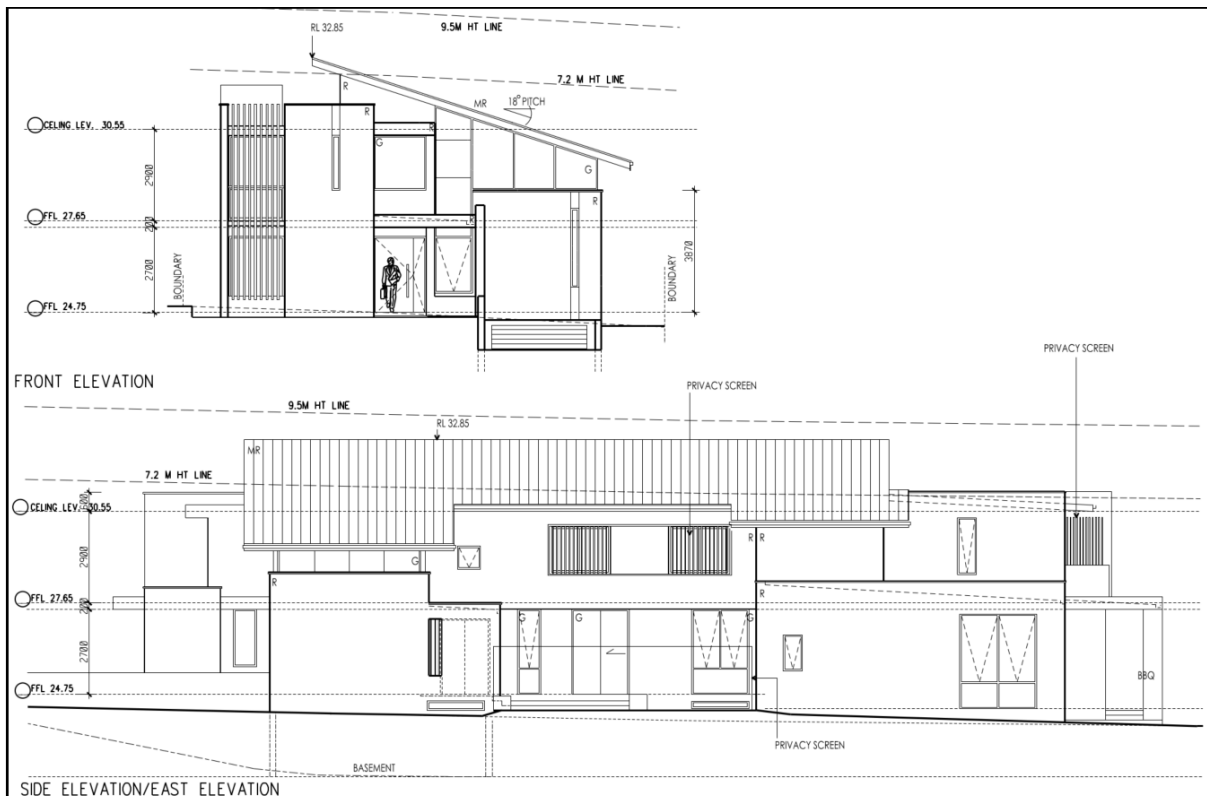
Figure 7: Proposed first floor plan



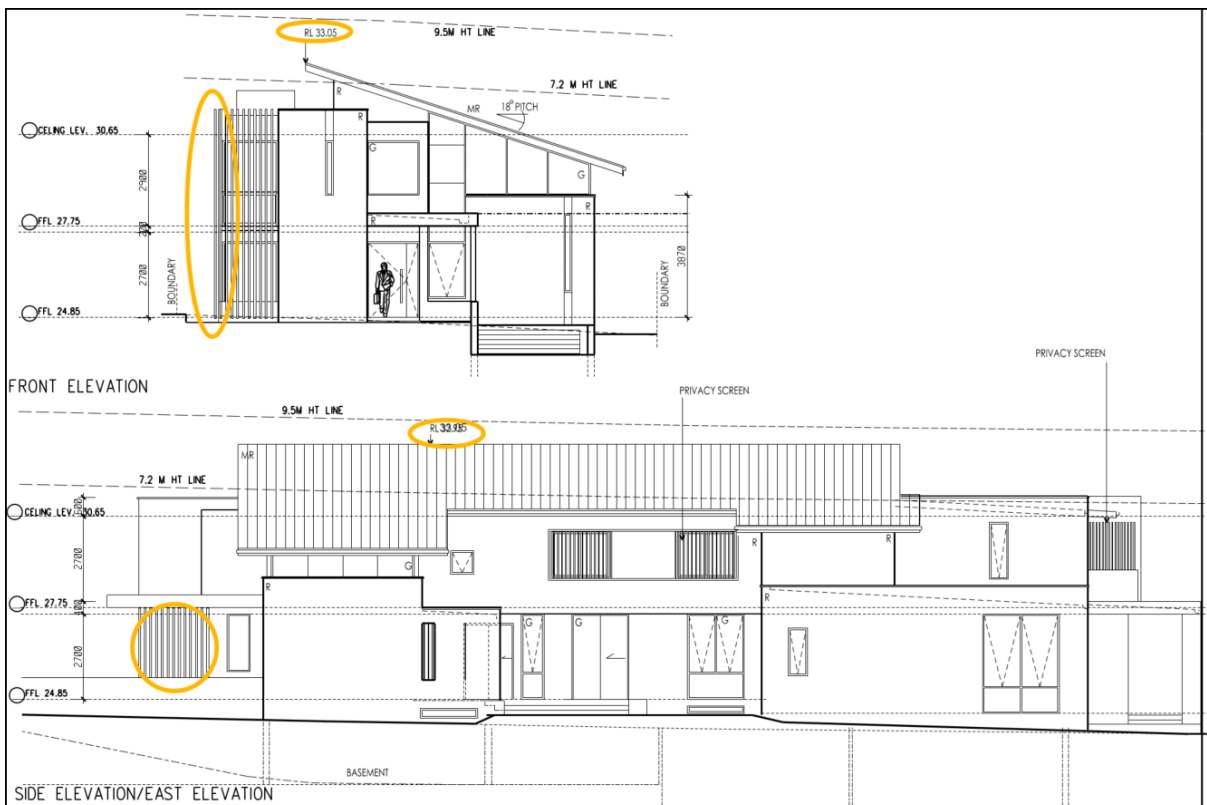
**Figure 8:** Approved roof plan (DA 2021/77)



**Figure 9:** Proposed roof plan

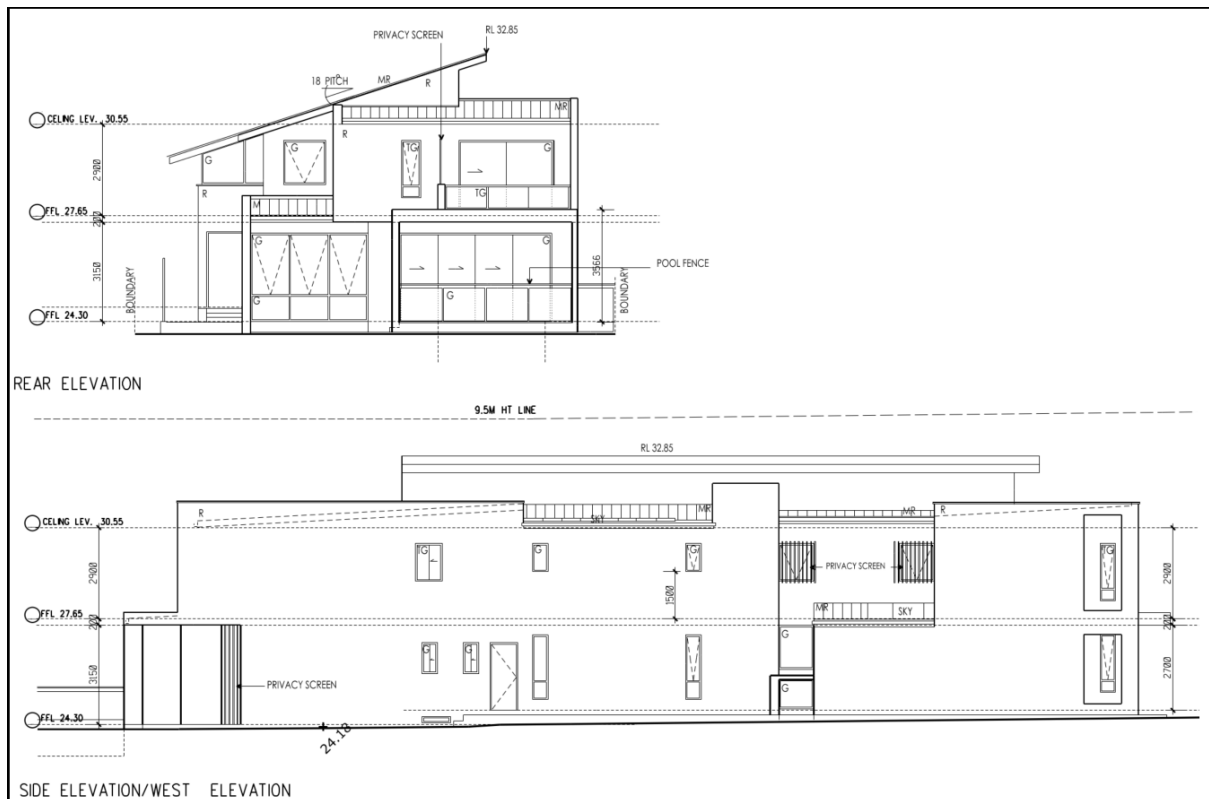


**Figure 10:** Approved south & east elevations (DA 2021/77)

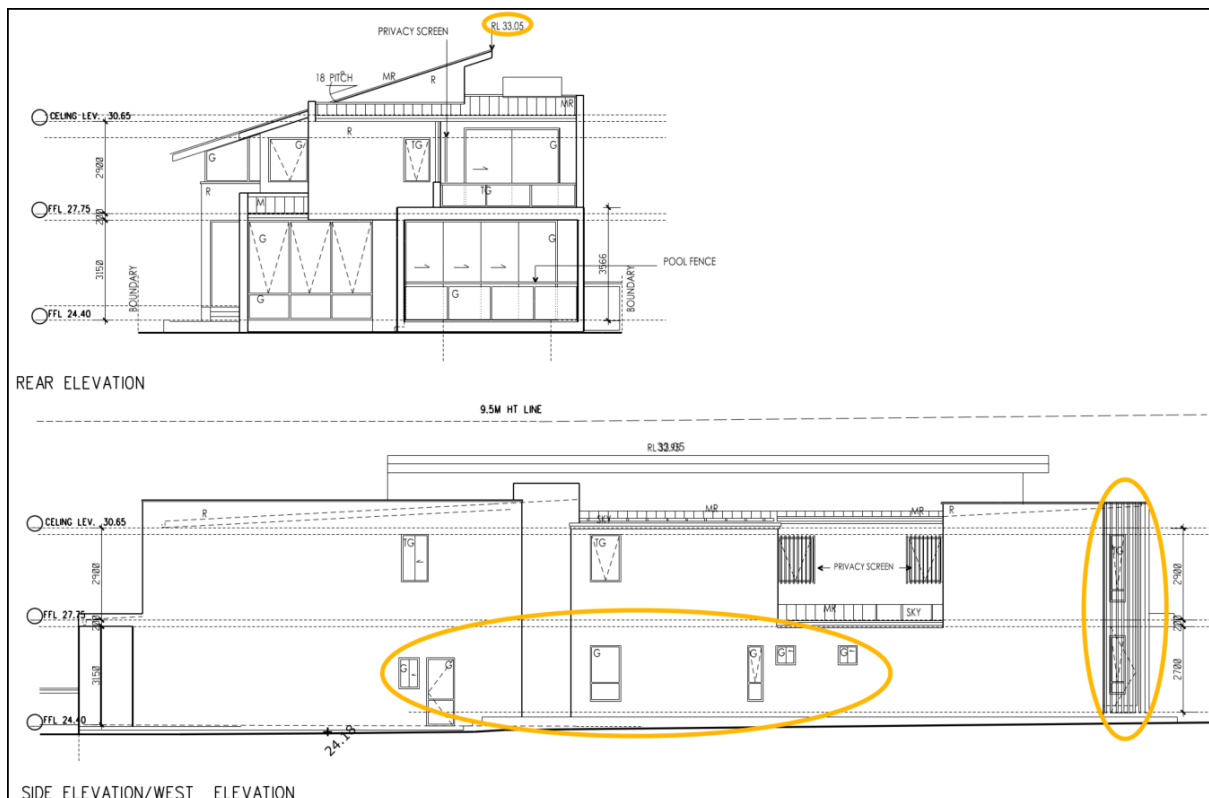


**Figure 11:** Proposed south & east elevations





**Figure 12:** Approved north & west elevations (DA 2021/77)



**Figure 13:** Proposed north & west elevations

## **The Site and Locality**

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

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

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

Development on adjoining properties comprises a two-storey redbrick dwelling at 7 Torrington Road (west side); and a single-storey dwelling at 3 Torrington Road (east). Both adjoining properties are bound by open construction brick fences with decorative metalwork.

## **Background**

6 August 2021	DA 2021/77 for the demolition of existing structures and construction of a new two (2) storey dwelling house with basement level, in-ground swimming pool and associated landscaping works was approved by Strathfield IDAP.
January 17 2022	The subject Modification Application DA 2021/77/2 was lodged.
4 February 2022	The subject site was inspected and photographed by the Assessing Officer.

Sufficient information has been provided to complete a full and thorough assessment of the proposal.

## **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,***

## **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

### **Chapter 2 – Vegetation in non-rural areas**

The intent of this Chapter within the SEPP is 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 additional trees or vegetation subject to the provision of this SEPP.

Existing consent conditions will be maintained.

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

### **Chapter 10 – Sydney harbour Catchment**

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

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

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

## **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	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	Maximum height 9.5m	Approved: 8.895m Proposed: 9.095m	Yes
<b>4.4</b> Floor Space Ratio  <b>[4.4C</b> Exceptions to floor space ratio (Zone R2)]	Site Area: 855.9m <sup>2</sup> 0.55:1 or 470.75m <sup>2</sup>	Approved FSR 437.4 / 855.9 = 0.52:1 (51.1%)  Proposed FSR 468.7m <sup>2</sup> = 0.55:1 (54.8%)	Yes  Yes

### **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 and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

## Part 6 – Additional Local Provisions

### Earthworks

The proposal modifications result in additional excavation works for the provision of storage and service areas below-ground. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

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

**(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 DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	Approved Max: 3.15m	Accepted
Height to ceiling:	7.2m	Proposed Max: 3.13m	Accepted
Basement height above NGL:	<1.0m		Yes
Number of Storeys/Levels:	2	6.9m	Yes
		0.98m	
		2	

<b>Setbacks:</b>	9m	9m (no change)	Yes
Front:	1.2m (min)	2m (no change)	Yes
Side east:	1.2m (min)	1.2m (no change)	Yes
Side west:	3.05m (20%)	3.2 (21%)	Yes
Combined Side Setback:	6m	Rear: 18.6m	Yes
Rear:			
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	(855.9 x 45%) 385.2m <sup>2</sup>	395.5m <sup>2</sup>	Yes
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	No change	Yes
Solid Component:	0.7m	No change	Yes
Secondary Frontage:	1.8m	No change	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Basement:</b>			
Basement protrusion:	Less than 1.0m	0.98m	Yes
Basement ramp/driveway	3.5m	3.5	Yes
Internal height:	2.2m	2.55m	Yes
<b>Ancillary Development</b>			
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	Min. side: 2.23m Rear: 4.27m	Yes Yes

## Building Envelope

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

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



## **Landscaping and Open Space**

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

## **Fencing**

The approved front and side fencing is retained and satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

## **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 proposed modifications are considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

## **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.

## **Vehicular access, Parking and Basements**

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m.

## **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 reduce site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

## **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.

## **Access, Safety and Security**

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

## **PART H – Waste Management (SCDCP 2005)**

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. No submissions were received.

**(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 proposed modifications do not result in the increase or change to the contributions imposed on the original consent.

### **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. 2021/77 for alterations and additions to height, floor levels, basement layout and ground and first level dimensions be approved subject to the following changes:

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.

2. The original conditions of consent of Development Consent No. 2021/77 as approved Council for the demolition of existing structures and construction of a new two (2) storey dwelling house with basement level, in-ground swimming pool and associated landscaping works except were amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted:
  - Amend Condition 1 to include updated plans schedule.

Accordingly, Development Consent 2021/77/2 is approved as per the following



**Signed:**

**G I Choice  
Planner**

**Date: 22 April 2022**

- ☒ 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



**Signed:**

**Jake Brown  
Planner**

**Date: 27 April 2022**

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

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Analysis Plan	DA 01	07/2021	D	P. Kokuleraaj
Site Plan	DA 02	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Basement Plan	DA 03	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Ground Floor Plan	DA 04	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
First Floor Plan	DA 05	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Roof Plan	DA 06	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Side Elevation / East Elevation	DA 07	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj

Side Elevation / West Elevation	DA 08	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Section AA / Section BB	DA 09	<del>07/2021</del> <b>12/2021</b>	<del>D</del> <b>E</b>	P. Kokuleraaj
Indicative Landscape Plan / Front Fence Detail / Street Elevation	DA 11	<del>07/2021</del> <b>12/2021</b>	<del>07/2021</del> <b>12/2021</b>	P. Kokuleraaj
Street Elevation / External Colour Scheme	DA 12	<del>07/2021</del> <b>12/2021</b>	<del>07/2021</del> <b>12/2021</b>	P. Kokuleraaj
Demolition Plan	DA 14	07/2021	D	P. Kokuleraaj
Drainage & Sediment Control Plan 21.03.08.1	D-01	19/04/21	B	Rammy Associates Pty Ltd
Basement Pumpout Plan 21.03.08.1	D-02	19/04/21	B	Rammy Associates Pty Ltd
<b>Document</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Contour Plan	2021/319824	11/11/2020	N/A	Donovan Associates
Aboricultural Impact Assessment and Tree Management Plan	6710	20/03/2021	N/A	Redgum Horticultural
BASIX Certificate	1188684S	27/03/2021		Energy Ratings Australia P/L
Waste Management Plan	5 Torrington Road STRATHFIEL D			

**MODIFIED: DA 2021/77/2 19 April 2022**



## 2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 32.85 AHD to the ridge of the building.

## SEPRARATE 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) 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](http://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](http://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.

#### **5. Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

## REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

### 6. 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](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 7. 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](http://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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$ 4,900.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 3050.00
Administration Fee for Damage Deposit	\$ 130.00

<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 14,000.00

### **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**

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

#### Indexation

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

#### Timing of Payment

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

#### Further Information

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

### **8. Required Design Changes**

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Delete Courtyard Privacy Screen	The courtyard privacy screen on the eastern boundary shall be deleted. A privacy screen may be added to the plans. The screen must be aligned with the living area/sun room wall. The screen shall be a maximum length of 4.5m and a maximum height of 1.8m.

## **9. Damage Deposit – Major Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

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

## **10. Tree Bond**

A tree bond of \$3050.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

## **11. BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1188684S must be implemented on the plans lodged with the application for the Construction Certificate.

## **12. Low Reflectivity Roof**

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

### **13. 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.

### **14. 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.

### **15. Pump-Out System Design for Stormwater Disposal**

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.



## **16. 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.

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

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

## **18. Structural Details**

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

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

## **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 Plan**

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
  - (i) Two (2) canopy tree must be provided in the rear yard if not already provided.
  - (ii) One (1) canopy tree must be provided in the front yard if not already provided.
  - (iii) A minimum of 25% of canopy trees and other vegetation shall be locally sourced indigenous species.
- (iv) Details of planting procedure and maintenance;
- (v) Landscape specification;
- (vi) Details of garden edging and turf; and
- (vii) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

## **22. 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.

## **23. 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.

## **24. Compliance with Submitted Arborist Report**

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

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

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

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

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

7	<i>Pittosporum eugenioides</i> – Tarata	Mid-west boundary of 3 Torrington Road	TPZ setback of 2.3m radial from COT
10	<i>Prunus spp.</i> – Peach	Rear west boundary of 3 Torrington Road	TPZ setback of 3.6m radial from COT
11	<i>Syzygium spp.</i> – Lilly Pilly	Mid-west boundary of 3 Torrington Road	TPZ setback of 2.4m radial from COT

### General Tree Protection Measures

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

### Specific Street Tree Protection Measures

- (i) 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.

### Excavation works near tree to be retained

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

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

## 25. Tree Removal & Replacement

### Tree removal

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

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

### General Tree Removal Requirements

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

### Tree Replacement and New Tree Planting

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



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

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

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

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

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

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

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

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

### **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 Principal Certifier 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](http://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. 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.

## **29. 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.

### **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. 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.

### **32. 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.

### **33. Cost of Work to be Borne by the Applicant**

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

### **34. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

### **35. Swimming Pools – Filling with Water**

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

### **36. Waste Management Facility**

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

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

### **37. 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**

### **38. 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.

### **39. 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.

#### **40. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

#### **41. 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.

#### **42. Restriction to User and Positive Covenant for On-Site Detention Facility**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

#### **43. 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.

#### **44. 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.

#### **45. Stormwater Drainage Works – Works As Executed**

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

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

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

### **OPERATIONAL CONDITIONS (ON-GOING)**

#### **46. 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.

#### **47. 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.

#### **48. 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.

#### **49. Clause 98F – Site Excavation**

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

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

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

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

### **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 Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier 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 Principal Certifier 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 Principal Certifier 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 Principal Certifier of their intention to commence the erection or demolition of a building.

### **54. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. 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 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

### **55. Notice to be Given Prior to Critical Stage Inspections**

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

### **56. 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**

### **57. Clause 75 – BASIX Commitments**

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

### **58. 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.

### **59. Clause 71 – 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](#).

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

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

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

**vii. 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](http://www.SafeWork.nsw.gov.au)).

**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](http://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](http://www.swimmingpoolregister.nsw.gov.au)