

IDAP REPORT

Property:	27A Kingsland Road Strathfield LOT 6 DP 28678 DA2022.74
Proposal:	Demolition of existing structures, construction of a dwelling with a basement and swimming pool.
Applicant:	A Nemra
Owner:	H Tamergi & N A Assi
Date of lodgement:	14 April 2022
Notification period:	25 April 2022 – 10 May 2022
Submissions received:	Nil
Assessment officer:	L Gibson
Estimated cost of works:	\$1,701,904.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Aerial view of subject site (outlined in yellow) and surrounding residential context.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures, construction of a dwelling with a basement and swimming pool.

Site and Locality

The site is identified as 27A Kingsland Road Strathfield and has a legal description of Lot: 6 in DP: 28678. The site is a square-shaped parcel of land containing a splay to its south-eastern corner. The site is located on the eastern side of Kingsland Avenue immediately north-west of the intersection of Kingsland Avenue with Highgate Street.

The site provides a frontage width of 19.99m, a northern side boundary depth of 29.92m, a rear western boundary width of 23.58m and an overall site area of 695.5m².

The locality surrounding the subject site contains a mixture of dwelling development. Architectural styles in the streetscape are predominantly traditional in style featuring pitched terracotta roof forms and brown and red brick exterior walls. There is an emergence of modern-style flat roofed development in the streetscape.

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 (25 April 2022 – 10 May 2022), where no submissions were received.

Issues

- Streetscape compatibility; and
- Bulk and scale.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/74 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, construction of a dwelling with a basement and swimming pool.

Demolition of existing structures including existing dwelling and in-ground swimming pool.

Construction of a new dwelling including:

Basement level:

- 2 car parking spaces;
- Storage Area;
- Comms room;
- Pool pump and service room; and
- Internal lift well and stair.

Ground floor level:

- Formal lounge;
- Office/play area;
- Open plan living, dining, kitchen and butler's pantry; and
- Powder room.

First floor level:

- Three bedrooms each with WIR and ensuite;
- Rumpus room;
- Master suite with WIR and ensuite.

External works:

- Swimming pool;
- Alfresco area;
- Outbuilding with bathroom and shower;
- Front and side boundary fencing; and
- Associated landscaping and stormwater drainage works.

Figures 2-7 below are excerpts from the amended architectural package.



Figure 2: 3D render of proposed dwelling house.

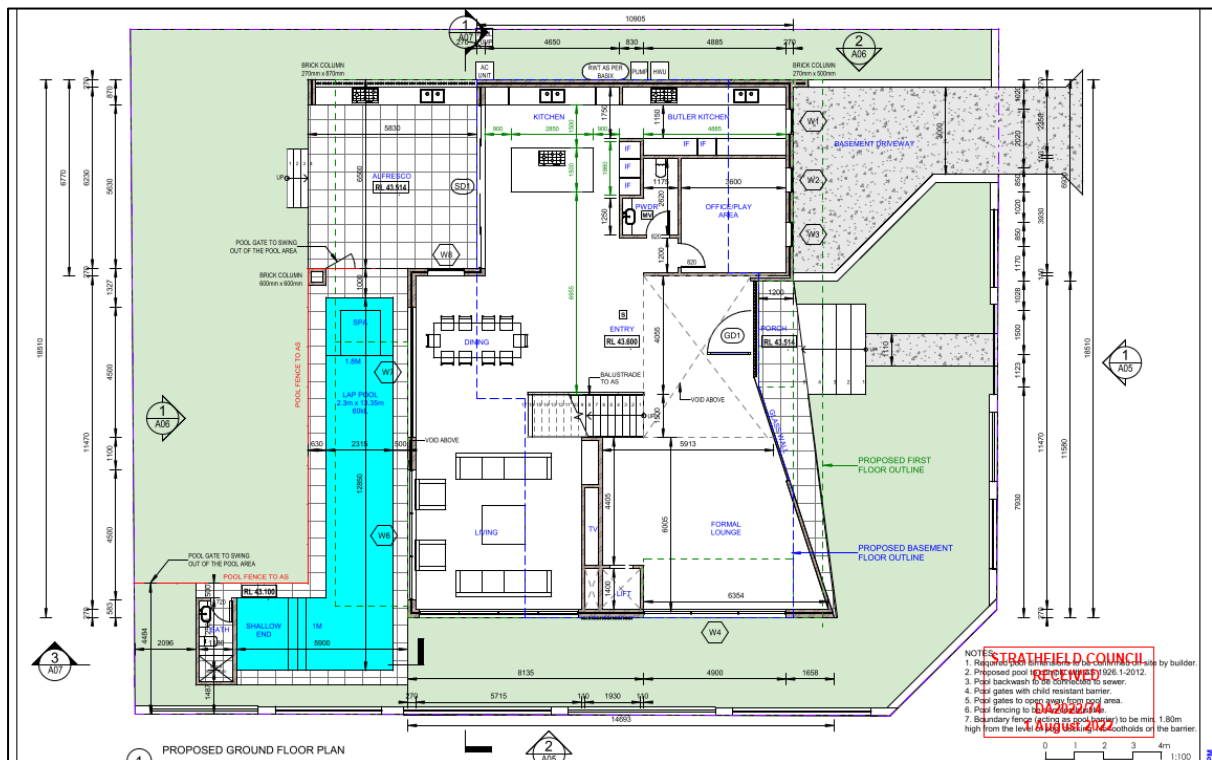


Figure 3: Proposed Ground Floor Plan.

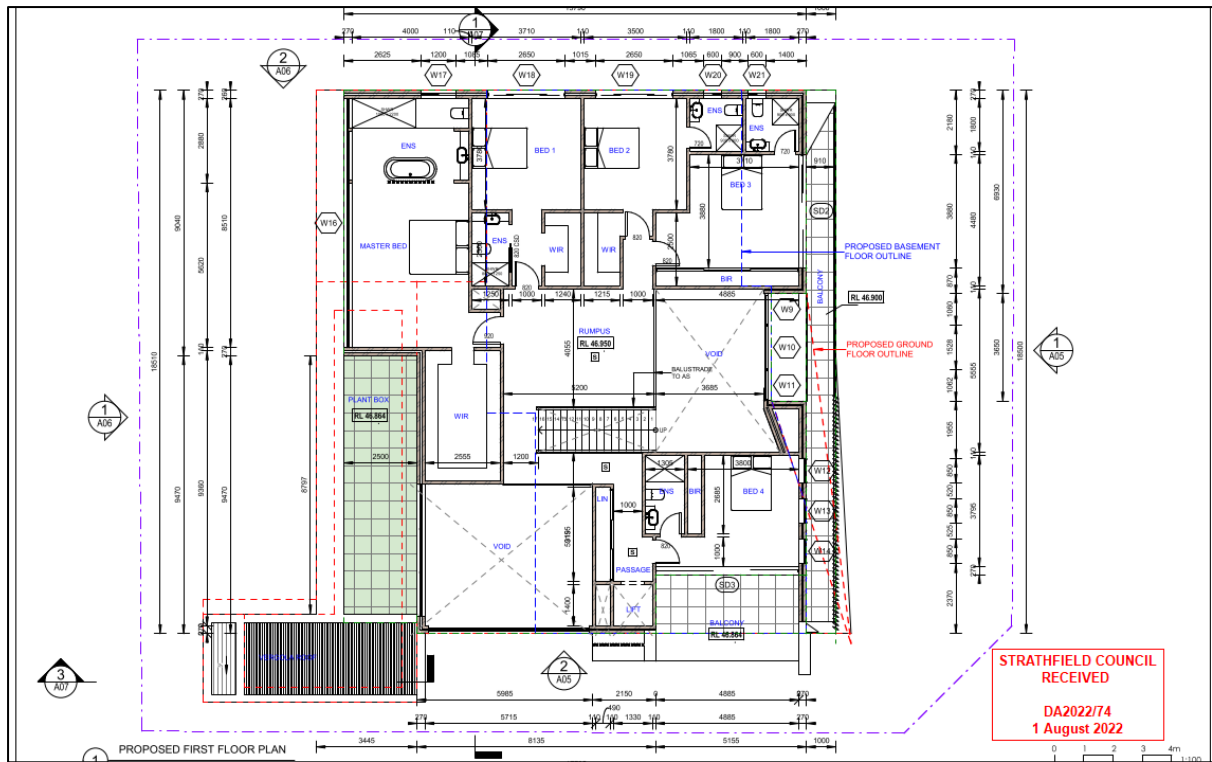


Figure 4: Proposed First Floor Plan.

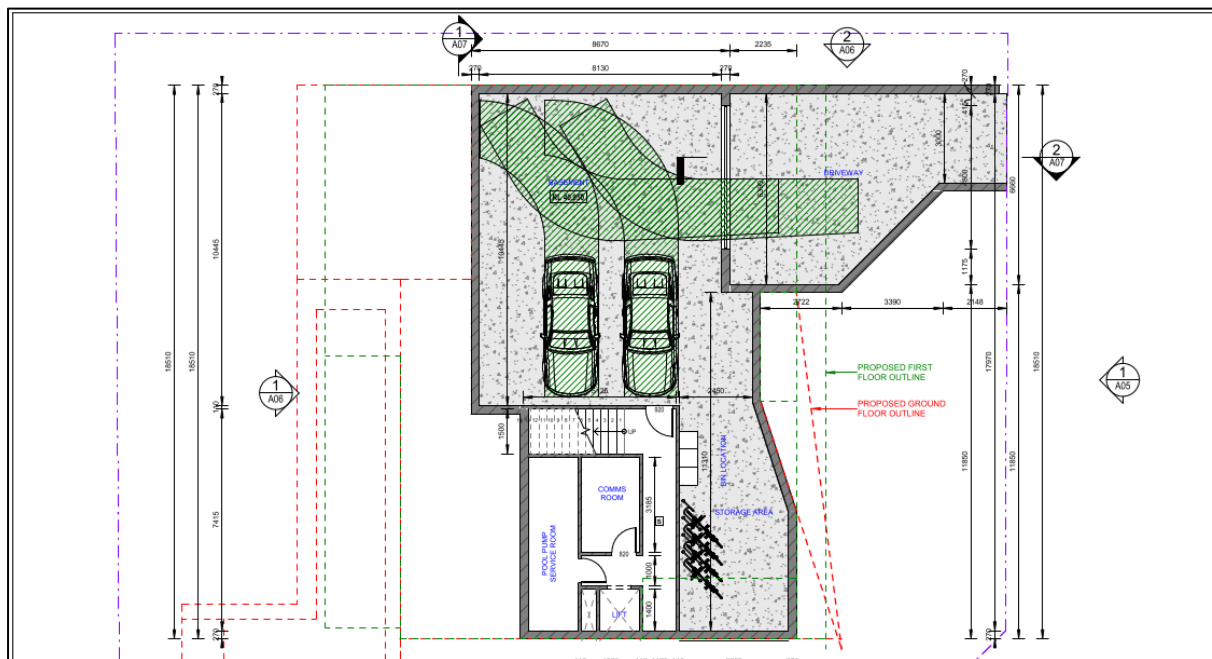


Figure 5: Proposed Basement Floor Plan.

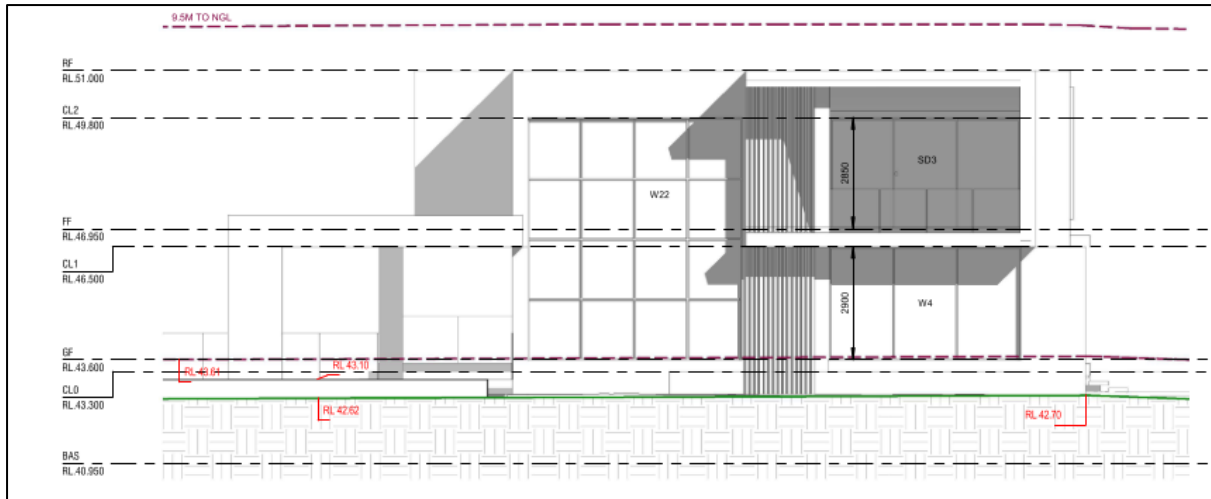


Figure 6: Proposed East and South Elevation Plan.

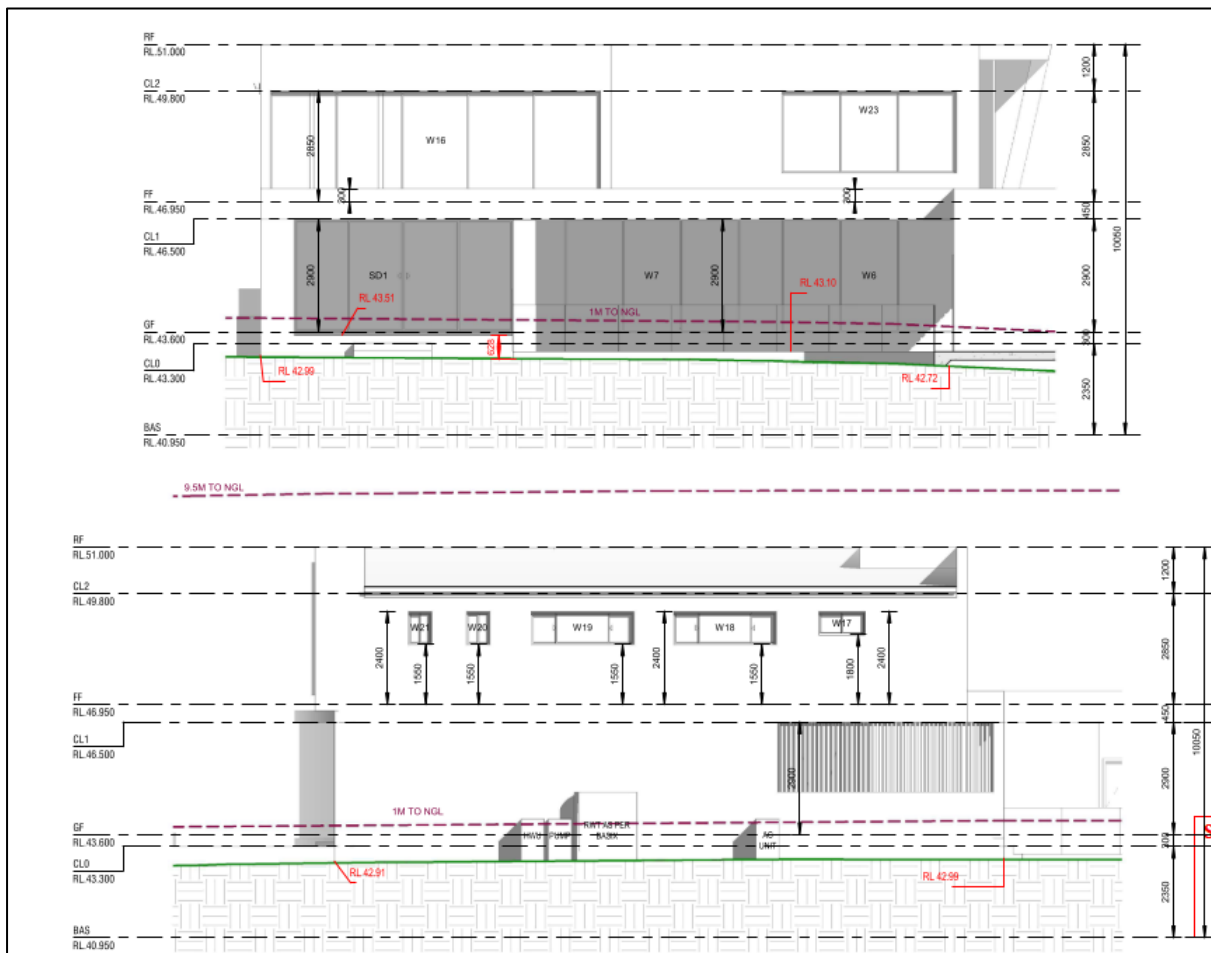


Figure 7: Proposed West and North Elevation Plan.

The Site and Locality

The subject site is legally described as Lot: 6 DP: 28678 and commonly known as 27A Kingsland Road Strathfield. The site is a square-shaped allotment and corner site located immediately north-west of the intersection of Kingsland Road with Highgate Street.

The site contains a splay to the south-east corner of the site providing a frontage width of 20m to the east and 26m to the south; and a total site area of 695.5m². The site provides a gentle cross-fall of 1.37m from the north-west to south-east corners of the site.

The site is occupied by a single story brown brick dwelling with pitched tiled roof form and matching brick fence. Vehicular access is provided via an existing driveway from Highgate Street to an existing garage.

The immediate streetscape is typified predominantly by single storey residential development with some two storey residential development scattered throughout (refer to Figures 8-13 below).



Figure 8: View of existing dwelling from Kingsland Road.



Figure 9: Rear view of existing site



Figure 10: Subject site and surrounds facing north-west



Figure 11: More recently constructed development along 24 – 28 Kingsland Road.



Figure 12: Existing dwellings along the northern side of Highgate Street with subject site pictured far right.



Figure 13: Kingsland Road facing south. Subject site is located in background.

Background

14 April 2022	The subject application was lodged with Council.
25 April – 10 May 2022	The subject application was placed on notification for a period of (14) days. No submissions were received during this time.
17 May 2022	Site inspection carried out by assessing officer.
18 May 2022	<p>A Request for Additional Information letter was sent to the applicant raising concern for the following matters:</p> <ul style="list-style-type: none"> • FSR exceedance; • Excessive basement size; • Non-compliant landscaping; • Setbacks

	<ul style="list-style-type: none"> • Driveway width; and • Visual Privacy.
17 June 2022	Amended architectural plans were submitted to Council via the online Planning Portal which sought to resolve the matters raised above.
20 June 2022	A request was made to further reduce the basement floor plan which Council's assessing officer deemed was still excessive in its size.
22 June 2022	An amended basement plan was submitted to Council via the online Planning Portal demonstrating a more confined basement footprint.
6 July 2022	Applicant was advised that the proposed changes resulting in the creation of a new and additional void area is not supported. Amended plans were requested to be prepared and submitted to Council to address this.
1 August 2022	Amended plans were submitted to Council seeking further reductions in the building footprint so to address the excessive void spaces in the dwelling.

Referrals – Internal and External

Stormwater

The application was referred to Council's Development Engineer for comment. The following comments were made:

"From engineering perspective, concept plan is feasible".

No further concerns were raised subject to standard conditions of consent.

Trees

The application was referred to Council's Tree Management Officer for comment. The proposal was supported subject to relevant conditions of consent including replacement tree planting as a result of the proposed removal of the acer and camellia trees in the front yard of the site.

Traffic

The application was referred to Council's Traffic Manager for comment. The following comments were made:

"Pursuant to DCP Part A Clause 8.2.3, the applicant has demonstrated that all vehicles can enter and exit the basement in a forward direction. This is considered satisfactory.

The proposed basement entry ramp does align with the indicated vehicular crossing. This is considered satisfactory.

The basement carpark manoeuvring area and car parking dimensions indicated on plan No. A02 look to be satisfactory, allowing vehicles to enter and exit in a forward direction. This is considered satisfactory.

The DA Plans show that the width of driveway at the property boundary is 3.5m. Pursuant to DCP Part A Clause 8.2.1 this width must not exceed 3.0m. This is considered unsatisfactory. And a redesign is required.

Ramp Grades

The Max Ramp Grade shown for the internal driveway is 24.9%. At the boundary AS2890 requires a max grade at the boundary transition area of 12.5%.

The gradient details of the ramp from the front boundary into the site are as follows,

*12.3% for 2.0m
24.9% for 4.28m
12.3% for 2.0m*

*Comment;
This is considered satisfactory."*

No further concerns were raised subject to standard conditions of consent which had been imposed in the conditions of consent.

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 proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees. Replacement tree planting is recommended to offset the removal of the 2 trees proposed for removal in the front setback of the site. Relevant consent conditions will be imposed.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 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 Chapter 4 of the SEPP are considered to be 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 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
4.3 Height of Buildings	9.5m	8.23m	Yes
4.4 Floor Space Ratio	0.60:1 (417.3m ²)	0.57:1 (393.5m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

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

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The proposal has been amended throughout the assessment process to achieve a reduced basement footprint which results in less excavation work and achieves a basement which fits within the confines of the ground floor dwelling footprint.

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.

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.

(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: Parapet height: Overall height for flat roof dwelling: Basement height above NGL: Number of Storeys/Levels:	3.0m 0.8m 7.8m 1.0m 2	6.2m to void areas; 2.9m to all remaining areas on ground floor; 2.85m to all remaining areas on first floor. 1.2m 8.26m 1.0m 2	No – refer discussion below. No – refer discussion below. No – refer discussion below. Yes. Yes.
Setbacks: Front: Side: Combined Side Setback: Rear:	9m 1.2m (min) 4.76m (20%) 6m	5.1m (front setback to Kingsland) 900mm secondary setback to Highgate Street. 1.7m (north); 1.0m setback (south) 3.3m - 5.153m 2m	No – refer discussion below. No – refer discussion below. No – refer discussion below. No – refer discussion below.
Landscaping			
Landscaping/Deepsoil Provisions:	41.5% (288.63m ²)	42.2% (293.7m ²)	Yes
Fencing			
Height (overall/piers): Solid Component: Secondary Frontage:	1.5m (maximum) 0.7m 1.8m	1.24m 630mm Insufficient detail provided	Yes Yes To be conditioned.

Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS achieved to adjoining development	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2m from northern side boundary.	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	1.0m	800mm	Yes
Basement ramp/driveway	3.5m	6.39m	Yes
Internal height:	2.2m	2.23m	Yes
Ancillary Development			
SWIMMING POOL			
Side/Rear Setback	1.0m	1.0m	Yes

Building Envelope

The proposed development seeks a contemporary design with flat roof form, angled parapet and blade wall design comprised of concrete, marble, timber and rendered textures. The proposal seeks a building height of 8.26m which exceeds the maximum permitted 7.8m building height requirements for flat roof dwellings under Section 4.2.2 of Part A of the SCDCP 2005. Further, the proposal seeks a parapet height of 1.2m which exceeds the maximum permitted 0.8m parapet height permitted under Section 4.2.2 of Part A of the SCDCP 2005. The additional building height is a result of the angled blade wall and parapets to the dwelling's façade (both to Kingsland Road and Highgate Street) which add visual interest and added articulation to the façade. Notwithstanding this, a condition of consent is recommended to reduce the parapet height from 1.2m to a compliant 800mm, and thus overall building height from 8.26m to 7.86m, so to further reduce height and bulk applied to the dwelling.

Floor to Ceiling Heights / Void Spaces

The proposal incorporates two voids located at the building's front entrance and over the proposed living area to the rear of the dwelling. Each void is proposed to a height of 6.2m which is contrary to the maximum 3m floor to ceiling heights required to be provided as per Section 4.2 of Part A of the SCDCP 2005. A floor to ceiling height of 2.9m is proposed to all remaining areas on ground floor and 2.85m to all remaining areas on the first floor which otherwise complies with this control.

The objectives of this control is to ensure that dwellings are compatible with the built form of the local area and that the overall bulk and scale, size and height of dwellings relative to natural ground level responds to adjoining dwellings, topography and desired future character. Whilst no concern is raised for the front entrance void as it is considered appropriate in size and provides added internal amenity to the dwelling, concern is raised for the rear void over the living area. The void is south facing adding little additional internal amenity for future residents. Further, the void contributes toward additional and unnecessary bulk, height and scale to the development which will be readily visible from its secondary frontage to Highgate

Street. This void is therefore not supported in this instance. A condition of consent is therefore recommended to ensure that the living room void be deleted and the floor to ceiling height be lowered to align with the remaining ground floor's 2.9m floor to ceiling height.

Setbacks

Front Setback

The proposal seeks to retain its primary street entrance to Kingsland Avenue with a front setback of 5.5m being proposed. A departure from the 9m front setback controls as per Section 4.2 of Part A of the SCDCP 2005 may be considered subject to existing development on the site as well as the location and siting of existing surrounding development.

The adjoining site structures further north of the site upon the western side of Kingsland Road feature garage structures with a nil setback to the street. The dwellings immediately east of the site on the opposite side of the Kingsland Road at 26 Kingsland Road and further north at 16-18 Wakeford Road provide a direct frontage to Kingsland Road however, they comprise garage and carport structures with a nil setback to the street. The building rhythm is varied with no unified setback alignment.

It is further noted that the proposed 5.1m setback of the dwelling is taken from the point closest to the south-eastern corner of the allotment with the front building line angled back along its Kingsland Road frontage to an increased front setback of 6.2m. The proposed setback is considered acceptable in this instance having regard for the unique corner nature of the block and lack of unified setbacks due to dwelling layouts and configurations of surrounding sites.

Side Setbacks

A southern side setback ranging from 1.0m to 3.4m is proposed along the site's secondary frontage to Highgate Street. The proposed 1.0m setback is a result of the proposed bathroom and attached awning structure which sprawls across the southern portion of the swimming pool. The lack of building separation combined with the proposed 4.7m height of the structure will add considerable bulk and scale to the dwelling which will be imposing in the street and adversely impact upon a sense of openness from being achieved between dwellings in the streetscape.

A condition of consent is therefore required for this awning to be deleted and for the toilet to remain as a standalone structure being raised no more than 3.5m above NGL so to comply with the maximum 3.5m building height for outbuildings as per Section 4.4.2 of Part A of the SCDCP 2005.

Section 4.2.3.2 of Part A of the SCDCP 2005 requires a minimum combined 4.76m (20%) to be achieved on the site. The proposal results in a combined setback of 3.3m - 5.153m which fails to comply with this requirement. The departure is a result of the proposed southern awning structure as well as the awning and blade wall structures proposed to the south facing balcony. Whilst it is appreciated that the angled blade walls to the south facing balcony are an expressive element providing visual interest and articulation to the façade, the structure is imposing on the street and will impinge view corridors and a sense of openness from being maintained within the streetscape. This is particularly noting that the balcony and awning face directly onto the secondary frontage and will be readily visible from the street. A condition of consent is therefore recommended for the south facing balcony's awning and supporting blade walls to be deleted so that the balcony and any supporting elements achieve a side setback of a minimum 3.4m from the site's southern side boundary.

Through the deletion of these elements, the site will be able to achieve a compliant setback of 5.153m across the entire building in accordance with Council's controls.

Rear Setback

The proposed toilet and overhead awning structure results in a 2.0m setback from the rear western property boundary. This presents a 4m departure from the minimum 6m rear setback controls as per Section 4.2.3.2 of Part A of the SCDP 2005. A condition of consent requiring the awning structure to be deleted has been recommended which will allow the dwelling to achieve a compliant 6m rear setback across the entire site. The toilet will in effect remain as a standalone outbuilding structure which is allowed to encroach within this rear setback area. The 2m setback already provided to the toilet structure is considered acceptable in this instance subject to the building height being reduced as previously recommended by conditions of consent.

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 fencing satisfies the relevant objectives and controls within SCDP 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. Insufficient detail has been provided with the application to adequately demonstrate the style, height and colours proposed to the side boundary fence along Highgate Street. This can be done by way of exempt development and therefore does not form part of this consent.

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.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDP 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 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 and 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 been submitted with the application to prevent or minimise soil disturbances during construction.

Access, Safety and Security

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

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in within the basement 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)

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 during this time.

(e) *the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$1,701,904.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$17,019.00
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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. 2022/74 should be approved subject to conditions of consent.



Signed:

**L Gibson
Senior Planner**

Date: 2 August 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 development application and I also certify that Section 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed.

Signed:

P Santos
Senior Planner

Date: 2 August 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
Demolition Plan	A01.101	17 May 2022	B	Nemco Design
Site Plan & Roof Plan	A01.02	17 May 2022	B	Nemco Design
Waste Management & Sediment & Erosion Control Plan	A01.03	17 May 2022	B	Nemco Design
Proposed Basement Floor Plan	A02	17 May 2022	B	Nemco Design

Proposed Ground Floor Plan	A03	17 May 2022	B	Nemco Design
Proposed First Floor Plan	A04	17 May 2022	B	Nemco Design
Proposed East and South Elevation Plan	A05	17 May 2022	B	Nemco Design
Proposed West and North Elevation Plan	A06	17 May 2022	B	Nemco Design
Proposed Section 1, Driveway and Pool Section	A07	17 May 2022	B	Nemco Design
Proposed Front Fence Elevation Plan	A12	17 May 2022	B	Nemco Design
Schedule of Finishes	A13	17 May 2022	B	Nemco Design
Stormwater Concept Plans	Pages 1-5	17 June 2022	B	Nemco Design

Reference Documentation

Description	Reference No.	Date	Revision
BASIX Certificate	Cert No.1277266S	3 February 2022	-
Waste Management Plan		2 February 2022	

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 51.00 AHD to the roof 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. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

4. Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 5,956.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Total Section 94 Contributions:	\$ 17,019.00

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.

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

Indexation

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

Timing of Payment

The contribution must be paid and receipted by Council

- prior to the release of the Construction Certificate.

Further Information

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

7. Required Design Changes

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

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.
Living room void	Amended plans shall be prepared and submitted to PCA demonstrating that the living room void has been deleted and the floor to ceiling height lowered to a maximum height of 2.9m.
Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Parapet Height	Amended plans shall be prepared and submitted to PCA demonstrating that the parapet wall shall be reduced from 1.2m to 800mm above the uppermost ceiling level.
Southern awning and toilet structures	Amended plans shall be prepared and submitted to PCA demonstrating that the southern awning has been deleted and for the toilet to remain as a standalone structure being raised no more than 3.5m above NGL so to comply with the maximum 3.5m building height for outbuildings as per Section 4.4.2 of Part A of the SCDGP 2005.
South-facing balcony	Amended plans shall be prepared and submitted to PCA demonstrating that the south facing balcony's awning and supporting blade walls are deleted so that the balcony and any supporting elements achieve a side setback of a minimum 3.4m from the site's southern side boundary.

8. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000
- (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.

9. Tree Bond

A tree bond (Tree 1) – *Tristanopsis laurina* / street tree in Highgate Street) of \$10,150.00 (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.

10. 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.

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. 1277266S must be implemented on the plans lodged with the application for the Construction Certificate.

12. Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the Principal Certifier.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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).

19. 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.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

20. 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.

21. 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.

22. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Tristaniopsis laurina	Street tree located in Highgate Street outside 27A Kingsland Road	3.6 metres

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

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

23. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Acer palmatum	1	Located in front yard along Highgate Street frontage at 27A Kingsland Road
3	Camellia japonica	1	Located in front yard at 27A Kingsland Road

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

All trees permitted to be removed by this consent shall be replaced [1 tree for each tree removed] by species selected from Council's Recommended Tree List and must have a minimum mature height of 6-8 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)

24. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the 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.

25. Demolition Notification Requirements

The following notification requirements apply to this consent:

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

26. Demolition Work Involving Asbestos Removal

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

27. Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

28. Registered Surveyors Report - During Development Work

A report must be submitted to the Principal Certifier 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 Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

29. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.

DURING CONSTRUCTION

30. 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.

31. Ground Levels and Retaining Walls

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

32. 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.

33. Swimming Pools – Filling with Water

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

34. BASIX Certificate

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

35. BASIX Compliance Certificate

A Compliance Certificate must be provided to the Principal Certifier regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

36. 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 or ground mounted hot water systems).

37. Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the properties immediately adjoining the site to the north and west.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

38. 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.

39. Stormwater Certification of the Constructed Drainage Works (Minor)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

40. 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)

41. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

42. 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.

43. Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

44. 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

45. Requirement for a Construction Certificate

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

46. 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.

47. 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.

48. 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.

49. 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](#).

50. 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.

51. 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

52. Clause 75 – BASIX Commitments

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

53. Clause 69 – 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.

54. Clause 70 – 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 Principal Certifier and the Principal Contractor.

55. 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

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. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

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).

viii. 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

ix. 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)