

IDAP REPORT

Property:	48 Rickard Road STRATHFIELD Lot: 15 DP: 16967 DA2022.106
Proposal:	Demolition of existing structures, construction of two storey dwelling along with detached outbuilding, in-ground pool & front boundary fence.
Applicant:	K Murad
Owner:	A Zakir & Z Hussain
Date of lodgement:	6 June 2022
Notification period:	17 June 2022 - 1 July 2022
Submissions received:	1 submission received
Assessment officer:	L Gibson
Estimated cost of works:	\$979,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	N/A
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 two storey dwelling along with detached outbuilding, in-ground pool & front boundary fence.

Site and Locality

The site is identified as 48 Rickard Road Strathfield and has a legal description of Lot: 15 DP: 16967. The site is an irregular shaped parcel of land with a considerable splay to the south-eastern corner of the site. The site is located on the eastern side of Rickard Road immediately west of the intersection of Belvedere Avenue and Rickard Road.

The site has a width of 15.24m, a northern side boundary depth of 41.82m, southern side boundary depth of 43.4m, rear boundary width of 21.335m and an overall site area of 758.8m².

The locality surrounding the subject site contains predominantly single and two (2) storey brick dwellings with some medium density residential flat development south of the site fronting Liverpool Road.

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 17 June 2022 - 1 July 2022, where 1 submission was received raising the following concerns;

- Overshadowing; and
- Visual privacy loss

Issues

- Overshadowing; and
- Setbacks.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/106 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 two storey dwelling along with detached outbuilding, in-ground pool & front boundary fence. More specifically, the proposal includes;

Demolition of existing structures including existing dwelling

Construction of a new dwelling including:

Ground floor level:

- Double garage incorporated into dwelling design;
- Guest bedroom with WIR and ensuite;
- Formal lounge room;
- Bathroom;
- Media room;
- Open plan family, kitchen and dining room;
- Butler's pantry and laundry.

First floor level:

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

External works:

- Swimming pool;
- Alfresco area;
- Cabana with BBQ and toilet;
- Front boundary fencing; and
- Associated landscaping and stormwater drainage works.

Figures 2-6 below are excerpts from the amended architectural package.

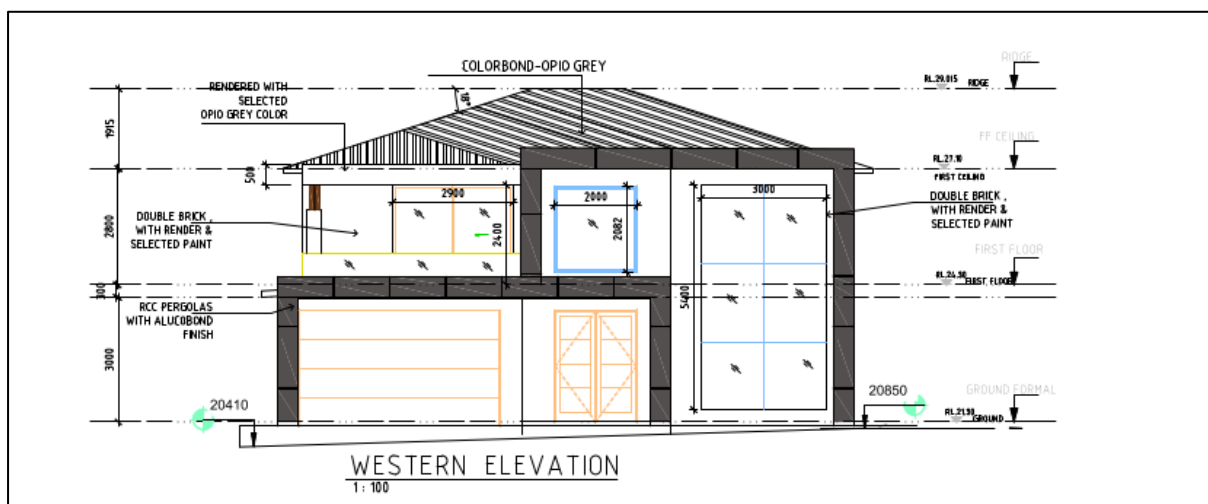


Figure 2: Proposed Front (western) Elevation Plan

Figure 5: Proposed Ground Floor Plan

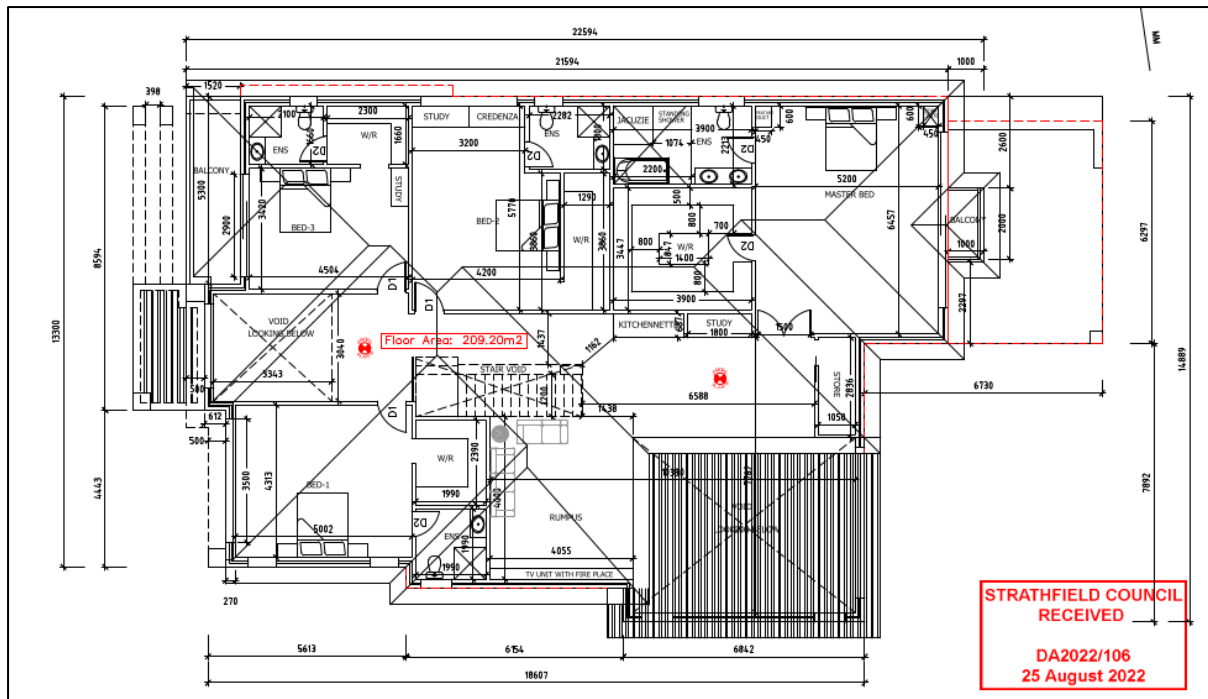


Figure 6: Proposed First Floor Plan

The Site and Locality

The site is identified as 48 Rickard Road Strathfield and has a legal description of Lot: 15 DP: 16967. The site is an irregular shaped parcel of land with a considerable splay to the south-eastern corner of the site. The site is located on the eastern side of Rickard Road immediately west of the intersection of Belververde Avenue with Rickard Road.

The site has a width of 15.24m, a northern side boundary depth of 41.82m, southern side boundary depth of 43.4m, rear boundary width of 21.335m and an overall site area of 758.8m².

The site is occupied by a single storey brown brick cottage with pitched terracotta roof form and matching low-lying brick fence. Vehicular access is provided by an existing driveway fronting Rickard Road (refer to Figure 7).

Existing dwelling development in the streetscape features an array of architectural styles. There is a growing emergence of new 2 storey dwelling development of brick and render exterior finishes (Figure 8). Development in the streetscape are comprised of pitched tiled roof constructions including the residential flat development located south-west of the site (Figure 9).



Figure 7: View of existing dwelling from Rickard Road.



Figure 8: Numbers 53 and 51 Rickard Road (pictured left to right) located immediately west of site.



Figure 9: Residential flat building (10 Belleverde Avenue) located a directly south-west of the site.



Figure 10: Rear yard of subject site

Background

6 June 2022	The subject application was lodged with Council.
17 June 2022 – 1 July 2022	The subject application was placed on notification for a period of (14) days. No submissions were received during this time.
21 June 2022	Site inspection carried out by assessing officer.
6 July 2022	A Request for Additional Information letter was sent to the applicant raising concern for the following matters: <ul style="list-style-type: none"> • FSR exceedance; • Streetscape compatibility; • Bulk and Scale; • External colours and finishes details to be shown; • Insufficient Setbacks; • Non-compliant landscaping; • Overshadowing; • Rear outbuilding use; • Swimming pool pump and equipment details to be shown; • Arborist Report to be submitted; and
25 August 2022	Amended architectural plans and documentation was submitted to Council via the online Planning Portal which sought to resolve the matters raised above.

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. It was advised that an Arborist Report be prepared and submitted with the application having regard for the large *Cinnamomum camphora* (Camphor Laurel) in the adjoining rear yard of 39 Amaroo Avenue.

The following comments were made following receipt of the Arborist Report:

"As the Cinnamomum camphora is the only tree on site and the incursion into the Tree Protection Zone is less than permissible 10% as per AS4970:2009, the cabana can be constructed with no conditions.

All recommendation set in the Arboricultural Impact Assessment Prepared by Sam Allouche 08/22 are to be followed."

The proposal was supported subject to relevant 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 whom requested an Arborist Report be prepared and submitted to Council. This was due to the new build having possible impacts on the large tree to the rear of the site at 39 Amaroo Avenue.

Specific conditions have been imposed to ensure compliance with the recommendations of the submitted Arborist Report. Further conditions have also been imposed to ensure the ongoing protection of trees surrounding the site and for new canopy tree planting to be provided on site.

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

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	8.47m	Yes
4.4 Floor Space Ratio	0.575:1 (436.31m ²)	0.573:1 (435m ²) <u>Ground:</u> 226m ² <u>First:</u> 209m 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 and is located within 500m of a Class 4 soils. Notwithstanding this, the proposal does not involve any excavation resulting in any lowering of the watertable. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Essential Services

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

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	5.766 (to void) 3m to ground floor 2.8m to first floor.	No – refer to discussion below.
Height to underside of eaves:	7.2m	6.63m	Yes
Parapet height:	0.8m	500mm	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	7.1m	No – refer to discussion below.
Side:	South:1.2m (min)	1.5m	Yes
Side:	North:1.2m (min)	1.2m	Yes
Combined Side Setback:	3.32m – 3.86m (based on 19 – 19.3m property width) (20%)	3.9m – 3.94m	Yes
Rear:	6m	6.2m	Yes

Landscaping			
Landscaping/Deepsoil Provisions:	43% (326.28m ²)	40.5% (307.3m ²)	No – refer discussion below.
Fencing			
Height (overall/piers): Solid Component: Secondary Frontage:	1.5m (maximum) 0.7m 1.8m	Insufficient information provided	Condition to be imposed.
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The site is an east-west allotment resulting in an unavoidable degree of overshadowing to the southern adjoining dwelling.	No – refer discussion below.
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.5m	No – to be conditioned
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	2.8m	Yes
No. of Parking Spaces:	2	2	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	40m ²	Yes
Height:	3.5m	4m	No – refer discussion below.
Side/Rear setback:	0.5m	1.01m (side) 1.4m (rear)	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	3m (side) 9.433m (rear)	Yes

Building Envelope

The proposal seeks to construct a new two storey dwelling with pitched roof form, rendered exterior walls and alucobond cladded accent blade walls to the façade. As previously mentioned, existing development in the street features an array of architectural styles. There is a growing emergence of new 2 storey dwelling development of brick and render exterior finishes however all are comprised of pitched tiled roof forms.

The design has been revised throughout the assessment process to achieve a more compatible built form with the streetscape (refer to Figures 11 and 12 below for comparison of dwelling's façade). The revised scheme has sought a breakup of the alucobond clad parapet which now extends across only half the façade. The revised design now achieves compliant side setbacks and whilst some elements of the design encroach upon the prevailing 9m front setback, these elements are contained to the front porch and ground floor open pergola structure to the garage. These elements do not provide any considerable bulk and scale and thus is acceptable in this instance.

The increased front and side setbacks along with the various façade changes has assisted in reducing the bulk and scale of the development as well as allowing for the pitched roof line to be more readily visible in the street. The revised design is more commensurate with existing development in the streetscape and acceptable in this regard.

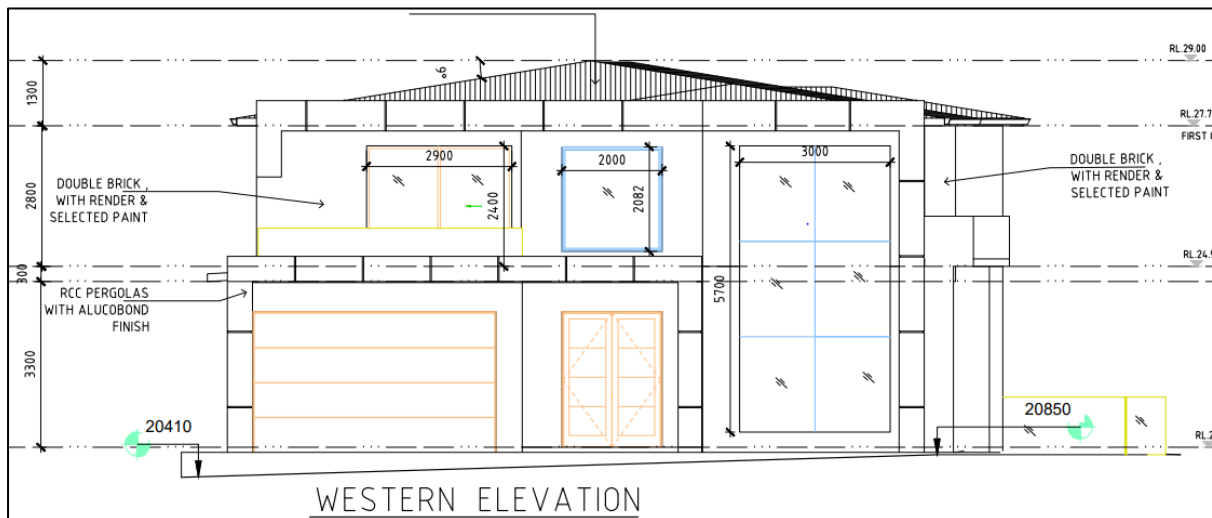


Figure 11: Original dwelling façade

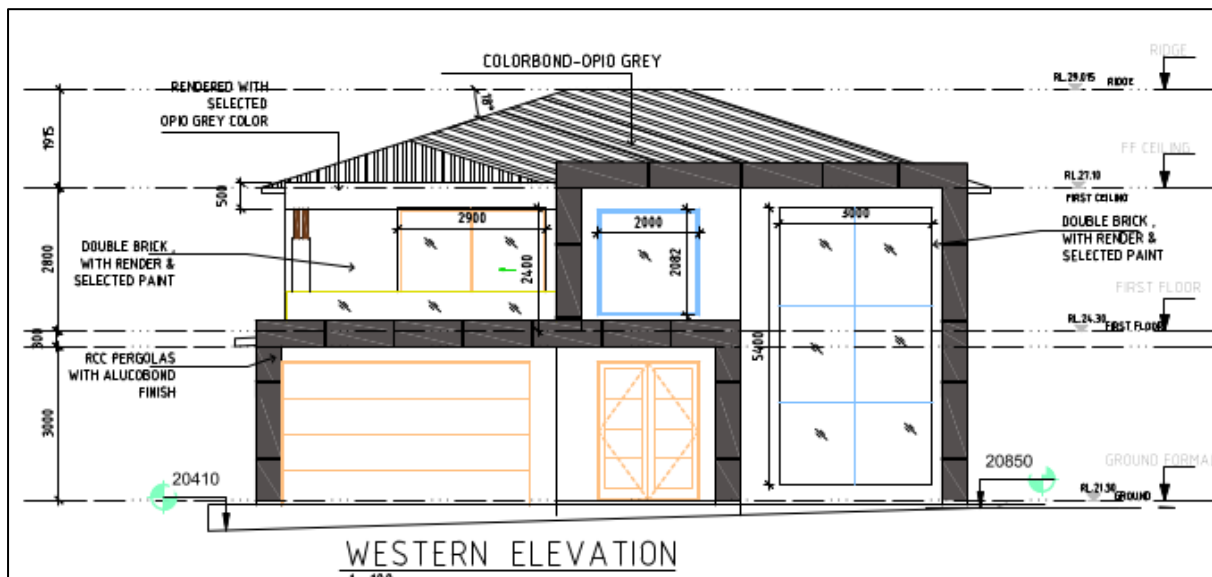


Figure 12: Current proposal of dwelling façade

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 5.766m 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 3m is proposed to all remaining areas on ground floor and 2.8m 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 located on the southern side of the dwelling and whilst it provides eastern light into the dwelling, a compliant 3m high floor level with floor to ceiling window will still achieve adequate solar access into the internal living room. In this regard, the void to the living room is not supported and is recommended by condition that the void to be deleted with a compliant 3m floor to ceiling height achieved.

Solar Access

The dwelling provides an east-west orientation resulting in an unavoidable degree of overshadowing to the south. Accordingly, the proposal is unable to achieve 3 hours direct solar access to adjoining dwellings as required by Section 6.2 of Part A of the SCDCP 2005.

The southern adjoining dwelling at 50 Rickard Road is provided with a number of north-facing windows to its northern side elevation. The proposed development would inevitably result in additional shadows cast over the southern adjoining neighbour including to these northerly windows.

During the assessment process, Council's Assessing Officer provided the Applicant with the opportunity to demonstrate that the proposed void would not result in any further loss of solar access to the southern adjoining resident. The Figures below are excerpts from the revised shadow diagrams and additional shadow on elevation plans submitted during the assessment process. Note the void space has been lowered in height with separate roof line from the remainder of the dwelling.

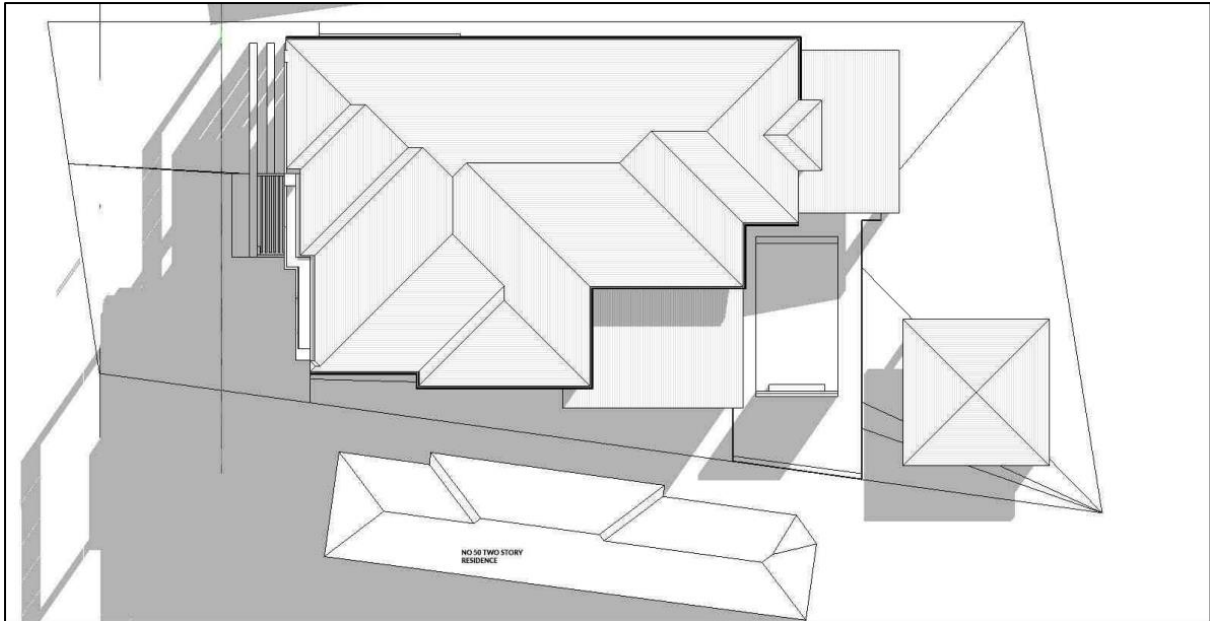


Figure 13: 9AM shadow diagrams (Winter Solstice)



Figure 14: 9am Winter Solstice Shadow on elevation plan to 50 Rickard Road.

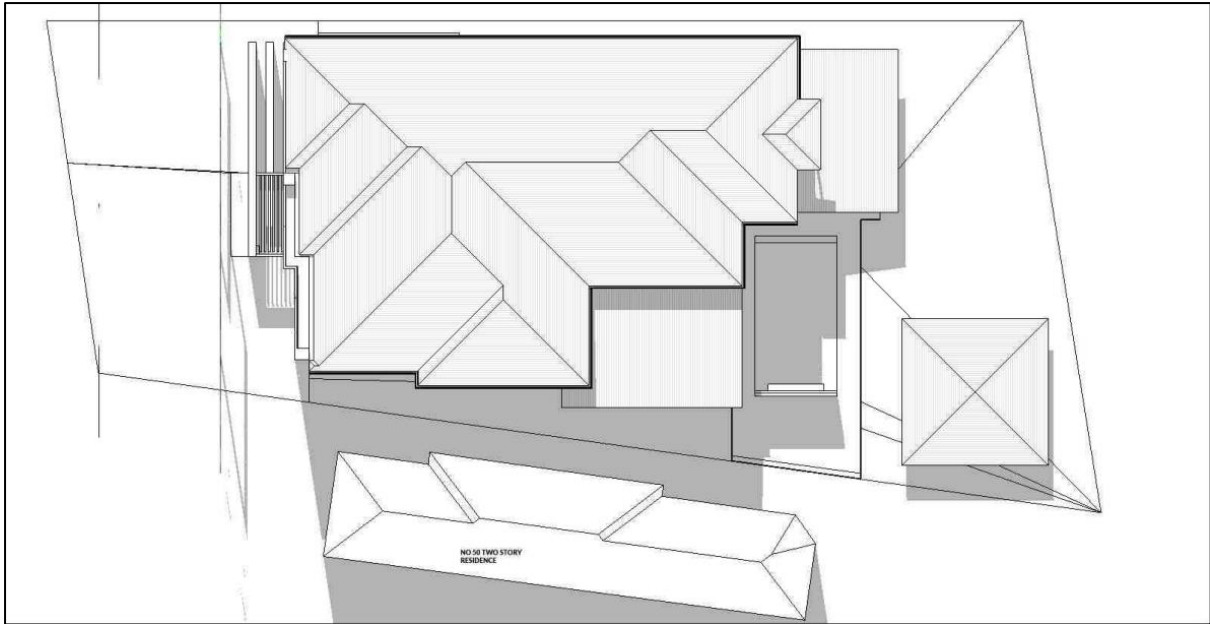


Figure 15: 12PM shadow diagrams (Winter Solstice)



Figure 16: 12PM Winter Solstice Shadow on elevation plan to 50 Rickard Road.

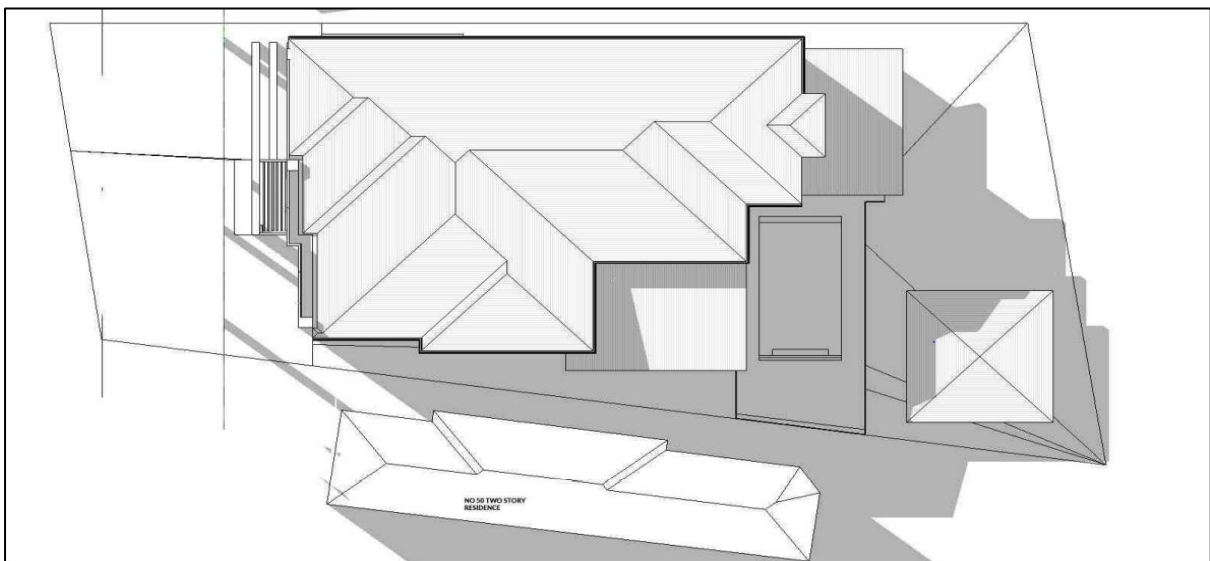


Figure 17: 3PM shadow diagrams (Winter Solstice)



Figure 18: 3PM Winter Solstice Shadow on elevation plan to 50 Rickard Road.

Whilst amended documentation was prepared and submitted to Council, the additional modelling still shows that the proposal would result in overshadowing to the southern adjoining resident throughout most of the day. Whilst the proposed void has been lowered from 6.8m to 5.9m during the assessment process, it is still evident that the void would cast an additional shadow over the southern adjoining property resulting in further loss of solar access through the day particularly in the afternoon hours.

Accordingly, the void is not supported and it is therefore recommended that the void be deleted with a floor to ceiling height of 3m provided to the living room of the dwelling.

Landscaping and Open Space

The proposal seeks to provide 40.5% (307.3m²) which falls 18.98m² short of the minimum 43% (326.28m²) deep soil zone required to be provided for the site in accordance with Section 5 of Part A of the SCDP 2005. Opportunities for deep soil zone should be maximised on the site so to preserve landscape elements on the site and ensure the deep soil zone is appropriate to the scale of the development. It is also expected that a new dwelling development on a relatively unconstrained allotment should be capable of achieving the minimum deep soil zone requirements for the site.

In light of the deep soil non-compliance, it is recommended by condition that the cabana be reduced in size from 40m² to 21m² and for the residual space to be allocated as deep soil zone. This will enable the site to achieve full compliance with the deep soil landscape provisions applying to the land.

Fencing

The Statement of Environmental Effects submitted as part of the subject proposal includes construction of a front boundary fence. The submitted plans however fail to provide this level of detail. A condition of consent is therefore recommended to ensure that details of the proposed front boundary fence are prepared at CC stage. The fence is conditioned to be visually permeable and constructed to a height of 1.5m

Privacy

The proposed development 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.

It is recommended however, that the windows to the media room be provided with fixed obscure glazing or designed as a highlight window with a sill height of 1.8m above NGL or provided with fixed louvres so to address overlooking into the adjoining property windows which directly align with the adjoining property windows at 50 Rickard Road. All other windows are generally 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.

The rear balcony is screened, appropriately setback and is 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 And Parking

The proposed development 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. A condition of consent is recommended to ensure the driveway is 3m in width at the property boundary and that the existing driveway access remain in-situ so to minimise any adverse impacts on the Council street tree.

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

Outbuildings

The proposal seeks construction of a cabana structure to a height of 4m from Natural Ground Level. This exceeds the maximum 3.5m building height permitted for the site as per Section 4.2.2 of Part A of the SCDCP 2005. A Condition of consent is therefore recommended to ensure the structure is lowered in height to a compliant 3.5m above NGL (inclusive of roof structure). The outbuilding is otherwise compliant with regard to its setbacks, bulk and design which is commensurate with the proposed dwelling and surrounding site 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 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)

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. One (1) submission was received from the southern adjoining resident of 50 Rickard Road, Strathfield raising the following concerns:

1. **Visual Privacy** – *“No windows should be placed on the side of the house that faces our side. This is because as the building is being built is a double storey building, the people in 48 Rickard Road’s house will have a clear view into our home which is an invasion of our privacy. The side of 48 Rickard Road that faces our side will be able to see into most of our rooms (our living room, bathroom, bedroom).”*

"No balconies, terraces or doors should be built on the side of the house that faces our side. As mentioned above in 1, most of our rooms face 48 Rickard Road's house and any balconies, terraces, doors or windows that are built on the side that faces our side will be a direct invasion of our privacy."

Comment: The proposal was revised during the assessment process demonstrating that the south facing living room windows are proposed with obscure glazing to a height of 2.35m above floor height. The rear balcony has been reduced in size to a compliant 1m depth x 2m width and provided with suitable privacy screening so as not to result in adverse overlooking impacts to adjoining residents. Further, the revised design has reduced the height of the rear alfresco to a compliant height of 500mm above NGL to reduce opportunities for overlooking. It is further recommended that the windows to the media room be provided with fixed obscure glazing or designed as a highlight window with a sill height of 1.8m above NGL or provided with fixed louvres so to address overlooking into the adjoining property windows, which directly align with the media room windows proposed.

2. **Solar Access** - *"The double storey and the detached outbuilding being built should both not block the sunlight coming into our area or overshadow us as we need the sunlight to maintain our garden which is very established and was lavishly invested on and hence very significant to us."*

Comment: Refer to previous solar access discussion under DCP assessment of this report.

(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 \$979,000.00 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	\$9,790.00
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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. 2022/106 should be approved subject to conditions.



Signed:

**L Gibson
Senior Planner**

Date: 5 September 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 by;



Signed:

**J W Brown
Planner**

Date: 5 September 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 and Site Management Plan	Sheet 0	July 2022	B	MM Consulting Engineers
Roof / Site Analysis Plan	Sheet 1	July 2022	B	MM Consulting Engineers
Site Plan	Sheet – 2	July 2022	B	MM Consulting Engineers
Ground Floor Plan	Sheet - 3	July 2022	B	MM Consulting Engineers
First Floor Plan	Sheet - 4	July 2022	B	MM Consulting Engineers
Western and Eastern Elevation Plan	Sheet - 5	July 2022	B	MM Consulting Engineers
Northern and Southern Elevation Plan	Sheet – 6	July 2022	B	MM Consulting Engineers
Section Plan	Sheet – 7	July 2022	B	MM Consulting Engineers
Outbuilding Section Plan	Sheet – 8	July 2022	B	MM Consulting Engineers
Schedule of Finishes	Sheet – 8A	July 2022	B	MM Consulting Engineers
Pool – L – Section	Sheet – 8B	July 2022	B	MM Consulting Engineers
Pool – X – Section	Sheet – 8C	July 2022	B	MM Consulting Engineers
Landscape Plan	Sheet – 9	July 2022	B	MM Consulting Engineers
Landscape Details	Sheet – 10	July 2022	B	MM Consulting Engineers

Reference Documentation

Description	Reference No.	Date	Prepared by
BASIX Certificate	Cert No.1309613S_02	Issued 24 August 2022	-
Arboricultural Impact Assessment	-	August 2022	NSW Trees
Waste Management Plan		20 May 2022	-

2. Building Height

The height of the dwelling measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 29.015 AHD to the roof ridge of the building. The height of the outbuilding from Australian Height Datum (AHD) must not exceed Relative Level (RL) 24.092 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/	\$ 3,426.00
Security Damage Deposit	\$ 12,200.00
Tree Bond	\$ 3,050.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Total Section 94 Contributions:	\$ 9,790.00

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.
Cabana Size	Amended plans and details are required demonstrating that the cabana has been reduced in size from 40m ² to 21m ² with the remnant area reinstated with deep soil zone so to achieve a compliant deep soil zone for the site.
Window Privacy	The media room windows to the eastern elevation of the dwelling are to be provided with fixed obscure glazing or designed as a highlight window with a sill height of 1.8m above NGL or provided with fixed louvres so to address overlooking into the adjoining property.
Deletion of floor space	The void over the family/ living room must be removed/deleted to comply with the maximum floor to ceiling height of 3m.
Driveway width	The existing driveway location must be utilised. Any new vehicular access driveway width must achieve a maximum allowed width of 3m.
Front fence	Details of the front boundary fence demonstrating that it is to be constructed to a height no more than 1.5m with a solid base no more than 700mm and topped with visually permeable batten infill shall be prepared and approved by the PCA.

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: \$12,200.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$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 of \$3,050.00 for the *Lophostemon Confertus* (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

10. **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. 1309613S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

12. **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.

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. **Detailed Stormwater Drainage Design**

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted 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. Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

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. **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.
- (i) Provision of two (2) new tree plantings in the front setback and one (1) tree planting in the rear yard each capable of achieving a minimum mature height of 10m.
- (j) Additional 19m² deep soil planting provided as a result of the reduced cabana size.

21. **Tree Removal/Pruning Prohibited**

Approval is granted for the pruning of the *Cinnamomum camphora* which is to be undertaken as specified in the Arboricultural Impact Assessment Prepared by Sam Allouche 08/22. Any pruning will need to be approved by the tree owner in the form of a signed letter sent to Council before works begin. Only branches with a stem diameter of 100mm or less may be pruned with no more than 15% total live canopy removed.

Any pruning of trees outside of the pruning of the *Cinnamomum camphora* is prohibited.

22. **Compliance with Submitted Arborist Report**

The recommendations outlined in the Arborist's Report titled *Arboricultural Impact Assessment Prepared by Sam Allouche 08/22* 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 tree/s to be protected are listed in the table below.

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Cinnamomum Camphora (Camphore Laurel)	Neighbouring tree in 39 Amaroo Avenue	10.2
2	Council Street Tree	Council Verge	3.8

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.

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

23. 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.

24. 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.

25. 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](#).

26. 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.

27. 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.

28. 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

29. 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.

30. 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.

31. 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.

32. 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

33. 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.

34. 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.

35. Completion of Landscape Works

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

36. 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.

37. 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.

38. 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.

39. Requirements Prior to the Issue of the Occupation Certificate

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS (ON-GOING)

40. 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.

41. 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.

42. 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.

43. 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

44. Requirement for a Construction Certificate

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

45. 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.

46. 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.

47. 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.

48. 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](#).

49. 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.

50. 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

51. Clause 75 – BASIX Commitments

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

52. 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.

53. 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.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

viii. 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).

ix. Register your Swimming Pool

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

x. Australia Post – Letter Box Size and Location

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

xi. **Residential Waste**

Council's residential waste collection service comprises one (1) x 120 litre (L) general waste bin, one (1) x 240L recycling bin and one (1) x 240L garden vegetation bin per dwelling for single dwellings, semi-detached and dual occupancy developments. Waste containers should be stored in a suitable place to avoid vandalism, nuisance (odour, vermin) and adverse visual impacts on residents and the streetscape. Waste storage areas should be located to minimise the distance of travel to the collection point, be easily accessible and be of sufficient size to accommodate the necessary waste storage bins in accordance with Appendix C, Section H Waste Minimisation and Management, Strathfield Consolidated Development Control Plan 2005.