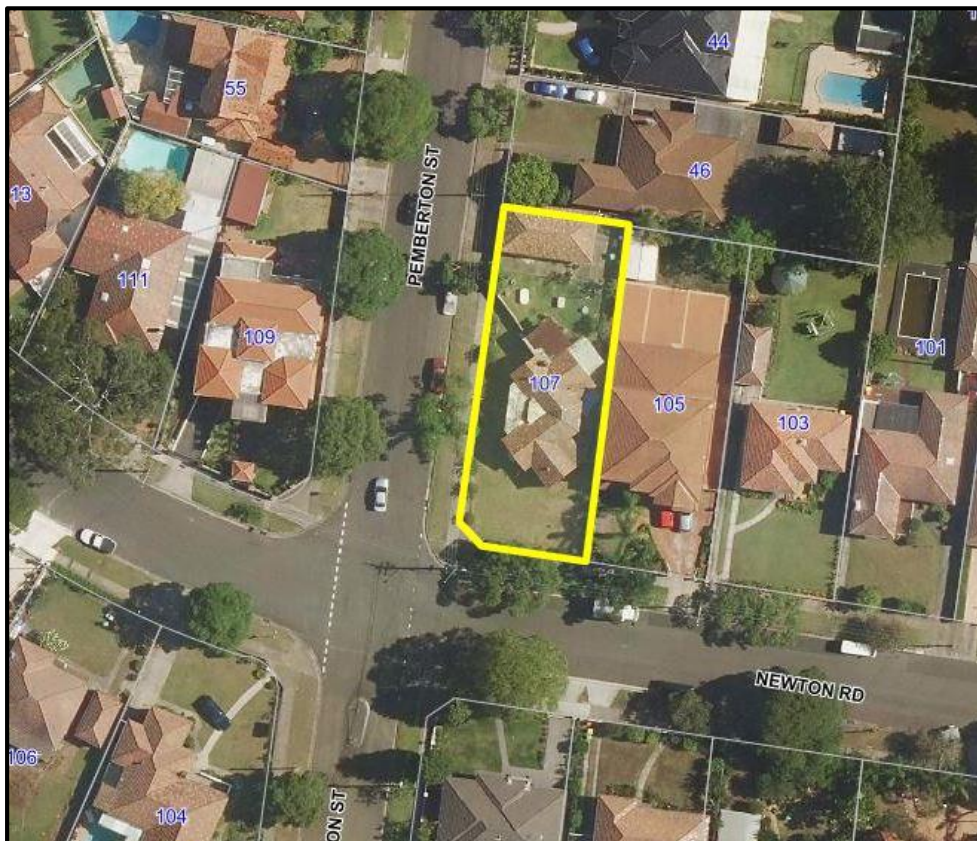


# IDAP REPORT

<b>Property:</b>	107 Newton Road STRATHFIELD DA 2020/95
<b>Proposal:</b>	Demolition of existing building and construction of a two (2) storey dwelling, in-ground pool, and associated landscaping.
<b>Applicant:</b>	AGC Architects P/L
<b>Owner:</b>	T Zhu
<b>Date of lodgement:</b>	27 May 2020
<b>Notification period:</b>	3 June to 17 June 2020
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$919,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL



**Figure 1:** Locality Plan. The subject site is outlined in yellow.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing building and construction of a two (2) storey dwelling house, in-ground pool, and associated landscaping.

### **Site and Locality**

The site is identified as No. 107 Newton Road STRATHFIELD and has a legal description of Lot: 11 in DP 16130. The site is a rectangular shaped, corner allotment and is located on the northern side of Newton Road and the eastern side of Pemberton Street.

The site has a width of 16.46m, a depth of 45.72m and an overall site area of 747.7m<sup>2</sup>.

The locality surrounding the subject site is characterised by dwelling houses of mixed scale and design.

### **Strathfield Local Environmental Plan**

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 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 3 June to 17 June 2020. No submissions were received during this period.

### **Issues**

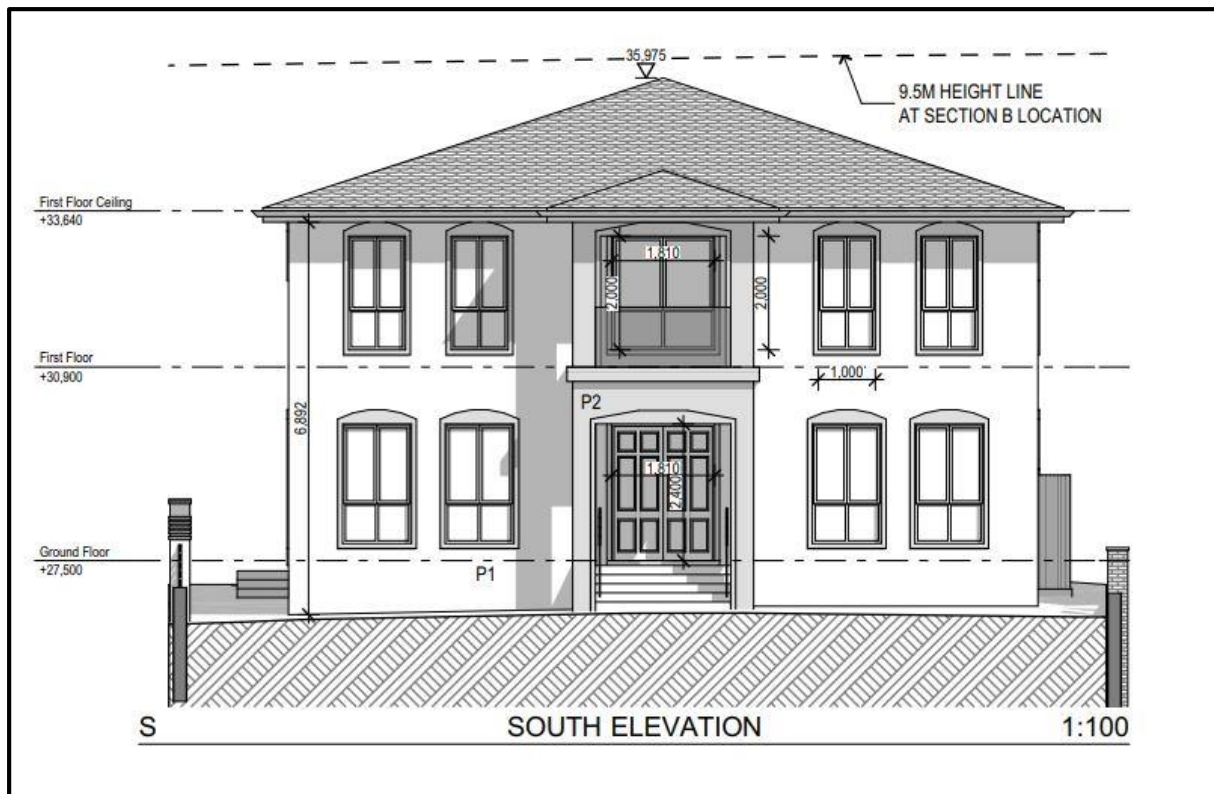
- Building density
- Landscaped area
- Streetscape

### **Conclusion**

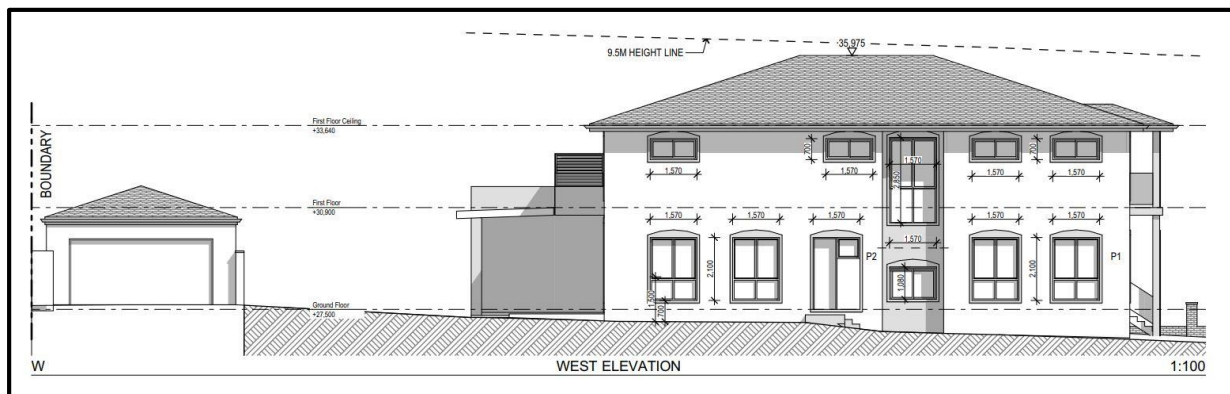
Having regards to the heads of consideration under Section 4.15 of *the Environmental Planning & Assessment Act 1979*, Development Application 2020/95 is recommended for approval subject to suitable conditions of consent.

**Figure 2: Site Plan.**





**Figure 3: South Elevation.**



**Figure 4: West Elevation.**

### **The Site and Locality**

The subject site is legally described as Lot 11 in DP 16130 and commonly known as No. 107 Newton Road, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of the Strathfield Local Environmental Plan 2012 (SLEP 2012). It is a rectangular shaped corner allotment that is located on the northern side of Newton Road and eastern side of Pemberton Street. The site has an area of 747.7m<sup>2</sup>, a maximum depth of 45.72m, a 16.46m wide frontage and a slight fall of 1.5m towards Newton Road.

The property is currently occupied by a single storey dwelling house with ancillary structures being an outbuilding and attached verandah (refer to Figures 5-7). The site benefits from having vehicular access via an existing driveway off Pemberton Street. The site is predominantly modified with minimal vegetation comprising grassed lawn areas and perimeter garden beds. The site is devoid of any trees; however, three (3) street trees are established within the road reserve directly adjacent to the subject site.



**Figure 5:** Southern side of existing dwelling house.



**Figure 6:** Western side of existing dwelling house





**Figure 7:** Existing outbuilding with garage door.

The subject site is located within a typical low density, suburban residential area generally characterised by tree-lined streets and single detached dwellings of varying design and scale. Most of the residences along Newton Road and Pemberton Street have pitched roofing, porticoes or verandahs above front entries, and a combination of pale render (white/cream/off-white/beige/grey) and exposed red/brown brick.

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a two (2) storey dwelling house at No. 105 Newton Road, Strathfield;
- Adjoining the northern boundary: a single storey dwelling house at No. 46 Pemberton Street, Strathfield;
- West of the site and across the road a two (2) storey dwelling house with basement level at No. 109 Newton Road, Strathfield; and
- South of the site and across the road: a single storey dwelling house at No. 102 Newton Road, Strathfield.

## **Background**

27 May 2020

The subject application was lodged.

3 June 2020

The application was publicly notified for a minimum of 14 days, with the last date for submissions being 17 June 2020. No submissions were received.

12 June 2020

A 'stop the clock' letter was issued to the applicant, raising the following issues: floor space ratio (FSR), basement level, landscaped area, driveways and parking arrangement, landscape details, existing garage, streetscape elevation (Pemberton Street), visual privacy (first floor balcony and first

floor family room), portico, elevated finished floor levels and fencing.

7 July 2020	The applicant submitted amended plans to address the issues raised in the letter.
22 July 2020	Council officers contacted the applicant to advise the landscaped area issue remains outstanding.
28 July 2020	The applicant submitted amended plans to the address the above issue.
30 July 2020	The applicant provided an amended stormwater plan to reflect the removal of the basement level in the scheme and to modify the stormwater system accordingly.

### **Referrals – Internal and External**

#### **Stormwater Engineer Comments**

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Traffic Engineer Comments**

Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Tree Management Coordinator Comments**

The application does not involve the removal of any trees. Council's Tree Management Coordinator advised that the proposal will not affect the established street trees adjacent to the site and offered no objections to the proposal, subject to the imposition of recommended conditions of consent including those relating to tree bonds.

#### **Waste Officer Comments**

Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended 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,***

## **Strathfield Local Environmental Plan 2012**

The development site is subject to the SLEP 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 (defined as a ***dwelling house***) is a permissible form of development with Council's consent.

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	Max. 9.5m	9.475m	Complies.
<b>4.4</b> Floor Space Ratio	Max. 0.575:1 (429.9m <sup>2</sup> )	0.57:1 423m <sup>2</sup>	Complies.

#### **Floor Space Ratio (FSR)**

The proposed development complies with the maximum FSR provision under Clause 4.4 of the SLEP 2012. The void space on the first floor directly above the front entry was calculated at 11.9m<sup>2</sup>. This space was not counted towards gross floor area (GFA) and FSR as it was not considered excessive, is further recessed than the rest of the southern portion of the building and does not contribute to an excessively large and bulky built form. Notwithstanding the above, if half of the void space was included in the GFA and FSR calculation, the overall massing and density of the development would still result in full compliance with the maximum provision under Clause 4.4.

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The subject site is not listed as a heritage item nor 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.

### **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 new swimming pool. The extent of excavation wholly contained within the site and well away from any property boundaries. The proposed earthworks 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.

### Flood Planning

A small portion of the subject site has been identified as being at or below the flood planning level (refer to Figure 8). It is noted that only the south-western corner of the site is affected and the new dwelling house, pool and existing outbuilding are well outside the affected portion.



**Figure 8:** Subject site and flood prone area (highlighted in light blue).

The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

### 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 SLEP 2012.

## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **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 NO. 55 – REMEDIATION OF LAND (SEPP 55)**

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. Therefore, the aims and objectives outlined within the SEPP are considered to be satisfied.

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

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

***(iii) any development control plan,***

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

## **PART A – Dwelling Houses and Ancillary Structures (SCDCP 2005)**

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>	Max. 0.575:1 (429.9m <sup>2</sup> )	0.57:1 423m <sup>2</sup>	Complies.
<b>Heights:</b> Floor to ceiling heights: Height to underside of eaves:  Height of detached garage/ carport:  Number of Storeys/Levels:	Max. 3.0m Max. 7.2m  Max. 3.5m  Max. two (2) storeys	3.1m 7m  4m (existing)  Two (2) storeys	Non-compliant. Complies.  Non-compliant.  Complies.
<b>Setbacks (min.):</b> Front: Side: Side: Combined Side Setback: Rear:  Detached garage/carport	9m 1.2m 1.2m 3.29m (20%) 6m  0.5m	9m 1.2m 2.1m 3.3m 18m  Nil (existing)	Complies. Complies. Complies. Complies. Complies.  Non-compliant.
<b>Landscaping</b>			
Landscaping/Deep soil Provisions:	Min. 43% (321.5m <sup>2</sup> ) (747.7m <sup>2</sup> x 43%)	43.8% (327.6m <sup>2</sup> )	Complies.
Private Open Space Area: Minimum dimension:	Min. 10m <sup>2</sup> 3m	Min. 160m <sup>2</sup> 12m	Complies. Complies.
<b>Fencing</b>			
Height (overall/piers): Solid Component: Secondary Frontage:	Max. 1.5m Min. 0.7m Max. 1.8m	1.5m 0.7m 1.8m	Complies. Complies. Complies.
<b>Solar Access</b>			
POS or habitable windows	Min. 3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to at least 50% of POS	Complies.
<b>Vehicle Access and Parking</b>			
Driveway width at boundary:	Max. 3m	5m (existing)	Non-compliant.
Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	Max. 1 Min. 0.5m Min. two (2) spaces	1 0.5m Two (2) spaces	Complies. Complies. Complies.
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b> Area: Height: Side/Rear setback:	Max. 40m <sup>2</sup> Max. 3.5m Min. 0.5m	33m <sup>2</sup> 4m (existing) Nil	Complies. Non-compliant. Non-compliant.
<b>SWIMMING POOL</b> Side/Rear Setback	Min. 1.0m	2.1m (side) >15m (rear)	Complies. Complies.



## Building Envelope

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

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

### Floor to Ceiling Height

The ground floor of the proposed dwelling house will have a floor to ceiling height of 3.1m, representing a 0.1m (3.3%) variation to the maximum floor to ceiling height control. The slight variation is considered acceptable and support given that the entire scheme complies with the maximum building height provision under the SLEP 2012 and maximum height to the eaves control under the SCDCP 2005. Further, the floor to ceiling height of the first floor is 2.7, which is 0.3m less than the maximum floor to ceiling height control. Thus, the slight variation is absorbed by the reduced floor to ceiling height for the first floor. The external walls of the building are not regarded excessive and are provided with appropriate articulation and modulation. Considering the above, the floor to ceiling height for the ground floor demonstrates planning merit and is a reasonable and appropriate outcome.

### Outbuilding/Garage Height and Setback

The proposal involves retaining the existing outbuilding (comprising the double garage) and the current vehicular access and parking for the site. Due to the current pitch of its roof, the outbuilding has a height of 4m, representing a 0.5m (12.5%) existing variation to the maximum outbuilding height control. This structure was built with a nil boundary setback to western (secondary street) and northern (rear) boundaries, which represent 0.5m (100%) existing variations to the minimum setback control. Given that this structure has been in existence since 2009 and the proposal's intention of retaining the existing parking and driveway arrangements for the site, the above existing variations are considered acceptable and supportable.

### Driveway Width

As mentioned above, the proposed development will retain the existing outbuilding/garage as well as the current vehicular access and parking arrangements. Due to the design and siting of the outbuilding/garage, the existing driveway crossing has a width of 5m, representing a 2m (66.7%) existing variation to the maximum driveway width control. The existing variation demonstrates planning merit and is supported due to the above reasons outlined for supporting the height and setbacks of the outbuilding.

## Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected. The amended scheme will retain the three (3) street trees adjacent to the site and will involve establishment of two (2) trees in the front setback addressing Newton Road (an *Acacia decurrens* and a *Eucalyptus capitellata*) and a single tree (a *Melaleuca decora*). Conditions will be imposed to modify the *Acacia decurrens* as a canopy tree species listed in the Strathfield Council Recommended Tree List and capable of reaching a mature height of at least 10m. The other two (2) species chosen are not in the Strathfield Council Recommended Tree List; however, both are capable of reaching mature

heights of 7-20m and are not noxious weed species or problem plant species that should be avoided.

### **Fencing**

The proposed front and secondary front fencing generally satisfies the relevant objectives and controls within SCDCP 2005; however, it is noted that the dominant open form fencing within the immediate locality comprises vertical metal fencing. To ensure that the proposed fencing is more sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences, conditions will be imposed to modify the design to a palisade fence with vertical open slats and to reinforce that the maximum heights and solid components of the new fencing are compliant with the relevant controls under the SCDCP 2005.

### **Solar Access**

Given the south-north orientation and corner context 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 SCDCP 2005.

### **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. The finished floor level of the ground floor (including the BBQ area) of the new dwelling house and the coping level of the new pool will be generally situated close to natural ground level. It is noted that the front (southern) portion of the ground floor is elevated at a maximum of 0.8m above existing ground, due to the fall to Newton Road; however, the rear portion comprising the primary living and dining spaces have a maximum elevation of 0.5m above existing ground.

The first floor of the new dwelling house features primarily bedrooms and bathrooms, which are low activity rooms. The east-facing window in the family room has been amended to comprise of a fixed frosted glass from a sill height of 1.6m and above. The rear balcony has been changed to have a maximum width of 1.5m and is in-line with the dwelling house of the east-adjoining neighbour. This balcony also features a 1.6m high privacy screen on the eastern side. To further reduce potential overlooking from this space, a condition is recommended to provide a 1m privacy screen return along the northern elevation of this balcony.

### **Streetscape Presentation**

As mentioned above, the front portion of the new dwelling house is raised as the finished floor level of the ground floor is situated near the natural ground level of the rear yard and the site has a 1.5m fall towards Newton Road. It is noted that the majority of the ground floor of the new dwelling house is 0.5m or less above existing ground. It is acknowledged that the floor level could be reduced by provision of internal steps and the splitting of floor plates; however, given the orientation, modulation and material finishes of the built form and its alignment and context with surrounding development, the streetscape presentation of the overall scheme is considered appropriate and reasonable. Whilst the building's response to the existing slope could be improved, the visual aesthetic provided by the scheme will not likely disrupt the general rhythm and pattern of residential development along Newton Road and Pemberton Street and has demonstrated compliance with the relevant development standards and

requirements relating to scale, density, architectural design, streetscape presentation and building envelope.

### **Vehicular access and Parking**

Council's Traffic Engineer confirmed that 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.

### **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. The existing street trees have been retained and ground water tables are maintained and impact on overland flow and drainage is minimised. It is noted that the amended design has deleted the initially proposed basement level, thereby eliminating the need for extensive excavation works.

### **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 proposed development generally satisfies the relevant objectives and controls the SCDCP 2005, except with regard to the maximum height and setbacks as mentioned above.

### 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. It is noted that there is screen planting around the perimeter of the site, which provides additional privacy for future occupants. 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 as it will have a maximum height of 0.2m. 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 nor 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 generally suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. The proposal results in retention of the existing dwelling house use of the site and no significant environmental constraints specific to the land would prevent the development of a dwelling house. Accordingly, the site is suitable for the proposed development.

**(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 the notification period.

**(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 *Environmental Planning and Assessment 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:

Local Amenity Improvement Levy

\$9,190.00

## Conclusion

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

Following detailed assessment it is considered that Development Application No. 95/2020 should be approved subject to conditions.



**Signed:**

**M Rivera**  
**Development Assessment Planner**

**Date: 30 July 2020**

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

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**J Cooke**  
**Senior Planner**

**Date: 3 August 2020**

## Recommendation

That Development Application No. DA2020/095 for the demolition of existing building and construction of a two (2) storey dwelling, in-ground pool, and associated landscaping at No. 107 Newton Road STRATHFIELD, subject to the following conditions:

## REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) 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
BASIX Commitment – General	A02	28 Jul 2020	M	AGC Architects P/L
BASIX Commitment – Glazing	A03	28 Jul 2020	M	AGC Architects P/L
Roof Plan / Site Plan / Site Analysis Plan	A04	28 Jul 2020	M	AGC Architects P/L
Ground Floor Plan	A06	28 Jul 2020	M	AGC Architects P/L
First Floor Plan	A07	28 Jul 2020	M	AGC Architects P/L
East & North Elevations	A08	28 Jul 2020	M	AGC Architects P/L
South & West Elevations	A09	28 Jul 2020	M	AGC Architects P/L
Sections	A10	28 Jul 2020	M	AGC Architects P/L
Landscape Plan	A12	28 Jul 2020	M	AGC Architects P/L
Erosion & Sediment Control Plan	A13	28 Jul 2020	M	AGC Architects P/L
Demolition Plan	A14	28 Jul 2020	M	AGC Architects P/L
Streetscape Elevations	A15	28 Jul 2020	M	AGC Architects P/L



Stormwater Drainage Plan	S1	30 Jul 2020	2	MBC Engineering
External Finishes Schedule	-	May 2020	-	AGC Architects P/L
BASIX Certificate	Cert No. 1062127S	23 May 2020		AGC Architects P/L
Waste Management Plan	-	May 2020	-	Andrew Chen

## **SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

### **2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

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

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

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

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

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

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

### **3. Road Opening Permit**

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

#### 4. Building – Hoarding Application

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

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

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

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

### REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

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

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

#### 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](http://www.strathfield.nsw.gov.au)).

**Payments of the general fees** 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).

**Payments of the development contributions** must be made prior to the release of the Occupation Certificate.

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	<b>\$ 3,216.00</b>
Security Damage Deposit	<b>\$12,200.00</b>
Tree Bond	<b>\$30,000.00</b>
Administration Fee of Bond Deposit	<b>\$127.00</b>
Administration Fee of Tree Bond	<b>\$127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$9,190.00</b>

### **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 Occupation Certificate.

#### Further Information

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



## 7. Required Design Changes

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

Vehicular site entry	All references and annotations relating to vehicular site entry from Newton Road are to be deleted from all architectural plans.
Privacy screen on first floor balcony	The 1.6m high privacy screen on the eastern side of the first floor balcony must be amended to comprise of a 1m return along the northern elevation of this balcony.
New fencing along the primary and secondary street frontages.	<p>Any new fencing must comply with the controls under the Strathfield Consolidated Development Control Plan 2005. Any new fences must be designed to be sympathetic to the particular style of the dwelling and be compatible with the style and height of fencing on adjoining properties and the streetscape.</p> <p>Any fencing forward of the building line (including the building line to a secondary street frontage on a corner site) must not exceed a height of 1.5m above natural ground level.</p> <p>The solid component of the fences must not exceed a height of 0.7m above natural ground level. The horizontal slat panels must be modified to comprise of a palisade design with vertical open slats comprising a height of maximum 0.8m above the solid component.</p> <p>Any fencing behind the building line and for the purpose of enclosing private open space/s must not exceed a height of 1.8m.</p>
Canopy tree in the front setback.	The proposed tree ( <i>Acacia decurrens</i> ) in the front setback must be changed to a species listed in the Strathfield Council Recommended Tree List and capable of reaching a mature height of at least 10m. This tree must be a minimum 50 litre container size.
Family room windows – first floor (W14 and W15).	The level of frosting for the family room windows – first floor (W14 and W15, as referenced in the architectural plans) must be minimum Level 5 frosting.

## 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: **\$127.00.**

- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

## **9. Tree Bond**

A tree bond of **\$30,000.00** (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. 1062127S 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. 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.

### **15. 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 PCA.

### **16. Engineer's Certificate**

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of 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. Waste Management Plan**

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.

## **19. Waste Storage Area and Bin Allocation**

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the following number of bins for the development:

- (a) Domestic Waste – One (1) x 120 litre mobile bin.
- (b) Domestic Recycling – One (1) x 240litre mobile bin.
- (c) Green Waste – One (1) x 240 litre mobile bin.

The layout of the waste and recycling storage area must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.

## **20. Landscape Plan**

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 Council's public footway, public reserves or on neighbouring properties.



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

### **22. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard S2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### **23. 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.

### **24. 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.

## **25. Dial Before Your 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.

## **26. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
- (h) Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

## **27. Utility Arrangements**

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

## **DURING CONSTRUCTION**

### **28. Site Sign – Soil & Erosion Control Measures**

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

### **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 and outside the footprint of the new dwelling house and approved ancillary structures, 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. Archaeological Discovery During Excavation**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

### **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 PCA.

## **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. Completion of Landscape Works**

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

### **35. 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.

### **36. Requirements Prior to the Issue of the Occupation Certificate**

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (d) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) 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)**

### **38. 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.

### **39. 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.

#### **40. Void Space (First Floor)**

The first floor void space above the entry must be retained for so long as the dwelling house is utilised.

### **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

#### **41. Requirement for a Construction Certificate**

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

#### **42. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner -Builder. If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### **43. Notification of Critical Stage Inspections**

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

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

#### **44. Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

#### **45. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

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

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

## **47. 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.

## **ADVICES**

### **1. 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.

### **2. Register your Swimming Pool**

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

## **PRESCRIBED CONDITIONS**

Prescribed conditions are those which are mandated under Division 8A of the Environmental Planning and Assessment Regulation 2000 and given weight by Section 4.17(11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a summary of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### **1. Clause 97A – BASIX Commitments**

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

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

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

### **3. Clause 98A – Erection of Signs**

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

### **4. Clause 98B – Home Building Act 1989**

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

### **5. Clause 98C - Entertainment Venues**

Schedule 3A of the Environmental Planning and Assessment Regulation 2000 outlines the prescribed conditions which apply to Entertainment Venues.

### **6. Clause 98D – Erection of Sign for Maximum Number of Persons**

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

### **7. Clause 98E – Protection & Support of Adjoining Premises**

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

### **8. Clause 98E – Site Excavation**

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

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

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

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