

Agenda

Strathfield Internal Development Assessment Panel Meeting

Notice is hereby given that a Strathfield Internal Development Assessment Panel Meeting will be held at Main Building Meeting Room, 65 Homebush Road, Strathfield on:

Friday, 22 May 2020

Commencing at 10:00am 10.00am for the purpose of considering items included on the Agenda

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TO: Strathfield Internal Development Assessment Panel Meeting - 22 May 2020
REPORT: IDAP – Report No. 1
SUBJECT: DA2019.222 - 12 MINTARO AVENUE, STRATHFIELD - LOT 35 DP 6969
DA NO. DA2019.222

SUMMARY

Proposal:	Demolition of the existing structures and construction of a two (2) storey dwelling with basement level, in-ground swimming pool and cabana.
Applicant:	Carlos Hafouri
Owner:	George Stamoulos
Date of lodgement:	20 December 2019
Notification period:	10 January 2020 to 24 January 2020
Submissions received:	Nil
Assessment officer:	DS
Estimated cost of works:	\$1,070,250.43
Zoning:	R2 Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 variation proposed?	No
RECOMMENDATION OF OFFICER:	Approval

EXECUTIVE SUMMARY

The proposal involves the demolition of existing structures and construction of a two (2) storey dwelling with basement level, in-ground swimming pool and cabana.

The application was publicly notified on 10 January 2020 for a minimum period of (14) days, in accordance with the Strathfield Community Participation Plan. No submissions were received as a result.

The proposal is considered acceptable and generally complies with the relevant development standards and requirements under the Strathfield Local Environmental Plan (SLEP) 2012 and Strathfield Consolidated Development Control Plan (SCDCP) 2005. The siting and design of the proposed development generally responds to the surrounding locality, the shape and orientation of the site and any environmental constraints unique to the site. The proposal is appropriate in terms of its relationship with adjoining and nearby properties and has been designed to ensure any potential impacts to these properties are minimised.

Accordingly, the application is recommended for approval, subject to the imposition of conditions of consent.

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BACKGROUND

- 12 November 2008:** DA2008/418 was approved by Council for the construction of a free-standing carport to the rear of the property.
- 20 December 2019:** The subject application (DA2019/222) was lodged.
- 4 January 2020** A Quantity Surveyor's Detailed Cost Report was requested by Council.
- 10 January 2020:** The subject application was placed on public exhibition for 14 days, with the last due date for submissions being 24 January 2020. No submissions were received as a result.
- 24 January 2020:** A Quantity Surveyor's Detailed Cost Report was submitted by the applicant.
- 19 February 2020:** A deferral letter was issued to the applicant, raising matters in relation to the proposed driveway, basement area and the front boundary fence design.
- 25 February 2020:** The applicant lodged amended plans to Council which adequately addressed the matters raised in the deferral letter with the exception of the basement design. The basement design will be addressed as a condition of consent.
- 14 April 2020:** A second set of amended plans was submitted to Council with a revised front fence and driveway design.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 35 in DP 6969 and is more commonly known as 12 Mintaro Avenue, Strathfield. The site is located on the southern side of Mintaro Avenue between Liverpool Road and Cross Street (Figure 1). The site is rectangular in shape and has a north-south orientation. It has a frontage of 13.72m, a maximum depth of 50.97 and a total area of 699.1m². It is currently occupied by a one (1) storey dwelling and a detached carport to the rear (Figure 2). Vehicular access is provided to the site via an existing driveway on the eastern end of the street frontage.

The streetscape comprises a mix of one (1) and two (2) storey dwellings, with pitched and flat roof forms and a variety of external treatments including facebrick and render (Figure 3).

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Figure 1: Locality plan



Figure 2: Existing dwelling and detached carport on the subject site

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Figure 3: Eastern adjoining dwelling (10 Mintaro Avenue)



Figure 4: Western adjoining dwelling (14 Mintaro Avenue)

PROPERTY BURDENS AND CONSTRAINTS

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There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the demolition of existing structures and construction of a two (2) storey dwelling with basement level, in-ground swimming pool and cabana.

The specific elements of the proposal are:

Demolition:

- One (1) storey dwelling; and
- Detached carport.

Basement level:

- Four (4) car parking spaces; and
- Storage room.

Ground floor level:

- Bedroom;
- Ensuite;
- Store room;
- Laundry;
- Pantry;
- Kitchen;
- Dining;
- Living area;
- Rumpus room;
- Bathroom; and
- Study.

First floor level:

- Four (4) bedrooms;
- Two (2) ensuites;
- Bathroom; and
- Walk-in-robe.

External works:

- Swimming pool;
- Cabana; and
- Landscaping.

A photo montage of the proposed works is included below.

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Figure 5: Photo montage

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Landscaping Comments

Council's Tree Preservation Officer has commented on the proposal as follows:

- The existing driveway layback and crossover is to be utilised to protect the existing street tree;
- The bond on each tree is \$16,200.

In response to the concerns raised by the Tree Preservation Officer, a revised driveway plan was submitted which utilises the existing driveway layback and crossing. The driveway has been appropriately re-located and designed so as to not impact on the existing street tree. Relevant conditions will also be imposed to ensure the protection of this tree.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

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STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the aims of SLEP 2012 is as follows:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d)	<i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e)	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	Yes
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	Yes
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

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Permissibility

The subject site is zoned R2 – Low Density Residential under the Strathfield Local Environmental Plan (SLEP) 2012.

Dwelling houses are permissible within the R2 – Low Density Residential zone with consent and are defined under SLEP 2012 as follows:

“Dwelling house means a building containing only one dwelling.

The proposed development for the purpose of a dwelling is consistent with the definition above and is permissible within the R2 Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is as follows:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	N/A

Comments: The proposal involves the demolition and replacement of an existing dwelling with a two (2) storey dwelling featuring a pitched roof and a mix of render, cladding and brick finishes to the external walls. In general, the design of the overall scheme is sympathetic to the residential context, character and setting of Mintaro Avenue. This proposal will ensure the needs of the housing community are met whilst still preserving the low density, residential character of the immediate locality.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions of this part is as follows.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	9.5m	9.3m	Yes

	Objectives	Complies
(a)	To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b)	To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c)	To achieve a diversity of small and large development options.	Yes

Comments: The proposed development complies with the maximum building height provision prescribed in Clause 4.3.

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	0.6:1 (419.46m ²)	0.54:1 (374.9m ²)	Yes

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	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: <ul style="list-style-type: none"> i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development 	Yes
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	Yes

Comments: The proposed development complies with the maximum FSR provision prescribed in Clause 4.4.

Part 5: Miscellaneous Provisions

There are no relevant provisions in this Part.

Part 6: Local Provisions

An assessment of the proposal against the relevant provisions of this part is as follows.

6.1 Acid sulfate soils

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

6.2 Earthworks

Appropriate conditions of consent will be imposed to minimise the disruption of soils for both the subject site and neighbouring properties. The extent of the cut and fill is considered reasonable and the size of the basement has been limited to the footprint of the ground floor above.

6.3 Flood planning

The subject site is not flood affected.

6.4 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.

4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

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4.15(1)(a)(iii) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

An assessment of the proposal against the relevant provisions of this development control plan is as follows.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	<i>To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.</i>	Yes
B.	<i>To achieve quality architecture in new development through the appropriate composition and articulation of building elements.</i>	Yes
C.	<i>To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.</i>	Yes
D.	<i>To ensure that new dwellings have facades, which define, address and enhance the public domain.</i>	Yes
E.	<i>To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.</i>	Yes
F.	<i>To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.</i>	Yes
G.	<i>To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.</i>	Yes
H.	<i>To reduce the use of highly reflective colours and materials that create visual prominence.</i>	Yes
I.	<i>To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.</i>	Yes
J.	<i>To protect and retain the amenity of adjoining properties.</i>	Yes
2.2	Development Controls	Complies
	<i>Streetscape Presentation</i>	
.1.	1 New dwellings address street frontage with clear entry.	Yes
	2 Consistently occurring building features integrated within dwelling design.	Yes
	3 Consideration of streetscape elements	Yes
	4 Integrated security grilles/screens, ventilation louvres and garage doors	Yes
	<i>Scale, Massing & Rhythm of Street</i>	
.2.	1 Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2 Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>	

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	1	Building form articulated.	Yes
	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	3	First floor additions complement the architectural style of the ground floor and delineate the existing roof form, slope and ridge	Yes
	4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>		
.4.	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed development features an acceptable design, scale, density, materials and finishes that are consistent with and compatible with adjoining dwellings and the surrounding locality. The proposed development meets the above requirements.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes
C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>	Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>	Yes
E.	<i>To maintain view corridors between dwellings</i>	Yes
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>	Yes
G.	<i>To provide a transitional area between public and private space.</i>	Yes
4.2	Development Controls	Complies
.1.	<i>Floor Space Ratio</i>	
	1 Floor Space Ratio permissible pursuant to SLEP 2012	Yes

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	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
	1	Height of building permissible pursuant to SLEP 2012	Yes
.2.	2	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	3	Dwelling houses and any ancillary structures 2-storeys (max)	Yes
	4	Building height responds to the gradient of the site to minimise cut and fill	Yes
<i>Street Setbacks</i>			
.3.1.	1	Setbacks consistent with minimum requirements of Table A.1	No, refer to comments
<i>Side and Rear Setbacks</i>			
.3.2.	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side).	Yes East: 1.38m West: 1.36m 20% combined
	2	A rear setback of 6m (min)	Yes
	3	1Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes
	4	Garages and carports setbacks consistent with Table A.2	Yes

Comments: The proposed development generally complies with the relevant requirements under the SLEP 2012 and SCDCP 2005 in terms of maximum building height, FSR, building articulation and minimum side and rear setbacks. Whilst the application proposes a 6.5m front setback, the departure is considered acceptable as it is consistent and compatible with the prevailing front setbacks provided in the streetscape which vary between 6m and 9m.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes

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G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes

5.2 Development Controls

Complies

<i>Landscaped area</i>			
.1.	1	Landscaped area in accordance with Table A.3	No, refer to comments
	2	At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes
	3	At least 50% of the front yard maintained as deep soil soft landscaping	Yes
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
<i>Tree Protection</i>			
.2.	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<i>Private Open Space</i>			
.3.	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private	Yes

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	open space		
5	Private open space located at the rear of the property.	Yes	
<i>Fencing</i>			
1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes	
3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes	
.4.	6	Side fences forward of the FBL taper down to the front fence.	Yes
	7	Front fences visually permeable	Yes
	9	Listed undesirable materials and finishes not used forward FBL	Yes
	14	Stormwater flows through or under fencing on sloping sites	Yes

Comments: The proposed works will result in a total of 35.4% (247.6m²) of deep soil landscaping, contrary to the minimum requirement of 41.5% (290.13m²). However, the existing landscaped area is 26.7% (187m²) and the proposal will result in an 8.7% increase in deep soil area. The front setback will be embellished with high quality landscaping resulting in an overall improvement to the presentation of the dwelling in the streetscape. Notwithstanding the numeric development controls, the development satisfies the objectives of this section and the proposed landscaped area is acceptable in this regard.

During the assessment process, concerns were raised for the proposed new driveway location and its close proximity to the existing street tree. A revised driveway design was submitted in response to the concerns raised, which utilises the existing driveway layback and crossing so as to not impact the existing street tree. Relevant conditions will be imposed to ensure the protection of this tree during the construction stages of development.

A pier and infill front boundary fence is proposed with a maximum height of 1.5m. The proposed front boundary fence includes “Surfmist” aluminum vertical panels and “La Palome Azul” Austral Bricks for the masonry element. These colours and finishes, with the masonry pier and infill style are a common design outcome demonstrated within the wider streetscape, which therefore allows for the overall amenity of the streetscape to be maintained.

6: Solar Access

6.1	Objectives	Satisfactory	
A.	To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.	Yes	
B.	To minimise overshadowing of adjoining properties.	Yes	
6.2	Development Controls	Complies	
<i>Sunlight Access</i>			
.1.	1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
	3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
	4	The proposed development does not further reduce the amount of solar access	Yes

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Comments: Whilst the development application will result in an additional second storey, the site benefits from a north-south orientation and therefore no adverse overshadowing impacts will result. A series of shadow diagrams were submitted as part of the modification application to demonstrate this. The shadows move considerably throughout the day and the adjoining properties will receive a minimum of 3 hours direct solar access during the winter solstice.

7: Privacy

7.1 Objectives		Satisfactory
A.	Development that is designed to provide reasonable privacy to adjacent properties	Yes
B.	To maintain reasonable sharing of views from public places and living areas	N/A
C.	To ensure that public views and vistas are protected, maintained and where possible, enhanced	N/A
D.	To ensure that canopy trees take priority over views	Yes
E.	To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses	Yes
7.2 Development Controls		Complies
.1.	Visual Privacy	
	1 Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2 Provide adequate separation of buildings	Yes
	3 Ensure elevation of finished floor levels above NGL is not excessive	Yes
.2.	Windows	
	1 Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2 A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
3 Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes	
.3.	Elevated Decks Verandahs and Balconies	
	1 Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
2 Elevated decks, verandahs and balconies incorporate privacy screens	Yes	

Comments:The proposed development will not generate significant privacy and amenity impacts. The first-floor windows of the new dwelling are mostly from bedrooms, bathrooms and a walk-in-robe, which are considered low utility spaces. Windows have been appropriately treated in high use areas where required to minimise opportunities for overlooking.

8: Vehicle Access and Parking

8.1 Objectives		Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes

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B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes
E.	To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.	Yes
F.	To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.	Yes
G.	To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.	Yes
H.	To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.	Yes
8.2	Development Controls	Complies
	<i>Driveway and Grades</i>	
.1.	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes
	12 Areas of concrete visible from a public road are to be minimal and coloured charcoal, grey or brown	Yes
	13 Coloured concrete is not permitted in the driveway crossing outside the property boundary	Yes
	<i>Garages, Carports and Car Spaces</i>	
.2.	1 Two (2) car parking spaces required behind the FBL of all new dwellings (exceptions apply)	Yes
	4 Dimensions of parking spaces and garages comply with the Australian Standards	Yes
	<i>Basements</i>	
.3.	1 The area of a basement shall be limited to and contained within the ground level footprint of the dwelling	Yes
	2 Excavation not permitted within the minimum side setbacks.	Yes
	3 The maximum height of the basement above NGL is limited to 1m measured to the predominant finished floor level of the level above.	Yes

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4	Internal clearance of 2.2m (min)	Yes
5	Driveways have a maximum 1:4 gradient and comply with Australian Standards	Yes
6	Basement entries and ramps/driveways not greater than 3.5m wide	No, refer to comments
7	Driveway ramps are perpendicular to the property boundary at the street frontage	Yes
8	Basements permit vehicles to enter and exit the basement in a forward direction	Yes
10	Pump-out systems and stormwater prevention in accordance with Council's Stormwater Management Code	Yes
11	Basements are not to be used for habitable purposes	Yes

Comments: It was noted during the assessment process that the original basement design extended beyond the footprint of the ground floor above. Amended plans were submitted which reduced the area of the basement to be contained within the footprint of the levels above.

The existing driveway and layback will be utilised which will provide vehicular access to the basement, which has a 2.2m internal clearance and a 2.5m finished floor to ceiling height. Contrary to Section 8.2.3.6, the basement entry is 3.8m, greater than the 3.5m maximum requirement. Given the basement entry will be generously setback 3.8m from the front façade and limited to a height of 1m above natural ground level, the proposed width will not be visually dominant from the street. The minor departure is considered acceptable in this instance.

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	To maintain existing ground levels and minimise cut and fill to reduce site disturbance.	Yes
B.	To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.	Yes
9.2	Development Controls	Complies
1	Fill limited to 1m (max) above NGL	Yes
2	Clean fill used only	Yes
3	Cut and fill batters stabilised consistent with the soil properties	Yes
4	Vegetation or structural measures are implemented when the site is disturbed.	Yes
5	Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
7	A dilapidation report for all buildings which adjoin proposed excavation areas as required	Yes, with condition
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes

Comments: The proposal requires excavation for the construction of a basement. To ensure minimal site disturbance to adjoining properties, conditions requiring the preparation of a dilapidation report prior to the commencement of works has been included in the recommendation.

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10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	N/A
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	2 Compliance with Council's Stormwater Management Code	Yes
	6 Stormwater Management Code compliance	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SCDCP 2005 and Council's Stormwater Management Code.

11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies

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<i>Address and Entry Sightlines</i>			
.1.	1	Occupants able to overlook public places to maximise passive surveillance	Yes
	2	Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3	External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
<i>Pedestrian Entries</i>			
.2.	1	Pedestrian entries and vehicular entries suitably separated	Yes
	2	Dwelling entrances easily identifiable	Yes

Comments: The proposed dwelling has clearly identifiable pedestrian and vehicular access and entries and a front entrance that is visible from the street. Both pedestrian and vehicular access has been suitably separated to ensure pedestrian safety.

12: Ancillary Development

12.1	<i>Objectives</i>	<i>Satisfactory</i>	
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes	
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes	
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes	
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes	
12.2	<i>Development Controls</i>	<i>Complies</i>	
.2.	<i>Outbuildings</i>		
	1	Outbuilding located behind the front building line	Yes
	2	Side and rear setback is 0.5m (min)	Yes
	3	New garden sheds, studios, cabanas and the like are limited 40sqm (max)	Yes
	4	Windows do not face an adjoining property (exceptions apply)	Yes
	5	The roof area is not accessible for any purpose	Yes
	6	Outbuildings are not to be used for habitable purposes	Yes
	7	Kitchen facilities are not permitted in an outbuilding	Yes
8	Any external lighting of an outbuilding is to be positioned or shielded to prevent glare to adjoining premises	Yes	
.4.	<i>Air-conditioning</i>		
	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes	

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<i>Swimming Pools</i>		
1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	Yes
.6.	3 The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The proposal seeks to construct a cabana and swimming pool at the rear of the site.

The proposed cabana has a total floor area of 24.7m² which is consistent with the maximum 40m² requirement. The cabana has been appropriately located at the south-west rear corner of the site and achieves adequate setbacks of 0.8m from the western (side) boundary and 1.2m from the southern (rear) boundary. The proposed cabana is not excessively elevated with the finished floor level being limited to 200mm.

The proposed swimming pool has included appropriate side and rear setbacks of at least 2m. To protect the acoustic amenity of the adjoining residents, the location and noise level of the pool filter and pump equipment will be restricted via a condition in the consent. An additional condition will also be recommended, to ensure the swimming pool is designed in accordance with the *Swimming Pools Act 1992*.

13: Ecologically Sustainable Development

13.1	<i>Objectives</i>	<i>Satisfactory</i>
A.	<i>To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.</i>	Yes
B.	<i>To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.</i>	Yes
C.	<i>To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.</i>	Yes
D.	<i>To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings</i>	Yes
E.	<i>To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDCP 2005).</i>	Yes
13.2	<i>Development Controls</i>	<i>Complies</i>
<i>Natural Lighting and Heating</i>		
.1.	1 Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2 Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3 Materials used of high thermal mass	Yes

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<i>Natural Cooling and Ventilation</i>			
.2.	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes
	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
.3.	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes

Comments:The proposed development complies with the relevant requirements under the SCDCP 2005 with regard to ecologically sustainable development and the design and siting of rainwater tanks and air-conditioning units.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan was submitted as part of the development application and has demonstrated compliance with Part H of the SCDCP 2005.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) The provisions of the regulations

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 involves 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.

4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development has been designed with consideration of its setting and adjoining residential properties. The proposed development will not generate significant privacy, amenity and

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overshadowing impacts as detailed above. The final design of the proposed development has demonstrated consistency and compatibility within the streetscape of Mintaro Avenue. Therefore, the likely impacts of the development are considered minimal and the proposal is considered an acceptable and supportable planning outcome.

4.15(1)(c) The suitability of the site for the development

The proposed development is considered to be suitable for the site given that it involves a single detached dwelling, cabana and a swimming pool ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the site is suitable for the proposed development.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application was publicly notified from 10 January 2020 to 24 January 2020 in accordance with the provisions of the Strathfield Community Participation Plan. No submissions were received as a result.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to 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 7.12 INDIRECT CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy **\$10,702.50**

Note: The Indirect Contributions have been calculated based on the updated cost of works identified in the QS report, \$1,070,250.43.

CONCLUSION

Having regard to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

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RECOMMENDATION

That Development Application No. DA2019/222 for the demolition of the existing structures and construction of a two (2) storey dwelling with basement level, in-ground swimming pool and cabana at 12 Mintaro Avenue, Strathfield be **Approved**, subject to the following conditions:

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/222:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA01	Cover page / Drawing schedule	Resolut	Revision C 9 April 2020	14 April 2020
DA02	Demolition Plan	Resolut	Revision A 18 December 2019	20 December 2019
DA03	Proposed Site Plan	Resolut	Revision C 9 April 2020	14 April 2020
DA04	Basement Floor Plan	Resolut	Revision C 9 April 2020	14 April 2020
DA05	Ground Floor Plan	Resolut	Revision C 9 April 2020	14 April 2020
DA06	Ground Floor Plan (Pool and Cabana)	Resolut	Revision C 9 April 2020	14 April 2020
DA07	First Floor Plan	Resolut	Revision C 9 April 2020	14 April 2020
DA08	North Elevation	Resolut	Revision C 9 April 2020	14 April 2020
DA09	East Elevation	Resolut	Revision C 9 April 2020	14 April 2020
DA10	South and West Elevations	Resolut	Revision C 9 April 2020	14 April 2020
DA11	Cabana and Pool Elevations	Resolut	Revision C 9 April 2020	14 April 2020
DA12	Section A-A	Resolut	Revision C 9 April 2020	14 April 2020
-	Schedule of Colours and Finishes	Resolut	Revision A 18 December 2019	20 December 2019
S01	Sediment Control Plan	Resolut	Revision A 18 December 2019	20 December 2019
SW01	Stormwater Drainage Plan – Basement Level	Resolut	Revision A 18 December 2019	20 December 2019

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SW02	Stormwater Drainage Plan – Ground level	Resolut	Revision A 18 December 2019	20 December 2019
SW03	Stormwater Drainage Details – Sheet 1	Resolut	Revision A 18 December 2019	20 December 2019
SW04	Stormwater Drainage Details – Sheet 2	Resolut	Revision A 18 December 2019	20 December 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/222:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Quantity Surveyor's Detailed Cost Report	NEWIN Building Cost Planning Services	Issue A 17 January 2020	24 January 2020
Waste Management Plan	Resolut	-	20 December 2019
BASIX Certificate Certificate No. 1061412S	Resolut	Issue A 21 November 2019	20 December 2019
Geotechnical Assessment Report	GSW Geotechnical Consultants	Issue A 9 November 2019	20 December 2019

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

2. **BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 39.17AHD to the roof ridge of the building.

(Reason: To ensure the approved building height is complied with.)

3. **CONSTRUCTION HOURS (GC)**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

4. **CONSTRUCTION WITHIN BOUNDARIES (GC)**

The development including but not limited to footings, walls, roof barges and guttering must

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be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

5. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

6. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)

A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: Privacy amenity of adjoining properties.)

7. ENVIRONMENTAL PROTECTION – TREE (GC)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

8. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

9. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;

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- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

10. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.

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- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

11. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

12. **SYDNEY WATER - TAP IN™ (GC)**

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.

(Reason: Compliance with Sydney Water requirements.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)

13. **BASIX COMMITMENTS (CC)**

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

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All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

14. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

15. **CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

16. **CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004 and Council CDCP. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.

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- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

17. **CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)**

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

18. **CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.)

19. **CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)**

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDP 2005.)

20. **COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

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21. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

22. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) 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).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the

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Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

23. **EXCAVATION - AFFECTING ADJOINING LAND (CC)**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

24. **FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)**

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at \$1,070,250.43 and the applicable Development Application Fee on this amount would be \$2716.16 which includes a Planning Reform Fee of \$684.96. As a Development Application fee of \$2204.20 was paid when lodging the application, the difference of **\$511.96** (including \$110.00 Planning Reform Fee) shall be paid to Council prior to the issue of a Construction Certificate.

(Reason: Statutory requirement.)

25. **PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

26. **SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$10,702.50
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The total amount of the contribution is valid as at the date of determination and is subject to

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quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

27. **STORMWATER - RAINWATER RE-USE (CC)**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

28. **SWIMMING POOLS / SPAS (CONSTRUCTION OF)**

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and statutory compliance.)

29. **SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)**

Any mechanical plant associated with the swimming pool and spa shall be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the acoustic amenity of the neighbouring residents.)

30. **TREE BONDS (CC)**

A tree bond of **\$16,200.00** (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.

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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 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.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

31. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

32. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)

33. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.

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- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

34. HOME BUILDING COMPENSATION FUND (CW)

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder; and

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- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement.)

35. **NOTICE OF COMMENCEMENT (CW)**

No work shall commence until the following details are submitted to Council:

- a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)

36. **OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

37. **CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

38. **ENGINEERING WORKS (CERTIFICATION OF)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by an Accredited Civil/Hydraulic Engineer demonstrating that:

- The stormwater drainage system; and/or
- The car parking arrangement and area; and/or
- Any related footpath crossing works; and/or

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- iv) The proposed basement pump and well system; and/or
- v) The proposed driveway and layback; and/or
- vi) Any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

39. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

40. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

41. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

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.

(Reason: Adequate stormwater management.)

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42. **SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)**

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Swimming pool owners must register their swimming pool or spa on the NSW Swimming Pool Register. A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.

A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.

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

(Reason: Safety and statutory compliance.)

ATTACHMENTS

There are no attachments for this report.

Note: This meeting is closed session and is not available for the public to attend
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